Steven L. Beshear Governor

Robert D. Vance, Secretary Environmental and Public Protection Cabinet

Larry R. Bond Commissioner Department of Public Protection



Commonwealth of Kentucky **Public Service Commission** 211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov Mark David Goss Chairman

> John W. Clay Vice Chairman

Caroline Pitt Clark Commissioner

March 3, 2008

PARTIES OF RECORD

Re: Case No. 2007-00004

Attached is a copy of the memorandum which is being filed in the record of the abovereferenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within 7 days of the date of this letter. If you have any questions, please contact Tiffany Bowman at 502/564-3940, Ext. 465.

Sincerely Beth O'Donnell **Executive Director**

Attachment



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INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO:	File
FROM:	Tiffany Bowman Staff Attorney
DATE:	March 3, 2008
RE:	Case No. 2007-00004 Memorandum for Informal Conference held on February 28, 2008

An informal conference was held on February 28, 2008 at the Commission's offices in Frankfort, Kentucky. Present were members of Commission Staff and representatives for the Complainants, Brandenburg Telephone Company, Duo County Telephone Cooperative Corporation, Inc., Highland Telephone Cooperative, Inc., Mountain Rural Telephone Cooperative Corporation, Inc., North Central Telephone Cooperative Corporation, South Central Rural Telephone Cooperative Corporation, Inc., and West Kentucky Rural Telephone Cooperative Corporation, Inc. ("the RLECs"), the defendant, Windstream East, and the Intervenors, T-Mobile, Nuvox, Xpedius (TimeWarner) and Sprint/Nextel. TDS, although not a party, also participated. The attendance list is attached to this memorandum and is incorporated herein by reference. Attendees participated by phone, as well as in person.

The purpose of this conference was to discuss the billing data records maintained by Windstream for the transit traffic generated by the RLECs after the submission of Windstream's tariff in December 2006. The RLECs stated, in part, their position on the billing concerns in relation to the new tariff. The RLECs stated that a central issue to be addressed in this complaint is the proposal of a fair method for compensation to Windstream in light of changes in recent years to the territory covered by other local exchange carriers.

Windstream proposed developing a procedural schedule in this matter, which would encourage possible negotiations between the complainants and the defendant.

The parties discussed the fact that the Windstream tariff, as presented, is possibly the first of its kind and in being so raises a significant question regarding to whom and how the tariff should be applied. Commission Staff, in reference to Appendix B of Windstream's December 4, 2007 filing, presented the question of whether a mislabeling had occurred in the billing data provided by Windstream. The parties responded and stated that the question of mislabeling is part of the larger question of tariff applicability and traffic tracking.

Intra-Agency Memorandum March 3, 2008 Page 2

The RLECs and Windstream agreed to submit a joint status update within two weeks. Commission Staff stated that an Order would be issued outlining a definite date for submission of the update and scheduling a second informal conference.

There being no further items for consideration, the informal conference thereafter adjourned.

Attachment

cc: Parties of Record

COMMONWEALTH OF KENTUCKY

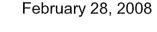
BEFORE THE PUBLIC SERVICE COMMISSION

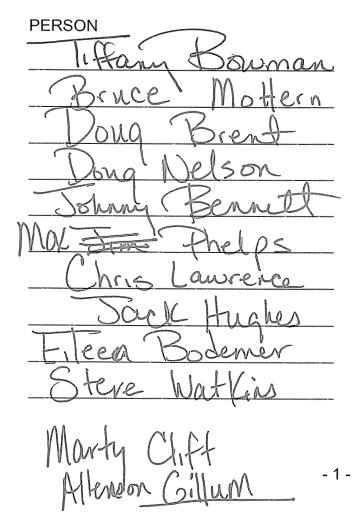
In the Matter of:

CASE NO. 2007-00004

BRANDENBURG TELEPHONE COMPANY; DUO COUNTY TELEPHONE COOPERATIVE CORPORATION, INC.; HIGHLAND TELEPHONE COOPERATIVE, INC.; MOUNTAIN RURAL TELEPHONE COOPERATIVE CORPORATION, INC.; NORTH CENTRAL TELEPHONE COOPERATIVE CORPORATION; SOUTH CENTRAL RURAL TELEPHONE COOPERATIVE CORPORATION, INC.; AND WEST KENTUCKY RURAL TELEPHONE COOPERATIVE CORPORATION, INC. (COMPLAINANTS) V. WINDSTREAM KENTUCKY EAST, INC. (DEFENDANT)

<u>SIGN IN</u>





REPRESENTING Trefliter

Case NO. 2007-00004 February 28, 2008

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REPRESENTING PINA C's RLE) insure RIECS insurare RLEC'S $\left(\right)$ County UЪ PSC Windstream