

HAZELRIGG & COX, LLP

ATTORNEYS AT LAW

415 WEST MAIN STREET

P.O. Box 676

FRANKFORT, KENTUCKY 40602-0676

WILLIAM P. CURLIN, JR.
DANDRIDGE F. WALTON
JOHN B. BAUGHMAN
ROBERT C. MOORE
CLAYTON B. PATRICK
SQUIRE N. WILLIAMS III
J. SCOTT MELLO
SARAH K. MELLO

DYKE L. HAZELRIGG (1881-1970)
LOUIS COX (1907-1971)

FAX: (502) 875-7158
TELEPHONE: (502) 227-2271

January 29, 2008

RECEIVED

JAN 29 2008

**PUBLIC SERVICE
COMMISSION**

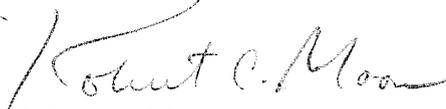
Ms. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

Re: MCI Communications Services, Inc., et al. vs. Windstream ("Windstream"), et al.; Case No. 2007-00503

Dear Ms. O'Donnell:

Please find enclosed the original and ten (10) copies of a Notice of Filing of Corrected Page 6. Please file this document in the above referenced case, which should result in the insertion of the corrected page 6 in place of the original page 6 of Windstream's Motion to Dismiss, Answer and Response to Motion for Full Intervention. Please note that the corrected page 6 merely deletes the language in footnote 2 of the Motion to Dismiss, Answer and Response to Motion for Full Intervention, which was erroneously included in this document. Thank you for your attention to this matter. Please contact me if you have any questions concerning same.

Respectfully submitted,


Robert C. Moore

RCM/neb

cc: Kimberly Bennett and Dan Logsdon

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MCI Communications Services, Inc.)
Bell Atlantic Communications, Inc.)
NYNEX Long Distance Company,)
TTI National, Inc.)
Teleconnect Long Distance Services & Systems)
Company and Verizon Select Services, Inc.)
Complainants)
vs.)
Windstream Kentucky West, Inc.)
Windstream Kentucky East, Inc. - Lexington)
and Windstream Kentucky East, Inc. - London)

Defendants

RECEIVED

JAN 29 2008

PUBLIC SERVICE
COMMISSION

Case No. 2007-00503

NOTICE OF FILING OF CORRECTED PAGE 6

Come Windstream Kentucky West, Inc. and Windstream Kentucky East, Inc. (collectively "Windstream"), by counsel, and hereby files a corrected page 6 to its Motion to Dismiss, Answer and Response to Motion for Full Intervention that was filed with the Commission on January 17, 2008. The corrected page 6 should be inserted in place of the original page 6 of this document, and merely deletes the language in footnote 2 of the Motion to Dismiss, Answer and Response to Motion for Full Intervention.

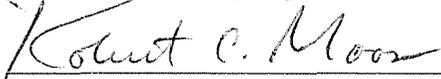
Respectfully submitted,



Robert C. Moore
HAZELRIGG & COX, LLP
415 West Main Street, 1st Floor
P. O. Box 676
Frankfort, Kentucky 40602-0676
(502) 227-2271

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Douglas F. Brent and C. Kent Hatfield, Stoll, Keenon Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202 and Dulaney L. O'Roark III Vice President and General Counsel - Southern Region, Verizon, 5055 North Point Parkway, Alpharetta, Georgia 30022, by placing same in the U.S. Mail, postage pre-paid, this the 2nd day of January, 2008.



Robert C. Moore

otherwise. (See, *e.g.*, KRS 278.430.) Verizon cannot shift the burden to Windstream to prove that its rates are reasonable merely by alleging, without any factual basis other than that Windstream's rates are higher than another carrier, that Windstream's rates are unreasonable. Rather, Verizon bears the burden of setting forth facts, which if taken as true, would establish a *prima facie* case that Verizon is entitled to the relief it requests. Yet, Verizon failed to do so.

9. For instance, Verizon alleged no facts, which if assumed to be true for summary judgment purposes, would demonstrate that Windstream's rates were not established according to applicable law. Verizon did not assert that it is unable to do business or successfully compete at the existing Windstream access rates, and to the contrary, Verizon acknowledged that Kentucky's long distance market is competitive. (Petition at 9 stating "Indeed, there is no debate that Kentucky's long distance market is competitive.") The allegations which Verizon does set forth in its Petition, even if taken as true, support little more than the conclusion that the Verizon IXC affiliates are competitors of Windstream and stand to gain financially from the requested access reductions. As discussed in greater detail below, Verizon's Petition is not in the public interest, fails to establish a *prima facie* case that the requested relief should be granted, and should be dismissed.²

A. The Petition Is Not in the Public Interest.

² INTENTIONALLY LEFT BLANK.