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July 24, 2009

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PUBLIC SERVICE  
COMMISSION

**VIA FEDERAL EXPRESS**

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

***Re: In the Matter of Sprint Communications Company L.P. v. Brandenburg  
Telephone Company; Case No. 2008-135***

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case, please find one original and eleven (11) copies of Brandenburg Telephone Company's motion to amend procedural schedule. Please file-stamp one copy, and return to me in the also enclosed self-addressed stamped envelope.

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

Sincerely,

  
Edward T. Depp

ETD/lb

Enclosures

cc: All parties of record (w/encl.)  
John E. Selent, Esq. (w/encl.)

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

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

**BRANDENBURG TELEPHONE COMPANY'S MOTION TO  
AMEND PROCEDURAL SCHEDULE**

Brandenburg Telephone Company ("Brandenburg Telephone"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission") to amend the procedural schedule in this matter by extending the deadline of rebuttal testimony until Friday, August 7, 2009. As grounds for this motion, Brandenburg Telephone states as follows.

On June 30, 2009, the Commission issued a procedural schedule in this matter that set a deadline of July 31, 2009 for the filing of rebuttal testimony. Long prior to the issuance of that schedule, Brandenburg Telephone's witness, Allison T. Willoughby ("Ms. Willoughby") had arranged a family vacation with her husband and two children that will take her out of the country in late July and early August. As a result, she will not be in the United States the day her testimony is due, and she will not return until sometime on August 4.

Brandenburg Telephone attempted to resolve this scheduling issue amicably with Sprint Communications Company, LP ("Sprint") by proposing to change the rebuttal testimony due date from July 31 to August 7. Sprint has refused to consent to any extension beyond August 4. Brandenburg Telephone explained that Ms. Willoughby will still be traveling back into the country on August 4, but Sprint has refused to consent to any further extension. Brandenburg Telephone

further offered to email Ms. Willoughby's rebuttal testimony to Sprint on August 7 to ensure no delays in service, but Sprint still refused to consent to the extension. Sprint's stated reason for this unreasonable refusal is the alleged inability of its five lawyers to review the rebuttal testimony between Friday, August 7 and the hearing on Tuesday, August 11.

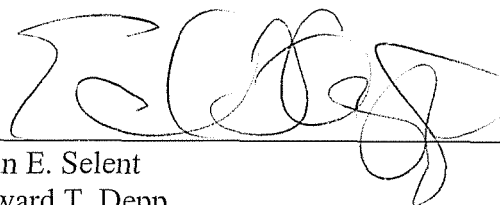
As this Commission is well aware, the issues in this case have been framed for approximately a year and a half. The arguments have been discussed at great length. Discovery is complete. All testimony, except rebuttal testimony has been filed and reviewed. Sprint's claim that it is incapable of reviewing a single witness's rebuttal testimony over 4 days, in a case with which it is already extremely familiar, is not credible. Whatever the case, Brandenburg Telephone will be subject to the same time limitations because it has never opposed the same revised deadline for Sprint.

Brandenburg Telephone further states that this motion is not made for purposes of delay and that the requested change to the rebuttal testimony deadline will not prejudice either Brandenburg Telephone or Sprint. The extended deadline will have no impact on any other elements of the procedural schedule, and it will not require a continuance of the hearing despite Sprint's transparent positioning to that end.

For the reasons stated above, Brandenburg Telephone requests that this Commission amend the procedural schedule in this matter to permit the filing of rebuttal testimony on Friday, August 7,

2009, with the understanding that the parties will serve any such testimony on each other by email that day.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Selent", written over a horizontal line.

John E. Selent

Edward T. Depp

Holly C. Wallace

**DINSMORE & SHOHL LLP**

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Louisville, KY 40202

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(502) 585-2207 (facsimile)

*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 and e-mail, on this 24<sup>th</sup> day of July, 2009.

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*Counsel to Brandenburg Telephone Company*

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