

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

RECEIVED
JAN 11 2010
PUBLIC SERVICE
COMMISSION

IN RE: CASE NO. 2009-00064

APPLICANT: EAST KENTUCKY NETWORK, LLC d/b/a APPALACHIAN WIRELESS

INTERVENOR: LEE ETTA CUMMINGS

AGREED ORDER TO REOPEN RECORD TO ALLOW APPLICANT TO
FILE LIMITED REPLY BRIEF

Come the Parties, by counsel, and enter into this Agreed Order and request for approval of entry of same into the record by the Public Service Commissioner ("PSC"):

1. The Intervenor, Lee Etta Cummings, by counsel, acknowledges that the Applicant, East Kentucky Network ("EKN") has simultaneously with this Agreed Order unilaterally withdrawn its pending Motion to Strike certain testimony of the witness, Fred Webb herein.

2. The Parties acknowledge that EKN did not in its Memorandum Brief filed herein on December 11, 2009, address an issue raised by Mr. Webb in his testimony at the hearing by reason of the fact that EKN on or about that date filed its Motion to Strike such testimony.

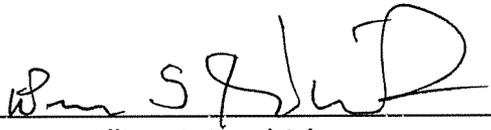
3. It is therefore agreed that the record herein be reopened pursuant to 807 KAR 5:001§5(4) for the limited purpose of permitting EKN to file a Reply Brief of no more than five (5) pages addressing the limited issue of the effect, if any, of the testimony of Mr. Webb regarding the existence of 150' solid block of coal beneath Alternate Tower Site 1.

4. It is agreed that the Applicant, EKN, shall file its Reply Brief, limited to the aforementioned issue, on or before Friday, the 8th day of January, 2010.

5. Thereafter this matter shall stand submitted.

This the 4th day of January, 2010.

AGREED TO:



Hon. William S. Kendrick
Counsel for Applicant, EKN



Hon. Mora Shepherd
Counsel for Intervenor, Lee Etta Cummings

APPROVED:

DATE: _____
