

Edward T. Depp
502-540-2347
tip.depp@dinslaw.com

February 26, 2009

VIA HAND DELIVERY

Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, KY 40602-0615

RECEIVED

FEB 26 2009

**PUBLIC SERVICE
COMMISSION**

***Re: In the Matter of Complaint of Sprint Communications Company L.P. Against
Brandenburg Telephone Company for the Unlawful Imposition of Access
Charges; Case No. 2008-00135.***

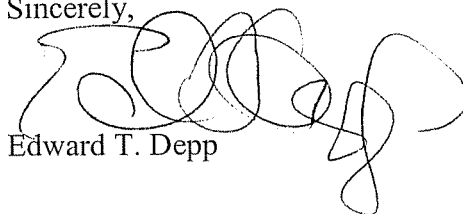
Dear Mr. Derouen:

I have enclosed for filing in the above-styled cases the original and eleven (11) copies of Brandenburg Telephone Company's response to Sprint Communications Company L.P.'s motion to enforce the April 15, 2008 order to answer or satisfy. Please file-stamp one copy and return it to our delivery person.

Brandenburg Telephone further advises the Commission that it intends to file a reply in support of its February 2, 2009 emergency motion to compel payment of access charges. It will do so no later than this coming Monday, March 2, 2009.

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

Sincerely,



Edward T. Depp

ETD/lb

cc: John N. Hughes, Esq.
William R. Atkinson, Esq.
John E. Selent, Esq.
Holly C. Wallace, Esq.

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF COMPLAINT)
OF SPRINT COMMUNICATIONS)
COMPANY L.P. AGAINST) Case No. 2008-135
BRANDENBURG TELEPHONE)
COMPANY FOR THE UNLAWFUL)
IMPOSITION OF ACCESS CHARGES)

**BRANDENBURG TELEPHONE COMPANY'S RESPONSE TO SPRINT
COMMUNICATIONS COMPANY'S MOTION TO ENFORCE APRIL 15, 2008 ORDER
TO SATISFY OR ANSWER**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, hereby submits its response to Sprint Communications Company L.P.'s ("Sprint's") motion to enforce the April 15, 2008 order of the Public Service Commission of the Commonwealth of Kentucky (the "Commission"). In response to that motion, Brandenburg Telephone states that Sprint's motion should be denied for the following reasons.

Sprint's motion claims that Brandenburg Telephone has violated the Commission's April 15, 2008 order (the "Order") by sending Sprint a notice of disconnection. Brandenburg Telephone has not violated the Order. Brandenburg Telephone has not terminated services to Sprint, nor will it do so without a Commission order authorizing it to do so. Brandenburg Telephone has merely taken all of the necessary prerequisite steps to terminate service so that – if and when it does receive such an order with respect to Sprint's nonpayment of the undisputed charges – it will be in a position to do so promptly, and without the further delay that may otherwise be occasioned by tariff or regulatory restrictions.

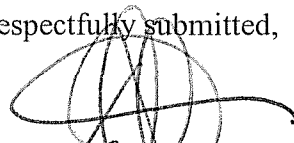
Brandenburg Telephone's answer and counterclaim in this matter sought permission to terminate Sprint's services. (*See Answer and Counterclaim at 11.*) Brandenburg Telephone has

moved the Commission for emergency relief in the form of an order that Sprint must pay its undisputed charges. (See February 2, 2009 Emergency Motion to Compel Payment of Access Charges.) Brandenburg Telephone has filed a complaint in Meade Circuit Court (Case No. 09-CI-00039) for a judgment in the amount of the undisputed charges. As required by its tariffs and applicable regulations, Brandenburg Telephone has now also provided Sprint with a notice of disconnection for nonpayment of the undisputed charges. Brandenburg Telephone notified the Commission of this action on February 17, 2009. (See Exhibit 1 to this Response.) As with any of these actions, Brandenburg cannot and will not proceed to ultimate relief without appropriate authority from the Commission or the Court. Nevertheless, Sprint surely cannot suggest that Brandenburg Telephone lacks the right to take all necessary prerequisite actions to proceed once appropriate authority is obtained.

As noted in Brandenburg Telephone's pending emergency motion, Sprint's uncontestedly precarious financial condition makes the nonpayment of undisputed charges a serious concern for Brandenburg Telephone. As the Commission ordered, Brandenburg Telephone will not terminate Sprint's services without permission to do so. However, there is no fault in making the necessary legal and regulatory preparations to take that action.

For all of the foregoing reasons, the Commission should deny Sprint's motion.

Respectfully submitted,



John E. Selent
Edward T. Depp
Holly C. Wallace
DINSMORE & SHOHL LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
Tel: (502) 540-2300

Fax: (502) 585-2207

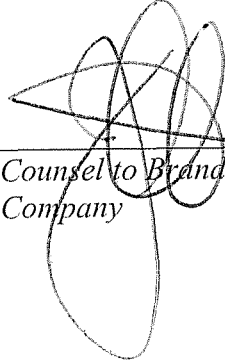
Counsel to Brandenburg Telephone Company

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing was served on the following,
via first-class U.S. Mail, on this 26th day of February, 2009:

John N. Hughes
Attorney at Law
124 West Todd Street
Frankfort, KY 40601

Counsel for Sprint Communications Company L.P.



*Counsel to Brandenburg Telephone
Company*