

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On July 2, 2008, the Commission entered an Order establishing an investigation into the traffic dispute among Windstream Kentucky East, LLC (“Windstream”), Brandenburg Telephone Company (“Brandenburg”), and MCIMetro Access Transmission Services, LLC d/b/a Verizon Access (“Verizon”). In that Order, the Commission directed the parties to maintain the traffic arrangements as they existed at the time of the Order. The Commission also scheduled an informal conference for July 9, 2008 at 1:30 p.m. at the Commission’s offices.

On July 3, 2009, Windstream filed with the Commission a motion for an emergency hearing at 9:00 a.m., Eastern Daylight Time, on July 9, 2008 in lieu of the scheduled informal conference and for leave to file a prehearing statement. On July 7, 2008, Brandenburg and Verizon each filed responses to Windstream’s motion.

Having reviewed the motion and the responses thereto, the Commission finds that the motion to hold a hearing in lieu of the informal conference is denied as moot. The informal conference was held as scheduled. At the informal conference, the parties agreed to a procedural schedule, attached hereto as Appendix A. A formal hearing in

this matter will be held on August 19, 2008. As required by KRS 278.260(2), notice is being provided to the parties 20 days prior to the hearing.

IT IS THEREFORE ORDERED that:

1. Windstream's motion to hold an emergency hearing in lieu of the informal conference is denied as moot.

2. A formal hearing is scheduled for August 19, 2008 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

3. The procedural schedule set forth in Appendix A shall be followed.

4. a. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and 5 copies to the Commission.

b. Each response shall be under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any requests to which a party fails to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.


5. Any party filing testimony shall file an original and 10 copies.

6. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

Done at Frankfort, Kentucky, this 11th day of July, 2008.

By the Commission

ATTEST:


Executive Director *for Stephanie Stumbo*
by permission

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2008-00203 DATED JULY 11th, 2008

- Simultaneous requests for information to parties shall be filed no later than..... 07/17/08
- Parties shall file responses to initial requests for information no later than 07/31/08
- Simultaneous prehearing statements outlining the specific issues to be addressed at the hearing shall be filed no later than 08/05/08
- Simultaneous prefiled witness testimony, if any, in verified prepared form, shall be filed no later than..... 08/08/08
- Simultaneous prefiled rebuttal testimony, if any, in verified prepared form, shall be filed no later than..... 08/15/08
- Public hearing shall begin at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Windstream, Brandenburg, and Verizon..... 08/19/08