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May 8, 2009

**RECEIVED**

**MAY 08 2009**

**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: In the matter of MCI Communications Services, Inc., et al., v. Windstream  
Kentucky West, Inc., et al ("Windstream"), Case #2007-00503

Dear Mr. Derouen:

Please find enclosed the original and 10 copies of the Motion to Temporarily Stay  
Procedural Schedule to be filed in the above referenced case. Thank you for your attention to  
this matter.

Respectfully submitted,



Robert C. Moore

RCM/neb

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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MAY 08 2009

PUBLIC SERVICE  
COMMISSION

MCI Communications Services, Inc. )  
Bell Atlantic Communications, Inc. )  
NYNEX Long Distance Company, )  
TTI National, Inc. )  
Teleconnect Long Distance Services & Systems )  
Company and Verizon Select Services, Inc. )

Case No. 2007-00503

Complainants )

vs. )

Windstream Kentucky West, Inc. )  
Windstream Kentucky East, Inc. - Lexington )  
and Windstream Kentucky East, Inc. - London )

Defendants

**MOTION TO TEMPORARILY STAY PROCEDURAL SCHEDULE**

Come Windstream Kentucky West, LLC and Windstream Kentucky East, LLC (collectively "Windstream"), by counsel, and for the reasons set forth below, hereby move the Public Service Commission to enter an order temporarily staying the procedural schedule entered in the above styled proceeding.

On December 5, 2007, Verizon filed its Petition to Reduce Windstream's Switched Access Charges to initiate the above-styled proceeding. On January 17, 2008, Windstream filed its Answer, Motion to Dismiss and Response to Motion to Full Intervention. On March 11, 2009, the Commission issued its Order denying Windstream's Motion to Dismiss. The Commission's March 11, 2009 Order also included a procedural schedule stating that initial information requests were to be exchanged between the parties and filed with the Commission by March 30, 2009, and the answers to these initial information requests were to be served between

the parties and filed with the Commission by April 24, 2009. The Commission's March 11, 2009 Order further provided that a second set of information requests are to be filed and served on or before Friday, May 8, 2009.

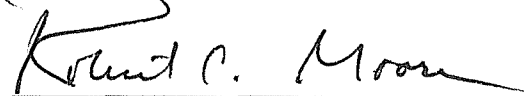
On March 31, 2009, Windstream filed its Petition on Appeal and/or Original Action for Declaratory Judgment (hereinafter "Petition") with the Franklin Circuit Court requesting the Court to enter judgment overturning the decision of the Commission and finding, among other things, that the Commission does not have subject matter jurisdiction to conduct an investigation into whether Windstream's intrastate switched access rates are not just and reasonable and should be reduced merely to match those of AT&T or at all. On March 31, 2009, Windstream included as part of its prayer for relief to the Court a Motion requesting that the Court to hold the above styled administrative proceeding in abeyance until the Court rules on its Petition. Windstream subsequently submitted to the Court a motion and supplement in support of the injunctive relief request, and the Commission then filed its Motion to Dismiss Windstream's Petition. With answers to the initial information requests being due on or before April 24, 2009, Windstream filed with the Commission a motion requesting an extension of time to file its Answers to the information requests. The Commission has not ruled on this motion.

Windstream's Motion to Hold Administrative Proceeding in Abeyance and the Commission's Motion to Dismiss were heard by the Franklin Circuit Court on Tuesday, April 27, 2009 at 10:00 am. At the close of the hearing, the Court indicated that it would issue its decision as soon as possible. The Court has not yet ruled on these pending motions.

The current procedural scheduled attached to the Commission's Order of March 11, 2009 provides that second requests for information shall be exchanged between the parties and filed with the Commission by May 8, 2009. Accordingly, Windstream hereby requests the

Commission to temporarily stay the procedural schedule attached to the Commission's March 11, 2009 Order. While Windstream believes that a permanent injunction would be appropriate, at this time it is only requesting a temporary stay until such time as the Court issues its initial ruling. Depending on the findings by the Court, the Commission may establish a new procedural schedule after the Franklin Circuit Court rules on the motions pending before it. Such a stay will avoid undue prejudice and harm to Windstream and also enable the parties to avoid the unnecessary expenditure of time and resources in preparing and responding to the information requests if the Court rules in favor of Windstream. Should the Court rule in favor of the Commission, this brief delay will not harm the Complainants and will ensure that all of the parties will have the full opportunity to prepare and serve information requests and to answer same.

Respectfully submitted,



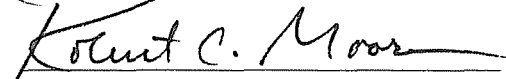
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HAZELRIGG & COX, LLP  
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P. O. Box 676  
Frankfort, Kentucky 40602-0676  
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And

Kimberly K. Bennett  
Windstream Communications  
4001 Rodney Parham Road  
Little Rock, AR 72212-2442

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon Douglas F. Brent and C. Kent Hatfield, Stoll, Keenon Ogden, PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202, Dulaney L. O'Roark III, Vice President and General Counsel - Southern Region, Verizon, 5055 North Point Parkway, Alpharetta, Georgia 30022, John N. Hughes, 124 West Todd Street, Frankfort, Kentucky, 40601 and Mary K. Meyer, General Counsel/AT & T Kentucky, 601 West Chestnut Street, Room 407, Louisville, Kentucky, 40203, by placing same in the U.S. Mail, postage pre-paid, this the 8<sup>th</sup> day of May, 2009.

  
Robert C. Moore