

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

DEC 21 2006

MOUNTAIN RURAL TELEPHONE )  
COOPERATIVE CORPORATION )

PUBLIC SERVICE  
COMMISSION

COMPLAINANT )

v. )

CASE NO. 2006-00198

KENTUCKY ALLTEL, INC. )

RESPONDENT )

WINDSTREAM KENTUCKY EAST, INC.'S RESPONSE TO MOUNTAIN RURAL'S  
MOTION TO SCHEDULE A PUBLIC HEARING

Windstream Kentucky East, Inc. f/k/a Kentucky Alltel, Inc. ("Windstream") submits the following Response to the motion by Mountain Rural Telephone Cooperative Corporation ("Mountain Rural") to schedule a public hearing:

1. Windstream disagrees that the discovery process in this proceeding is complete. Mountain Rural refused to respond to the majority of Windstream's data requests, and Windstream' Motion to Compel remains pending before the Commission. Until the Commission rules on Windstream's Motion to Compel and Mountain Rural produces the requested information and records this matter is not ready for hearing.
2. Notwithstanding Mountain Rural's failure to produce applicable discovery responses, Windstream was required by the parties' procedural schedule to proceed with filing testimony in this matter. Once Mountain Rural produces the requested information and records, Windstream should be afforded a reasonable period to review the information and records and amend its testimony if necessary.

3. Mountain Rural is the party that bears the burden of proof in this matter and, therefore, the risk of the lack production of evidence sufficient to prove its claims. As such, Windstream is amenable to establishing a date for a hearing in this matter if the Commission enters an order precluding Mountain Rural from introducing any evidence with respect to the matters that are the subject of the Motion to Compel.
4. Based on the approaching holidays and the availability of Windstream's key witness (who is also a student in night school), Windstream offers potential hearing dates of January 22, 2007 or February 5, 2007 if the Commission enters the Order described in paragraph 3 of this Response.
5. Windstream objects to Mountain Rural's assertions in its motion with respect to it "subsidizing" Windstream's business. This assertion is without merit and unsubstantiated, and the appropriateness of Mountain Rural's billings to Windstream are at the heart of the issues in this proceeding.

WHEREFORE, Windstream requests that the Commission grant all necessary and proper relief to which Windstream may be entitled.

Respectfully submitted,

**Windstream Kentucky East, Inc.**

By: 

Mark R. Overstreet

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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 21<sup>st</sup> day of December, 2006 upon:

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