

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

FORMAL COMPLAINT FOR EMERGENCY RELIEF)
BY INSIGHT PHONE OF KENTUCKY, LLC TO)
REQUIRE WINDSTREAM KENTUCKY EAST, LLC)
AND WINDSTREAM KENTUCKY WEST, LLC TO) CASE NO. 2008-00335
PROVIDE ACCOUNT NUMBERS WHEN)
AUTHORIZED BY CUSTOMERS IF IT REQUESTS)
AN ACCOUNT NUMBER FOR PORTS)

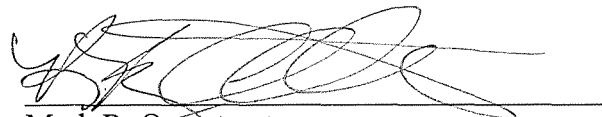
**WINDSTREAM'S REPLY IN SUPPORT OF ITS MOTION TO STRIKE PORTIONS OF
INSIGHT'S BRIEF THAT EXCEED THE STIPULATED RECORD IN THIS MATTER**

In its response to the motion to strike filed by Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (Collectively "Windstream"), Insight Phone of Kentucky, LLC ("Insight Phone") alleges that Windstream's motion is an exercise in obfuscation and that Windstream's motion is an attempt to distract the Commission with unsubstantiated and irrelevant claims.¹ To the contrary, Windstream asks only that the Commission decide the legal questions at issue in this matter on the basis of the Stipulated Facts filed by the parties, and not consider any of the purported facts relied upon by Insight Phone that are not included in the Stipulated Facts. This is particularly important in this matter because the parties agreed to forego discovery and brief the legal issues solely on the basis of the Stipulated Facts. Insight Phone has subverted that process by relying on purported facts outside the scope of the Stipulated Facts, some of which it previously agreed to exclude from the Stipulated Facts. This is not, as Insight Phone claims in its opposition filing, simply a matter where the Commission can "read the legal briefs and decide the issues without striking any statement" because such an approach affords Insight Phone the advantage of presenting disputed allegations as actual facts.

¹ Insight's Opposition to Windstream's Motion to Strike, p. 1.

Insight Phone's responses to the specific arguments raised in Windstream's motion to strike demonstrate a fundamental confusion between the assertion of legal arguments drawn from the Stipulated Facts and the assertion of additional facts outside the scope of the Stipulated Facts. While the former is permissible under the process agreed to by the parties in this matter, the latter most certainly is not. However, nothing in Insight Phone's opposition filing undermines the arguments presented in Windstream's motion to strike, and Windstream is confident that the Commission is capable of determining the factual allegations made by Insight Phone that are outside the scope of the Stipulated Facts without further briefing on the matter from Windstream. Accordingly, Windstream asks that its motion to strike be granted and that the Commission award it the specific relief sought in the motion to strike.

Respectfully submitted,



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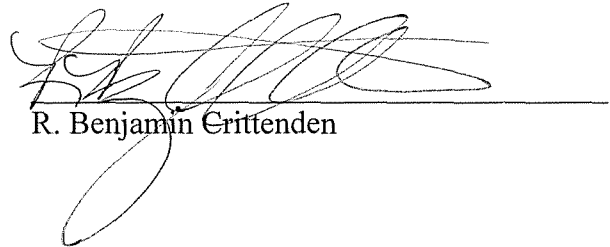
COUNSEL FOR
WINDSTREAM KENTUCKY EAST, LLC
AND
WINDSTREAM KENTUCKY WEST, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing WINDSTREAM'S REPLY IN SUPPORT OF ITS MOTION TO STRIKE PORTIONS OF INSIGHT'S REPLY BRIEF THAT EXCEED THE STIPULATED RECORD IN THIS MATTER was served by United States First Class Mail, postage prepaid on this 12th day of April, 2010 upon:

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