

## Dinsmore Shohl LLP

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January 31, 2008

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PUBLIC SERVICE COMMISSION

Via Hand Delivery

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

Re: In the Matter of: Brandenburg Telephone Company, et al. v. Windstream Kentucky East, Inc., et al., Case No. 2007-00004.

Dear Executive Director O'Donnell:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of the RLECs' Response to the Commission's November 13, 2007 Order submitted by 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.

Thank you and please call us if you have any questions.

Sincerely,

Edward T. Depp

Enclosure

cc: John E. Selent, Esq. (without enclosure)
Holly C. Wallace, Esq. (without enclosure)
John N. Hughes, Esq. (with enclosure)
Dennis G. Howard, Esq. (with enclosure)

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Hen. Beth O'Donnell January 31, 2008 Page 2

Mark R. Overstreet, Esq. (with enclosure) Douglas F. Brent, Esq. (with enclosure) C. Kent Hatfield, Esq. (with enclosure) Kendrick R. Riggs, Esq. (with enclosure)

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## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:		
Brandenburg Telephone Company, et al )		RECEIVED
Complainants )		JAN 3 1 2008
	C N- 2007 00004	PUBLIC SERVICE COMMISSION
v. )	Case No. 2007-00004	
Windstream Kentucky East, Inc.		
Defendant )		

## RLECs' RESPONSE TO THE COMMISSION'S NOVEMBER 13, 2007 ORDER

In its November 13, 2007 order (the "Order"), the Public Service Commission of the Commonwealth of Kentucky (the "Commission") directed the RLECs<sup>1</sup> to "provide a response to Windstream East's allegations as to the outstanding payments owed...." (Order at 6.) For their response, the RLECs, by counsel, state as follows.

1. The "confidential" billing data that Windstream has provided to counsel for the RLECs is utterly irrelevant to six of the seven RLECs in this proceeding. Specifically, Windstream has failed to provide the RLECs with data reflecting the amounts alleged owed by Brandenburg, Duo County, Mountain, North Central, South Central, and West Kentucky. Without this data, the RLECs remain unable to respond meaningfully to Windstream's allegations, except to state that

The RLECs consist of Brandenburg Telephone Company ("Brandenburg"), Duo County Telephone Cooperative Corporation, Inc. ("Duo County"), Highland Telephone Cooperative, Inc. ("Highland"), Mountain Rural Telephone cooperative Corporation, Inc. ("Mountain"), North Central Telephone Cooperative Corporation ("North Central"), South Central Rural Telephone Cooperative Corporation, Inc. ("South Central"), and West Kentucky Rural Telephone Cooperative Corporation, Inc. ("West Kentucky").

<sup>&</sup>lt;sup>2</sup> The RLECs do not understand why Windstream has provided them with the allegedly confidential billing data for Leslie County Telephone, which is not a party to this proceeding.

Windstream's apparent inability to provide this basic information does not bode well for its alleged ability to accurately calculate a cost-based rate for any transit services it may provide. In any event, the RLECs state that they are not liable for any transit charges Windstream claims they may owe.

2. Despite Windstream's failure to provide billing data for six of the seven complainants in this matter, it has provided billing data for Highland. Subject to the response provided above, Highland states that the billing data provided by Windstream appears to be generally consistent with the bills Highland has received for "transit services." Nevertheless, as noted above, Highland is not liable for any transit charges Windstream claims it may owe.

Respectfully submitted,

John E. Selent

Edward 7. Depp Holly C. Wallage

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**COUNSEL TO THE RLECs** 

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by first-class United States mail on this 31st day of January, 2008, to the following individual(s):

Mark R. Overstreet, Esq. Stites & Harbison PLLC 421 West Main Street P.O. Box 634 Frankfort, KY 40602-0634

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COUNSEL TO THE RLECS