

April 22, 2011

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Jeff R. Derouen
Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

PUBLIC SERVICE
COMMISSION

Re: Case No. 2008-00203

Dear Mr. Derouen:

Windstream Kentucky East, LLC commends the Commission Staff's efforts, by convening the currently scheduled April 28, 2011 informal conference in this matter,¹ to resolve the more than three-year failure by Brandenburg Telephone Company and Verizon Access to reach an agreement to end the unauthorized use of Windstream East's facilities and to take financial responsibility for the traffic exchanged between Verizon and Brandenburg's end users. Because Windstream East will not be a party to any such agreement, it elects not to attend the informal conference.

Windstream East continues to be injured by the failure of Brandenburg and Verizon to reach an agreement. As has been amply demonstrated over the course of this proceeding, the intransigence of Brandenburg or Verizon, or both, will make the provision of additional time beyond the date of the informal conference to reach an agreement an exercise in futility. Windstream East therefore requests that if Brandenburg and Verizon have not executed the required agreement by the informal conference the Commission either: (a) enter an order authorizing Windstream East to end permitting the routing of the unauthorized traffic over its facilities; or (b) enter an order requiring Brandenburg or Verizon, or both of them, to show cause why they should not be subject to a daily penalty for failure to provide adequate service as a result of the unauthorized use of Windstream's network.

¹ Counsel for Windstream Kentucky East, LLC was contacted on April 20, 2011 by counsel for Brandenburg Telephone Company concerning Brandenburg's motion to reschedule the informal conference in this matter. Windstream has no objection to the motion.

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Any such penalty would be in addition to the amounts owed Windstream East by Brandenburg or Verizon, or both of them, for the unauthorized use of Windstream East's network. As of April 5, 2011, the following amounts are owed Windstream East for usage, local number portability inquiries ("LNP") and interest:

Usage through April 5, 2011	\$1,394,975.00
Interest on Usage through April 5, 2011	\$347,718.00
LNP queries plus interest through April 5, 2011	\$47,238.00
Total through April 5, 2011	\$1,789,931.00

As with past calculations of this sort provided the Commission, the amount owed increases daily and other amounts not set forth above are also due for the unauthorized usage.

Very truly yours,


Mark R. Overstreet

MRO

cc: J.E.B. Pinney
Douglas F. Brent
John E. Selent