## HAZELRIGG & COX, LLP

ATTORNEYS AT LAW
415 WEST MAIN STREET
P.O. Box 676
FRANKFORT, KENTUCKY 40602-0676

JOHN B. BAUGHMAN ROBERT C. MOORE CLAYTON B. PATRICK SQUIRE N. WILLIAMS III J. SCOTT MELLO SARAH K. MELLO DYRE L. HAZEIRIGG (1881-1970)

LOUIS COX (1907-1971)

Fax: (502) 875-7158 Telephone: (502) 227-2271

December 23, 2008

RECEIVED

DEC 2 4 2008

PUBLIC SERVICE COMMISSION

Via Hand-Delivery

Ms. Stephanie Stumbo
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

Re.

Case No. 2007-00503 - MCI Communications Services, Inc., et al. v. Windstream

Kentucky West, Inc., et al. ("Windstream")

Dear Ms. Stumbo:

Verizon's counsel, Douglas F. Brent, filed a letter in the above referenced case on November 26, 2008, setting forth its version of the matters presented in this case. Windstream is hereby submitting this letter to ensure that the record is correct.

Windstream notes for the record that nothing contained in Verizon's November 26, 2008 letter changes the issues presented in Windstream's Motion to Dismiss. The authority presented in Windstream's Motion to Dismiss filed on January 17, 2008 and its Reply to Verizon's Opposition to Motion to Dismiss filed on March 20, 2008, establishes that Windstream's motion should be granted. Verizon's account of other state proceedings, along with its failure to discuss pertinent federal developments, does not change the essence of Windstream's Motion to Dismiss establishing that the sort of action Verizon seeks is unsubstantiated and without merit. Indeed, if Verizon's request is pursued at all, it should be pursued only as part of a comprehensive, nationwide solution at the FCC, or at a bare minimum, as an industry-wide proceeding involving all of Kentucky's communications providers. Windstream has been at the forefront of pushing for a comprehensive, meaningful industry-wide solution to the issue of intercarrier compensation, and Verison's latest filing does not address the significant developments in the federal arena with respect to this issue that have occurred over the past couple of months.

Windstream also notes that Verizon's filing again misrepresents Windstream's switched access rates by implying that fourteen (14) years have passed since the properties that Windstream now operates reduced any switched access rates. As Windstream pointed out in its Motion to Dismiss, it is a matter of public record and indisputable that Verizon, the prior owner of these Kentucky properties, significantly reduced the switched access charges about which it now complains in 2002. As addressed thoroughly in Windstream's Motion to Dismiss, the arguments raised in support of Verizon's requested relief are without merit, and its requested

Ms. Stephanie Stumbo December 23, 2008 Page Two

relief does not operate to produce any tangible benefit to Kentucky consumers and serves little more than as a vehicle through which one of the largest communications corporations in the country is attempting to achieve expense reductions. Therefore, Windstream's Motion to Dismiss should be granted.

Thank you for your attention to this important matter.

Yours truly,

Robert C. Moore

RCM/neb

cc:

Daniel Logsdon Kimberly K. Bennett

Service List