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December 16, 2004

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DEC 17 2004  
PUBLIC SERVICE  
COMMISSION

Hon. Beth O'Donnell, Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd.  
P. O. Box 615  
Frankfort, KY 40601

***Re: In the Matter of Ballard Rural Telephone Cooperative Corporation, Inc. v. Jackson Purchase Rural Electric Cooperative Corporation, before the Public Service Commission of the Commonwealth of Kentucky, Case No. 2004-00036***

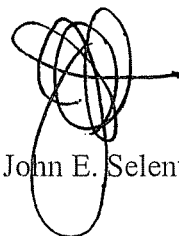
Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is one original and ten (10) copies of Ballard Rural Telephone Cooperative Corporation, Inc.'s Motion to Schedule Hearing in the above-styled case.

In addition, enclosed is a copy for file-stamping. Please return this copy to us in the self-addressed, postage prepaid envelope furnished herewith. Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/bmt  
Enclosures

cc: All Parties of Record

89770v1  
31471-1

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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

*In the Matter of:*

BALLARD RURAL TELEPHONE )  
COOPERATIVE CORPORATION, INC. )  
Complainant )  
)  
v. )  
)  
JACKSON PURCHASE RURAL )  
ELECTRIC COOPERATIVE )  
CORPORATION )  
Defendant )

Case No. 2004-00036

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**MOTION TO SCHEDULE HEARING**

Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard Rural"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission") pursuant to KRS 278.260, to schedule a formal, public hearing in the above-captioned matter. In support of its motion, Ballard Rural states as follows.

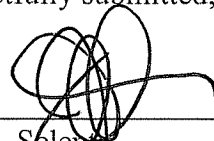
On February 2, 2004, Ballard Rural filed the above-referenced complaint regarding Jackson Purchase Energy Corporation's ("Jackson Purchase") ultimatum that Ballard Rural either agree to a 460% increase in pole attachment rates or vacate 3,292 of Jackson Purchase's poles. On March 25, 2004, the Commission issued an initial procedural schedule. The Commission subsequently amended the procedural schedule via orders issued on April 16, 2004, May 14, 2004, and July 9, 2004. In compliance with the amended procedural schedule, the parties filed direct and rebuttal testimony, and propounded and responded to data requests. In addition, the parties attended an informal conference on June 16, 2004.

Ballard Rural filed a motion for summary judgment in this case on June 15, 2004 which is pending before the Commission. While Ballard Rural believes that this matter is ripe for

resolution on Ballard Rural's motion for summary judgment,<sup>1</sup> it requests that the Commission schedule a hearing so that, in the unlikely event that the Commission should deny Ballard Rural's motion, the parties may proceed expeditiously to resolve this matter. Accordingly, Ballard Rural requests that the formal hearing be scheduled for such a date in the future as would allow the Commission sufficient time to address Ballard Rural's motion for summary judgment.

For the reasons stated above, and in accordance with KRS 278.260, Ballard Rural respectfully requests that the Commission schedule a formal, public hearing in the above-captioned matter at such a date in the future as would allow the Commission sufficient time to address Ballard Rural's pending motion for summary judgment.

Respectfully submitted,



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Holly C. Wallace  
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**COUNSEL TO BALLARD RURAL  
TELEPHONE COOPERATIVE  
CORPORATION, INC.**

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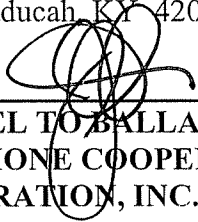
<sup>1</sup> Ballard Rural's motion to schedule a hearing should not be interpreted as an admission on Ballard Rural's part that a genuine issue of material fact exists. There are no genuine issues of material fact; therefore, the Commission may resolve this matter on Ballard Rural's motion for summary judgment.

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing was served via First Class United States Mail, postage prepaid, to the following this 16<sup>th</sup> day of December, 2004:

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Walter R. Luttrull III  
Denton & Keuler, LLP  
555 Jefferson Street  
P.O. Box 929  
Paducah, KY 42002-0929

G. Kelly Nuckols  
President & CEO  
Jackson Purchase Energy  
Corporation  
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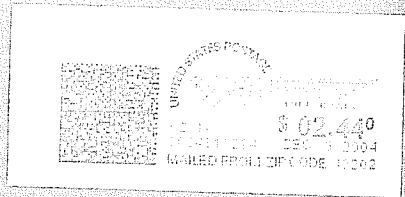


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**COUNSEL TO BALLARD RURAL  
TELEPHONE COOPERATIVE  
CORPORATION, INC.**

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