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COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

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DANA BOWERS,
COMPLAINANT
v.
WINDSTREAM KENTUCKY EAST, LLC,
DEFENDANT

PUBLIC SERVICE COMMISSION

AUG 1 2 2011

CASE NO. 2010-00447

WINDSTREAM KENTUCKY EAST, LLC'S MOTION FOR EXTENSION OF TIME TO FILE BRIEFS

On July 1, 2011, pursuant to the procedural schedule entered by the Commission, Windstream Kentucky East, LLC ("Windstream East") requested that the Commission hold an evidentiary hearing in this proceeding to resolve disputed issues of material fact. On August 11, 2011, the Commission entered its Order denying Windstream East's hearing request and establishing a briefing schedule. The Commission's briefing schedule calls for simultaneous initial briefs to be filed no later than ten days after the date of the Commission's Order, and simultaneous reply briefs due five days later.¹ Windstream East asks that these deadlines be extended by one week.

As grounds for its request, Windstream East is concerned that it will be unable to fully address the complex factual and legal questions at issue in the limited amount of time available between the entry of the Commission's Order and the present briefing deadlines. Such an extension is consistent with the Commission's initial scheduling Order dated May 12, 2011 which granted the parties up to twenty-one days from the filing of a hearing request to file

¹ The present order requires the initial briefs to be filed on August 22, 2011. Ten days from the entry of the order on August 11, 2011 is Sunday, August 21, 2012. By operation of law, the initial brief would be due on the next day the Commission is open, Monday, August 22, 2011. KRS 446.030(2). The reply brief would be due the following Monday, August 29, 2011.

simultaneous initial briefs. Windstream East does not believe that it will require the full twentyone days to prepare its initial brief. However, Windstream East believes that a brief extension of the current ten-day deadline will be both necessary for the parties and beneficial for the Commission. Accordingly, Windstream East requests that simultaneous initial briefs be due on August 29, 2011, and that reply briefs be due on September 6, 2011.

This extension will result in no prejudice to any party to this proceeding and will have no adverse impact on the concurrent action involving the parties in the United States District Court for the Western District of Kentucky. Counsel for Ms. Bowers has advised the undersigned that he does not intend to oppose this motion.

Respectfully submitted, lark R. Overstreet R Benjamin Crittenden

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, on this 12th day of August, 2011 upon:

C. Kent Hatfield Douglas F. Brent Deborah T. Eversole STOLL KEENON OGDEN PLLC 2000 PNC Plaza 500 West Jefferson Street Louisville, Kentucky 40202

Counsel for Windstream Kentucky East, LLC

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