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September 17, 2009

**RECEIVED**

SEP 17 2009

**PUBLIC SERVICE  
COMMISSION**

**VIA HAND DELIVERY**

Mr. Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40601

CASE NO: 2009-00377

**Re: Notice of Big River Telephone Company, LLC's Adoption of the  
Windstream KY East – Insight Interconnection Agreement**

Dear Mr. DeRouen:

Pursuant to 47 U.S.C. § 252(i), enclosed herewith is an original and ten copies of Big River Telephone Co., LLC's Notice of Adoption of the Windstream KY East – Insight Phone Interconnection Agreement.

Please indicate receipt of this filing by your office by placing a file stamp on the extra copy and returning to me via our runner.

Very truly yours,

STOLL KEENON OGDEN PLLC

Douglas F. Brent

Enc.

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RECEIVED

SEP 17 2009

COMMONWEALTH OF KENTUCKY

PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF )  
 )  
 NOTICE OF BIG RIVER TELEPHONE ) Case No. 2009-00 377  
 COMPANY'S INTENT TO ADOPT THE )  
 INTERCONNECTION AGREEMENT BETWEEN )  
 INSIGHT PHONE OF KENTUCKY, LLC AND )  
 WINDSTREAM KENTUCKY EAST, LLC )

**NOTICE OF BIG RIVER TELEPHONE COMPANY, LLC'S ADOPTION OF THE WINDSTREAM KY EAST-INSIGHT INTERCONNECTION AGREEMENT**

Big River Telephone Company, LLC ("Big River Telephone"), pursuant to Section 252(i) of the Telecommunications Act of 1996 ("Act"), 47 U.S.C. § 252(i), hereby files this Notice of Intent to adopt the currently effective interconnection agreement between Windstream Kentucky East, LLC ("Windstream") and Insight Phone of Kentucky, LLC.

Big River Telephone is a utility within the meaning of KRS 278.010(3)(e) and is a competitive local exchange carrier or CLEC. Windstream is an incumbent local exchange carrier or ILEC. The referenced agreement, which is to be adopted in its entirety, is identified by the tracking number 00942-AI on the Commission's publicly-available Internet site for approved agreements. The CLEC party to this unexpired agreement is Insight Phone of Kentucky, LLC ("Insight").

The Commission has frequently acknowledged the statutory right of carriers to adopt existing interconnection agreements by notice to the Commission.<sup>1</sup> As the adoption arises from a statutory right, such a request may be reviewed expeditiously and promptly granted.<sup>2</sup> Moreover, in this case Windstream has acknowledged Big River Telephone's right to adopt the agreement and has agreed that the adoption will be effective on the date this notice is filed. Accordingly, Big River Telephone requests expedited review of this Notice and an Order that:

- a) Approves Big River Telephone's adoption of the existing interconnection agreement between Windstream and Insight filed with the Commission on March 18, 2008 (the "Insight ICA"); and
- b) Directs Windstream to file the agreement adopted by Big River Telephone.

#### PARTIES

1. Big River Telephone is a Missouri limited liability company, whose principal place of business is 24 South Minnesota, Cape Girardeau, MO 63702-1608.

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<sup>1</sup> *E.g., In the Matter of Adoption by Nextel West Corp. of Interconnection Agreement between BellSouth Telecommunications, Inc. and Sprint Communications Co. L.P.*, Case No. 2007-00255, (Order dated February 18, 2008) at p. 14 (noting that because the agreement to be adopted is effective, the adopting carrier's rights under 47 U.S.C. § 252(i) and 47 C.F.R. § 51.809 "are sufficient, by themselves, to allow [the adoption].") ("*Nextel West Order*").

<sup>2</sup> *Id.* at p. 12 ("The method for adopting an existing interconnection agreement is simple and expedient."); see also *In the Matter of Adoption by Bluegrass Telephone Co., Inc. d/b/a Kentucky Telephone company of Interconnection Agreement between Kentucky ALLTEL, Inc. and Brandenburg Telecom, LLC*, Case No. 2005-00463 (Order dated December 6, 2005). Kentucky ALLTEL, Inc. is the predecessor in interest to Windstream.

2. Correspondence concerning this filing should be sent to undersigned counsel. Any notices to be issued under the adopted agreement should be sent to:

Big River Telephone Company  
Attn: John Jennings  
Vice President – Chief Financial Officer  
12444 Powerscourt, Suite 270  
St. Louis, MO 63131  
Voice (314) 225-2203  
Fax (314) 225-2208  
[jjennings@bigrivertelephone.com](mailto:jjennings@bigrivertelephone.com)

3. Windstream is an incumbent local exchange company (“ILEC”) as defined under Section 251(h) of the Act, and is authorized to provide telecommunications services in the Commonwealth of Kentucky.

4. Notice of this filing is being sent to:

Mr. Daniel Logsdon  
Vice President, State Government Affairs  
Windstream Kentucky East, LLC  
130 West New Circle Road  
Suite 170  
Lexington, KY 40505

and

Scott A. Terry  
Windstream  
One Allied Drive  
Mail Stop B5F04-D  
Little Rock, AR 72203-2177

## **BACKGROUND**

5. A true and correct copy of the current Insight ICA, as amended, can be viewed on the Commission's website<sup>3</sup>: <http://162.114.3.165/PSCICA/0000/00942/>

6. Big River Telephone intends to be bound by the terms of the unexpired agreement, anticipating that the terms of the agreement will be reproduced in their entirety, substituting Big River Telephone in the place of Insight in the Agreement.

7. By correspondence to Windstream's counsel dated September 16, 2009 Big River Telephone notified Windstream in writing that Big River Telephone intended to exercise its statutory right to adopt the Insight ICA. On September 17, 2009, Scott A. Terry of Windstream acknowledged that the agreement would be adopted by Big River Telephone.

8. Big River Telephone's notice is made pursuant to Section 252(i) of the Act and the FCC's interconnection adoption regulation at 47 C.F.R. § 51.809.

9. Big River Telephone does not believe that there are any material issues of fact in dispute that the Commission needs to address at this time to grant the relief requested on the basis asserted in this Notice.

## **PRAYER FOR RELIEF**

**WHEREFORE**, Big River Telephone requests that the Commission issue its Order:

- a) Acknowledging Big River Telephone's adoption of the existing interconnection agreement between Windstream and Insight filed March 18, 2008.

- b) Requiring Windstream to file with the Commission a true and complete copy of the approved agreement; and
- c) Granting such other and further relief as the Commission deems just and proper.

Respectfully submitted,



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Douglas F. Brent  
STOLL KEENON OGDEN PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 333-6000

Counsel for Big River Telephone Company

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<sup>3</sup> For ease of administrative burden upon the Commission, the current Windstream/Insight ICA is fully incorporated herein by reference. Big River Telephone will provide paper or electronic copies upon request.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 17<sup>th</sup> day of September, 2009.

Mr. Daniel Logsdon  
Vice President, State Government Affairs  
Windstream Kentucky East, LLC  
130 West New Circle Road  
Suite 170  
Lexington, KY 40505

Mr. Scott A. Terry  
Windstream  
One Allied Drive  
Mail Stop B5F04-D  
Little Rock, AR 72203-2177

  
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*Counsel to Big River Telephone*