

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WINDSTREAM KENTUCKY	)	
EAST, LLC FOR A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY	)	
AUTHORIZING THE APPLICANT TO OBTAIN	)	CASE NO. 2011-00454
A FRANCHISE TO PROVIDE	)	
TELECOMMUNICATIONS AND RELATED	)	
SERVICES IN FAYETTE COUNTY, KENTUCKY	)	

ORDER

On November 18, 2011, Windstream Kentucky East, LLC (“Windstream”) applied to the Commission, pursuant to KRS 278.020, for a Certificate of Public Convenience and Necessity (“CPCN”) to enter into a franchise agreement with the Lexington-Fayette Urban County Government (“LFUCG”) to provide telecommunications and related services in Fayette County, Kentucky. Windstream states that it has provided telecommunications and related services in Fayette County since 2002 and that the public convenience and necessity require that these services be continued.

Under the provisions of KRS 278.020(4), no utility may enter into a franchise agreement with any governmental agency until it has obtained a CPCN from this Commission based on our finding that there is a need and demand for services to be rendered.

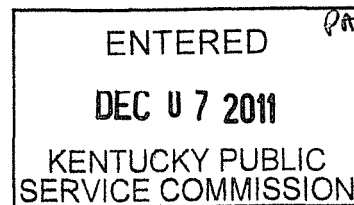
Based on the ordinance attached to Windstream’s application, the Commission finds that there is evidence of a need and demand for telecommunications and related services in Fayette County. As the Commission’s authority is limited by statute to finding only whether there is evidence of need and demand for such services, no finding

or determination is made as to the qualifications of Windstream, the validity of any of the provisions of the franchise agreement offered by LFUCG, or the manner in which any franchise fee is to be treated for rate purposes.

IT IS THEREFORE ORDERED that:

1. Windstream is granted a CPCN to enter into a franchise agreement with LFUCG to provide telecommunications and related services in Fayette County, Kentucky.
2. Windstream shall file with this Commission two copies of the executed franchise agreement.
3. This Order shall not be construed as granting a CPCN to construct utility facilities in Fayette County, Kentucky.

By the Commission



ATTEST:

  
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Executive Director

Honorable Mark R Overstreet  
Attorney at Law  
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