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February 7, 2007

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FEB 08 2007

PUBLIC SERVICE
COMMISSION

Via Federal Express

Hon. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

**Re: *In the Matter of: Brandenburg Telecom LLC v. BellSouth
Telecommunications, Inc. before the Kentucky Public Service Commission,
Case No. 2006-00447***

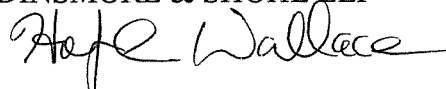
Dear Ms. O'Donnell:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of Brandenburg Telecom LLC's Motions for (1) Informal Conference and (2) Procedural Schedule.

Please file-stamp one copy and return it to me in the enclosed, self-addressed, pre-paid envelope. Thank you, and if you have any questions, please call me.

Sincerely,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk
Enclosure

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

FEB 08 2007

PUBLIC SERVICE
COMMISSION

BRANDENBURG TELECOM LLC)
Complainant)
v.)
BELLSOUTH TELECOMMUNICATIONS,)
INC.)
Defendant)
_____)

Case No. 2006-00447

MOTIONS FOR (1) INFORMAL CONFERENCE AND (2) PROCEDURAL SCHEDULE

Brandenburg Telecom LLC ("Brandenburg Telecom"), by counsel, and pursuant to 807 KAR 5:001, section 4 (1) and (4), hereby moves the Kentucky Public Service Commission (the "Commission") (1) to schedule an informal conference and (2) to establish a procedural schedule, including a date for a formal hearing, in the above-referenced matter. In support of its motions Brandenburg Telecom states as follows.

Brandenburg Telecom filed its Complaint in this matter more than three months ago on October 12, 2006. BellSouth Telecommunications, Inc. ("BellSouth") filed its Answer and a motion to dismiss on October 30, 2006. As Brandenburg Telecom indicated in its response to BellSouth's motion, BellSouth failed to establish that Brandenburg Telecom "cannot prove any set of facts that would entitle [it] to relief." *Henderson v. Thomas*, 129 S.W.3d 853, 855 (Ky. App. 2004). BellSouth filed its reply in support of its motion on December 8, 2006, and the motion has stood ripe for decision since that date.

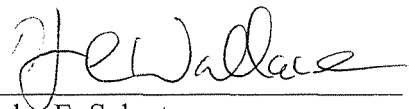
In anticipation of the Commission's order denying BellSouth's motion to dismiss, Brandenburg Telecom moves the Commission (1) to schedule an informal conference and (2) to establish a procedural schedule. Pursuant to 807 KAR 5:001, section 4(4), "[i]n order to provide

opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged . . . either prior to, or during the course of hearings in any proceeding, at the request of any party.” An informal conference would promote the prompt and efficient resolution of this matter by providing the parties with an opportunity for settlement of this action or of some of the issues presented herein. Should the action not settle, an informal conference would assist the parties in identifying the issues to be addressed at a public hearing.

Similarly, the establishment of a procedural schedule providing for discovery, direct and rebuttal testimony and a formal hearing would aid the parties in fully developing the factual context of the dispute and moving toward a prompt resolution of the matter. Moreover, pursuant to 807 KAR 5:001, section 4(1)(b), the Commission may grant a formal hearing “[w]hen application has been made in a formal proceeding” as in the present case.

For these reasons, the Commission should grant Brandenburg Telecom’s motions: 1) to schedule an informal conference; and 2) to establish a procedural schedule providing for discovery, direct and rebuttal testimony and a formal hearing.

Respectfully submitted,



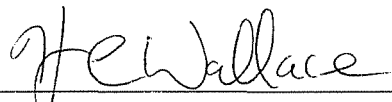
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**COUNSEL TO BRANDENBURG
TELECOM LLC**

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing was sent via U.S. Mail, postage prepaid, this 7th day of February, 2007 to:

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BellSouth Telecommunications, Inc.
601 W. Chestnut Street, Room 407
P.O. Box 32410
Louisville, KY 40203

Jay Philip Carver
BellSouth Telecommunications, Inc.
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Atlanta, GA 30375



Counsel to Brandenburg Telecom, LLC

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