

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DANA BOWERS	)	
	)	
COMPLAINANT	)	
	)	CASE NO.
V.	)	2010-00447
	)	
WINDSTREAM KENTUCKY EAST, LLC	)	
	)	
DEFENDANT	)	

O R D E R

On May 4, 2012, the Commission issued a Final Order in the above captioned case. On May 25, 2012, Complainant filed with the Commission a motion to amend the May 4, 2012 Order, *nunc pro tunc*.

As grounds for her motion, Complainant asserts that in Footnote 8 of the May 4, 2012 Order, the Commission states that Windstream Kentucky East, LLC's ("Windstream") had removed certain nonbasic features, including "Feature Pack A" from its tariffs on December 1, 2008. Complainant asserts that "Feature Pack A" was not removed from Windstream's tariffs. To support her motion, Complainant attached a copy of Windstream's current tariff on file with the Commission which contains "Feature Pack A" and has an effective date of July 17, 2006. Windstream has also not objected nor responded to Complainant's motion to amend.

The Commission has confirmed that the tariff is still on file with the Commission and, as of the date of this Order, has not been withdrawn or modified by Windstream.

Therefore, the Commission's statement in Footnote 8 of the May 4, 2012 Order that "Feature Pack A" had been removed is erroneous. Based on the foregoing, the Commission finds that Complainant's motion should be granted and IT IS THEREFORE ORDERED, *nunc pro tunc*, that:

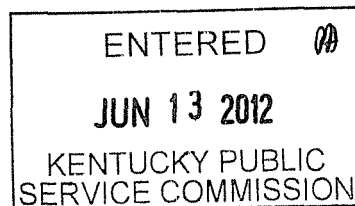
1. Footnote 8 of the May 4, 2012 Order is amended to read as follows:

It is undisputed that Ms. Bowers receives nonbasic services. Windstream admits that the service she receives, "Feature Pack A," was included in pre-July 12, 2006 tariffs on file with the Commission. (Weeks Direct testimony pp.8-9.)


2. The second paragraph on page 17 of the May 4, 2012 Order is amended to read as follows:

For the first issue, we agree with the FCC in Irwin Wallace that a surcharge to recover a tax must be filed in a tariff before a utility can recover the charge. However, we add the caveat that this requirement applies only to basic services and nonbasic services that are in tariffs filed with the Commission prior to July 12, 2006. If a utility files a subsequent tariff for nonbasic services, or does not maintain tariffs for nonbasic services with the Commission, then the surcharge need not be tarified.

By the Commission



ATTEST:

Stephanie Bell for   
Executive Director

D. Randall Gibson  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

Honorable Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634

Jeanne Shearer  
VP - State Government Affairs  
Windstream Kentucky East, LLC  
130 W New Circle Road, Suite 170  
Lexington, KY 40505