

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

AN INVESTIGATION IN THE TRAFFIC DISPUTE)
BETWEEN WINDSTREAM KENTUCKY EAST, LLC,)
BRANDENBURG TELEPHONE COMPANY AND) Case No. 2008-00203
MCIMETRO TRANSMISSION SERVICES, LLC)
D/B/A VERIZON ACCESS)

RESPONSE TO BRANDENBURG TELEPHONE COMPANY'S
MOTION FOR INFORMAL CONFERENCE

In response to Brandenburg Telephone Company's ("Brandenburg Telephone") Motion for Informal Conference ("Brandenburg's Motion") filed with the Commission on July 10, 2010, Windstream Kentucky East, LLC ("Windstream East") hereby files the following:

1. The crux of Brandenburg's Motion requesting an Informal Conference with the Commission is the long standing traffic dispute regarding proposed interconnection between Brandenburg Telephone and MCI metro Access Transmission Services, LLC d/b/a Verizon Access ("Verizon").

2. Windstream East continues to be a victim of the prolonged traffic squabbles between Brandenburg Telephone and Verizon and is still awaiting payment for their unauthorized use of its network. Nevertheless, Windstream East does not believe that its attendance is required at an informal conference which is focused on the interconnection dispute between Brandenburg Telephone and Verizon.

3. Windstream East supports action by the Commission to require Brandenburg Telephone and Verizon to take responsibility for the traffic exchanged between their customers and to require one or both of those companies to compensate Windstream East for the ongoing, unauthorized use of Windstream East's network. Currently, Windstream East is

owed the following amounts just for usage, local number portability (“LNP”) queries, and interest:

\$1,368,091 for usage through July 5, 2010
\$ 285,565 for interest on usage through July 5, 2010
\$ 36,299 for LNP queries
\$ 9,305 for interest on LNP queries.

The total amount currently owed to Windstream East just for these amounts above is \$1,699,651.

4. Additional usage and interest charges owed to Windstream East continue to accrue while Brandenburg Telephone and Verizon avoid resolution of this matter as they have now for many years. Statements that either or both of them have continued to believe that resolution of the interconnection agreement between them is “imminent” ignore the record over the past several years in this proceeding of similar predictions followed by an unbroken string of failures or refusals to reach an agreement. Brandenburg Telephone and Verizon have demonstrated a consistent failure to take responsibility for their own interconnection, while forcing Windstream East to bear the financial burden for their traffic.


5. Windstream East continues to support Commission’s efforts to facilitate an agreement between Brandenburg Telephone and Verizon. Separate and apart from those efforts, the Commission should require Brandenburg Telephone and Verizon to have an approved interconnection agreement in place within thirty (30) days. If those parties do not reach an agreement by that date, then Windstream East should be authorized to immediately cease allowing the unlawful routing over its network.

6. In conclusion, Windstream East has no objection to the Commission granting Brandenburg’s Motion for an informal conference with Verizon so long as Windstream East is not required to participate. Windstream further requests that, following the informal

conference, the Commission issue an order (1) requiring that Brandenburg Telephone and Verizon have an approved interconnection agreement in place within thirty (30) days; (2) allowing Windstream East to cease allowing the routing of subject traffic over its network at the earlier of the lapse of thirty days or the date of the interconnection agreement; and (3) granting Windstream East all compensation amounts..

Respectfully submitted,

WINDSTREAM KENTUCKY EAST, LLC



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served by first class mail on those persons whose names appear below this 28th day of July, 2010.

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A handwritten signature in cursive script that reads "Bruce F. Clark". The signature is written in black ink and is positioned above a horizontal line.

Bruce F. Clark