

HAZELRIGG & COX, LLP

ATTORNEYS AT LAW

415 WEST MAIN STREET, SUITE 1

P.O. Box 676

FRANKFORT, KENTUCKY 40602-0676

JOHN B. BAUGHMAN
ROBERT C. MOORE
CLAYTON B. PATRICK

DYKE L. HAZELRIGG (1881-1970)
LOUIS COX (1907-1971)

FAX: (502) 875-7158
TELEPHONE: (502) 227-2271

March 15, 2010

RECEIVED

MAR 17 2010

PUBLIC SERVICE
COMMISSION

Via Hand-Delivery

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

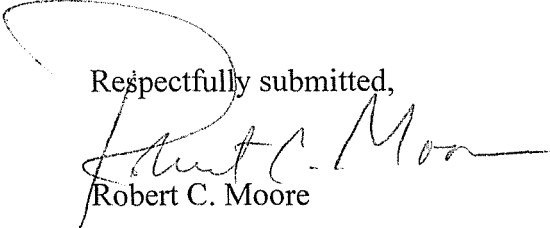
Re: Petition of Windstream Kentucky East, LLC ("Windstream") for Arbitration of an
Interconnection Agreement with New Cingular Wireless PCS, LLC, D/B/A
AT&T Mobility
Case No. 2009-00246

Dear Mr. Derouen:

Please find enclosed for filing in the above referenced case the original and five (5)
copies of Windstream Kentucky East, LLC's Response to AT&T Mobility's Motion to Take
Depositions.

Please call me if you have any questions concerning this filing, and thank you for your
attention to this matter.

Respectfully submitted,


Robert C. Moore

RCM/db

Enclosures

cc: Stacy Majors

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED
MAR 17 2010
PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
Windstream Kentucky East, LLC for)
Arbitration of an Interconnection)
Agreement with New Cingular Wireless)
PCS, LLC, D/B/A AT&T Mobility) Case No. 2009-00246
)
)
)

**WINDSTREAM KENTUCKY EAST, LLC'S
RESPONSE TO AT&T MOBILITY'S MOTION TO TAKE DEPOSITIONS**

Comes Windstream Kentucky East, LLC ("Windstream"), by counsel, and for its Response to the Motion to Take Depositions filed by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T Mobility") states as follows:

KRS 278.340 provides that:

The commission itself may take depositions, or grant deposition rights at its discretion to any party in a proceeding before the commission. Depositions in commission proceedings shall be taken in accordance with the Rules of Civil Procedure.

AT&T Mobility requests the Public Service Commission ("Commission") to allow it to take the "depositions of the witnesses that will file written testimony in support of the cost study produced by Windstream" and "who, if not a testifying witness, can answer in -depth questions regarding the current discovery responses that have been produced by Windstream in this case." Windstream states that the procedural schedules entered by the Commission in this case providing for Data Requests, Second Data Requests, Follow-up Data Requests and Supplemental Data Requests provide more than sufficient opportunity for discovery. This is particularly true where each party will also have the right to cross examine witnesses at the hearing scheduled in this matter. Therefore, Windstream

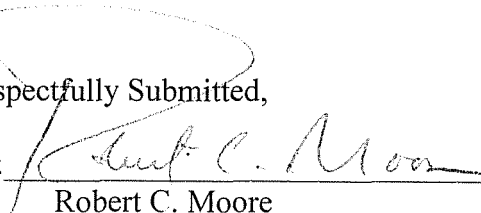
respectfully requests the Commission to deny AT&T Mobility's Motion to Take Depositions.

Should the Commission allow any depositions to be taken in this case, the depositions should be limited to only those individuals that will be pre-filing testimony for consideration at the hearing, as they are the individuals designated by the parties as having the information that is important to the case. They will certainly have reviewed and have in-depth knowledge concerning the data that is relevant to the case. Of course, in the unlikely event that these individuals are unable to answer a question during deposition, the procedural schedule expressly provides for the filing of Supplemental Discovery Requests. Limiting the deponents to only those individuals pre-filing testimony will ensure that no party will undertake expensive, time consuming "fishing expeditions" to discover information that is irrelevant to this case.

For the reasons set forth above, Windstream requests the Commission to deny AT&T Mobility's Motion to Take Depositions. However, in the event the Commission grants said motion, AT&T Mobility should be limited to deposing only those individuals pre-filing testimony, and both parties should be allowed to take same.

Respectfully Submitted,

By:



Robert C. Moore
Hazelrigg & Cox, LLP
P.O. Box 676
415 West Main Street
Frankfort, Kentucky 40602-0676

Stacy Majors
Regulatory Counsel
Windstream Communications, Inc.

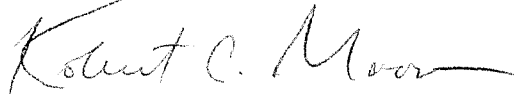
4001 Rodney Parham Road
Little Rock, Arkansas 72212
501-748-6873

CERTIFICATE OF SERVICE

On this 15th day of March, 2010, true and correct copies of the foregoing Notice of Filing were transmitted via United States certified mail, postage prepaid, return receipt requested to:

Mary K. Keyer
General Counsel/AT&T Kentucky
601 West Chestnut Street, Room 407
Louisville, KY 40203

Paul Walters, Jr.
15E. First Street
Edmond, Oklahoma 73034



Robert C. Moore