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MAY 05 2008

PUBLIC SERVICE
COMMISSION

May 5, 2008

VIA HAND DELIVERY

Hon. Stephanie Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

Re In the Matter of: Thomas Dean Stauffer v Brandenburg Telephone Company

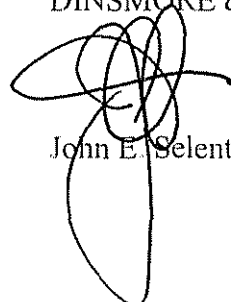
Dear Ms. Stumbo:

I have enclosed for filing in the above-styled case the original and eleven (11) copies of Brandenburg Telephone Company's Motion to Withdraw its Request for a Formal Hearing. Please file stamp and return one copy to the individual delivering these documents.

Thank you, and if you have any questions, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

Enclosures

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MAY 05 2008

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THOMAS DEAN STAUFFER)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2007-00399
)	
BRANDENBURG TELEPHONE COMPANY)	
)	
DEFENDANT)	

**BRANDENBURG TELEPHONE COMPANY'S MOTION TO
WITHDRAW ITS REQUEST FOR A FORMAL HEARING**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, hereby moves the Public Service Commission of Kentucky (the "Commission") to withdraw its request for a formal hearing in the above-captioned matter. In support of its motion, Brandenburg Telephone states as follows.

On or about September 11, 2007, Complainant filed a complaint against Brandenburg Telephone (the "Complaint"), essentially alleging that Brandenburg Telephone was wrongfully holding him liable for a past-due account (telephone number 270-496-4992; the "4992 account"). On or about April 15, 2008, Brandenburg Telephone filed a request for a formal hearing. On April 25, 2008, the Commission issued an order, requiring that Brandenburg Telephone file the following information within 10 days of the order: (i) the issues to be presented by Brandenburg Telephone at a formal hearing; (ii) a general description of the information to be presented by Brandenburg Telephone at the hearing; (iii) a general description of the testimony to be

offered by Brandenburg Telephone at the hearing; and (iv) a list of potential witnesses that would be called by Brandenburg Telephone at the hearing.

Prior to the Commission's April 25th order, and as noted by the Commission in that order, the small claims division of the Meade District Court (the "Meade Small Claims Court") granted judgment in favor of Brandenburg Telephone in a case that Brandenburg Telephone filed against Complainant's wife, Ilissa Stauffer, and son, David Stauffer. The Meade Small Claims Court ordered Ilissa Stauffer and David Stauffer to pay the entire balance due on the 4992 account, as well as court costs. In its April 25th order, the Commission suggested that the small claims judgment in favor of Brandenburg Telephone may render the Complaint moot.

The mootness doctrine is "the principle that, when the matter in dispute has already been resolved, there is no actual controversy that would be affected by a judicial decision." *Black's Law Dictionary* 697 (6th abr. ed. 1991). The Commission recognizes the application of the mootness doctrine to matters before it. *See Order*, In the Matter of: Looney v. Harrison County Water Association, Inc., Commission Case No. 99-284, March 29, 2000.

After reviewing the matter, Brandenburg Telephone and its legal counsel have concluded that the judgment of the Meade Small Claims Court has, in fact, rendered the Complaint moot, because the matter in dispute – liability for the 4992 account – has been resolved and there remains no actual controversy that would be affected by any Commission decision regarding the Complaint. Because the information that would be presented during a formal hearing is no longer of consequence, given the disposition of the central issue of the Complaint by the Meade Small Claims Court, no formal hearing is

required. Accordingly, Brandenburg Telephone seeks to withdraw its request for a formal hearing. Additionally, because the Complaint is moot, it should be dismissed. (Brandenburg Telephone has formally moved to dismiss the Complaint in a motion to dismiss filed concurrently with this motion to withdraw its request for a formal hearing.)

CONCLUSION

Accordingly, Brandenburg Telephone respectfully requests that, in lieu of the Commission requiring that Brandenburg Telephone file the information requested in its April 25th order, the Commission instead grant Brandenburg Telephone's motion to withdraw its request for a formal hearing in this matter.

Respectfully submitted,

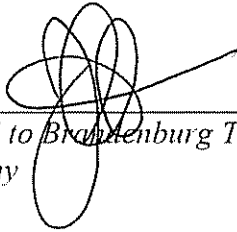


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been filed and served via first class United States mail, sufficient postage paid on this 5th day of May upon the following:

Thomas Dean Stauffer
420 Blevins Road
Payneville, KY 40157



*Counsel to Brandenburg Telephone
Company*

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