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March 9, 2009

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PUBLIC SERVICE
COMMISSION

VIA HAND DELIVERY

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

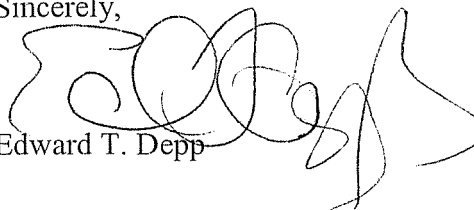
**Re: *In the Matter of Complaint of Sprint Communications Company L.P. Against
Brandenburg Telephone Company for the Unlawful Imposition of Access
Charges; Case No. 2008-00135***

Dear Mr. Derouen:

I have enclosed for filing in the above-styled cases the original and eleven (11) copies of Brandenburg Telephone Company's motion for emergency oral argument on its motion to compel payment of access charges. Please file-stamp one copy and return it to our delivery person.

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

Sincerely,



Edward T. Depp

ETD/lb

cc: John N. Hughes, Esq. (w/encl.)
William R. Atkinson, Esq. (w/encl.)
John E. Selent, Esq. (w/o encl.)
Holly C. Wallace, Esq. (w/o encl.)

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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF COMPLAINT)
OF SPRINT COMMUNICATIONS)
COMPANY L.P. AGAINST)
BRANDENBURG TELEPHONE)
COMPANY FOR THE UNLAWFUL)
IMPOSITION OF ACCESS CHARGES)

Case No. 2008-135

**MOTION FOR EMERGENCY ORAL ARGUMENT ON BRANDENBURG
TELEPHONE'S MOTION TO COMPEL PAYMENT OF ACCESS CHARGES**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for oral argument to be held immediately, or as soon as possible, on its Emergency Motion to Compel Payment of Access Charges ("Motion to Compel").

GROUND FOR MOTION

As Brandenburg Telephone argued in its Motion to Compel, Sprint Communications Company L.P. ("Sprint") has refused to pay \$370,976 in undisputed access charges. To justify its behavior, Sprint has argued it has a right to withhold all payment until it matches the amount it claims it overpaid for access services. For the reasons explained in Brandenburg Telephone's Motion to Compel, this position is contrary to Kentucky law and Brandenburg Telephone's lawfully filed and approved tariffs.

As a result of Sprint's precarious financial position in an unstable economic environment, Brandenburg Telephone has a very real concern that, whatever the ultimate disposition of this action, it will be unable to collect any amounts due – including those currently undisputed by Sprint. Sprint's attempts to brush off Brandenburg Telephone's economic concerns as "baseless and irrelevant" are contradicted by its own CEO, who in February 2009 stated that Sprint has "yet to turn the corner" on its financial problems.

Throughout this action, Sprint has seized every opportunity for delay and misdirection. In its Response to Brandenburg Telephone's Motion to Compel, Sprint refuses to address the issues at hand and instead bases every argument in its Response on the assumption that it has prevailed on the underlying dispute in this action.¹ It has provided inaccurate information about its PIU,² responded to Brandenburg Telephone's fulfillment of basic procedural requirements for termination with a contentious and time-wasting motion,³ and failed to put forth a good faith effort to make any progress at the informal conference and subsequent negotiations. Most recently, Sprint has filed a Reply in which it argues that Brandenburg Telephone's notice of disconnection is not legally effective, and that the required waiting period for termination can only begin after the Commission rules in Brandenburg Telephone's favor.⁴ This position is untenable, and it can only be motivated by a desire to impede the efficient resolution of this action.

The record in this matter is quite clear. Sprint faces serious financial difficulties, and in an attempt to avoid more serious difficulties – or even bankruptcy – it has taken drastic steps at the corporate level to reduce costs which apparently include stalling these proceedings for as long as possible in order to continue receiving access services for free.

These delay tactics should no longer be tolerated. The matter of Sprint's refusal to pay undisputed charges has been fully briefed by both sides and, in light of Sprint's financial situation, an immediate oral argument is required to provide urgent relief.

CONCLUSION

For the above-stated reasons, Brandenburg Telephone respectfully moves the Commission for an immediate oral argument on its Emergency Motion to Compel Payment of Access Charges, or for an oral argument to be scheduled as soon as possible. Upon completion of the oral argument, or

¹ See Response of Sprint to Emergency Motion to Compel.

² See Letter from John Hughes to Jeff Derouen enclosing Sprint's amended answer to Brandenburg Telephone's Data Request No. 3, sent 1/26/09.

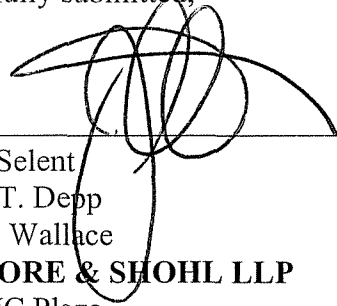
³ See Sprint's Motion to Enforce April 15, 2008 Order to Satisfy or Answer.

⁴ See Sprint's Reply to Brandenburg Telephone's Response to Sprint's Motion to Enforce April 15, 2008 Order to Satisfy or Answer.

earlier if an oral argument is deemed unnecessary, Brandenburg Telephone requests that this Commission issue an Order granting the following relief.

- i. Order Sprint to make prompt payment of all outstanding and undisputed access charges;
- ii. Authorizing Brandenburg Telephone to terminate Sprint's services in the event of nonpayment of those charges;
- iii. Ordering Sprint to provide Brandenburg Telephone with a deposit consistent with and in the amount provided for by 807 K.A.R. 5:006 (7); and
- iv. All other relief as appropriate.

Respectfully submitted,



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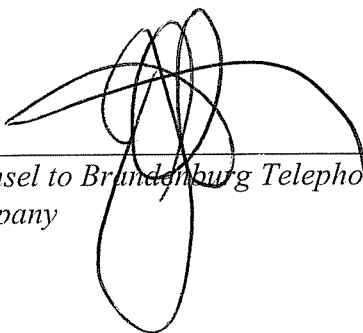
*Counsel to Brandenburg Telephone
Company*

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing was served on the following,
via hand-delivery, on this 9th day of March, 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*

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