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January 19, 2007

Ms. Elizabeth O'Donnell  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

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JAN 22 2007

PUBLIC SERVICE  
COMMISSION

**RE: 2007-00004**

Dear Ms. O'Donnell:

Enclosed please find an original and ten copies of NuVox Communications, Inc.'s Motion for Full Intervention in the above-mentioned case. Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via the enclosed, self-addressed, stamped envelope.

Sincerely yours,

STOLL KEENON OGDEN, PLLC

Douglas F. Brent

Enc.

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

Brandenburg Telephone Company; Duo County Telephone )  
Cooperative Corporation, Inc.; Highland Telephone )  
Cooperative, Inc.; Mountain Rural Telephone Cooperative )  
Corporation, Inc.; North Central Telephone Cooperative )  
Corporation; South Central Telephone Cooperative )  
Corporation, Inc.; and West Kentucky Rural Telephone )  
Cooperative Corporation, Inc. )  
 )  
Complainants )  
v. )  
 )  
Windstream Kentucky East, Inc and Windstream Kentucky )  
West, Inc. )  
 )  
Defendants )

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PUBLIC SERVICE  
COMMISSION

CASE NO.

2007-000004

**MOTION FOR FULL INTERVENTION**

Pursuant to 807 KAR 5:001, Section 3(8), NuVox Communications, Inc. ("NuVox") submits this motion for full intervention in the above-captioned proceeding.

NuVox is a utility which interconnects with and is party to an interconnection agreement with Windstream Kentucky East, one of the defendants in this matter. That agreement provides for transit service at a rate substantially lower than the rate contained in the Windstream tariff being challenged by the Complainants.

The availability of transit service will always be critical to a competitive local telecommunications market in Kentucky. While the terms and higher prices in the tariff may not apply today to traffic exchanged between NuVox and Windstream, the tariff will likely establish a price floor for future negotiations between Windstream and any other carrier needing transit

service. Windstream will have little incentive to agree to a rate lower than the tariffed rate if it can simply default to the tariff and demand a rate much higher than would result from meaningful negotiations.

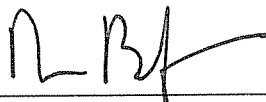
Participation by NuVox is likely to present issues that will assist the Commission without unduly complicating the proceedings. There are other issues not raised directly by Complainants yet critical in any investigation of Windstream's tariff filing. One is the general question of how transit arrangements should be determined. In a recent arbitration proceeding where NuVox was a petitioner, the Commission confirmed that transit service is subject to the negotiation and arbitration provisions of the Telecommunications Act.<sup>1</sup> Windstream's tariff may be an attempt to avoid that determination in future arbitrations. In addition, Windstream has provided no cost support for the transit rate. Any default rate for transit service, a Section 251 element, should be set at TELRIC. Thus, NuVox has a special interest in the proceeding not otherwise represented by any party.

Filings, notices and other papers may be served on undersigned counsel for NuVox.

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<sup>1</sup> *In the Matter of Joint Petition for Arbitration of NewSouth Communications Corp., Nuvox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. of Lexington, LLC and Xspedius Management Co. of Louisville, LLC of an Interconnection Agreement with BellSouth Telecommunications, Inc.*, Case No. 2004 - 00044, September 26, 2005 at 15.

For the reasons stated above, NuVox asks that this Motion for Full Intervention be granted.



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Motion for Intervention has been served by U.S. mail on those persons whose names appear below this 19<sup>th</sup> day of January, 2006.



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Douglas F. Brent

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