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February 13, 2009

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PUBLIC SERVICE
COMMISSION

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Case No. 2007-00503 – MCI Communications Services, Inc. et al. v. Windstream Kentucky

Dear Mr. Derouen:

We are counsel to MCI Communications Services and several other Verizon entities that filed the referenced complaint on December 5, 2007. Windstream filed a motion to dismiss and Verizon filed a timely response. In a letter to your predecessor more than two months ago, we asked the Commission to rule on the motion. The Commission still has not ruled, and we are quickly approaching *a full year* since Verizon filed its response to the motion to dismiss.

Windstream's switched access rates are unjust and unreasonable under Kentucky law. The Commission should deny the motion to dismiss, adopt a procedural schedule, and promptly conduct a proceeding to consider what Windstream's access rates should be in the future. Continued delay in reducing excessive access rates harms *all* of Windstream's switched access customers, including the other carriers that intervened in this case.

As Verizon pointed out in its November 26, 2008 letter, moving forward on its complaint will place this Commission in good company, as commissions around the country recognize the need to bring the intrastate access rates of independent incumbent local exchange carriers ("ILECs") like Windstream in line with those of their competitors. In that letter, Verizon listed examples of other state commission activities in this regard. These examples included a Virginia Commission investigation of the switched access charges of Embarq, which like Windstream, is a large independent telephone company. Since Verizon's last letter, the Hearing Examiner issued his report in that proceeding (which began just before Verizon filed its complaint here), recommending elimination of Embarq's carrier common line charge and reducing Embarq's

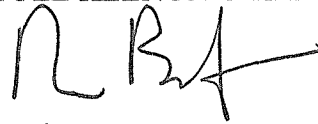
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intrastate switched access rates to interstate levels.¹ In addition, the Iowa Utilities Board last month issued an order denying petitions for reconsideration of its May 2008 decision ordering small independent local exchange carriers to revise their tariffs to significantly reduce their switched access rates.²

Verizon has set forth a *prima facie* case here. Windstream's motion to dismiss should be denied. Verizon again urges the Commission to rule on the motion as soon as possible.

Very truly yours,

STOLL KEENON OGDEN PLLC

A handwritten signature in black ink, appearing to read 'D. Brent', with a long horizontal stroke extending to the right.

Douglas F. Brent

cc: Helen Helton
Service list

¹ *Petition of Sprint Nextel for reductions in the intrastate carrier access rates of Central Telephone*, Hearing Examiner's Report, Case No. PUC-2007-00108 (Jan. 28, 2009).

² *In re: Iowa Telecomm. Ass'n*, Order Denying Requests for Reconsideration, Docket Nos. TF-07-125 and TF-07-139 (Jan. 8, 2009).