

RECEIVED

DEC 30 2008

PUBLIC SERVICE
COMMISSION

421 West Main Street
Post Office Box 634
Frankfort, KY 40602-0634
[502] 223-3477
[502] 223-4124 Fax
www.stites.com

December 30, 2008

Hon. Stephanie Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

Bruce F. Clark
(502) 209 1214
(502) 223 4386 FAX
bclark@stites.com

RE: *In the Matter of: An Investigation into the Traffic Dispute between Windstream Kentucky East, LLC, Brandenburg Telephone Company and MCI Metro Access Transmission Services, LLC d/b/a Verizon Access*
Case No. 2008-00203

Dear Director Stumbo:

Pursuant to the Commission's Order dated July 11, 2008, enclosed for filing in the above referenced matter is one original and eleven copies of a Second Supplemental and Amended Response of Windstream Kentucky East, LLC's to Brandenburg Telephone Company's Initial Data Requests to Windstream Kentucky East, LLC and Commission Staff's Data Request to Windstream Kentucky East, LLC, Brandenburg Telephone Company and MCIMetro Access Transmission Services, LLC d/b/a Verizon Access.

Windstream Kentucky East, LLC ("Windstream") demonstrated at the hearing conducted August 19, 2008 that the continued misuse of Windstream's network to accommodate the traffic at issue in this proceeding had and continues to have a significant cost to Windstream. As set forth in Windstream's previous Supplemental Response filed on August 18, 2008, Windstream requested a total of \$1,268,641.00 in additional compensation, itemized as follows:

\$1,161,809.00 (Usage billed from August 05 to July 08)
\$ 68,316.00 (Late payment charges on Usage billed from August 05 to July 08)
\$ 36,299.00 (LNP charges from August 05 to March 07)
\$ 2,217.00 (Late payment charges on LNP from August 05 to July 08).

As set forth in the attached updated Second Supplemental Response, as of October 2008, this amount has increased to \$1,294,680.00, itemized as follows:

\$1,197,361.00 (Usage billed from August 05 to October 08)
\$ 91,812.00 (Late payment charges on Usage billed from August 05 to October 08)
\$ 36,299.00 (LNP charges from August 05 to March 07)
\$ 4,758.00 (Late payment charges on LNP from August 05 to October 08)

Hon. Stephanie Stumbo
December 30, 2008
Page 2

Fees and charges continue to accrue at a current average rate of \$300 per day.

This issue continues to exist solely because Brandenburg and/or Verizon have chosen to wrongfully route traffic over Windstream's network instead of making proper arrangements for this traffic, including but not limited to entering into an interconnection agreement, and the prior Order in this matter allows them to continue to do so. Brandenburg's continued misuse of Windstream's network, from July 2008 to October 2008 alone, amounted to 6,000,000 minutes.

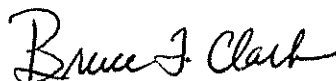
The Commission is again urged by Windstream to order an immediate cessation of this continued misappropriation of Windstream's network, and these two parties should be ordered to uphold their lawful obligations to make appropriate arrangements for exchange of their traffic. Windstream is intentionally and continually being harmed on a daily basis. Further, it appears that neither Brandenburg nor Verizon have any intention to remedy this situation.

Windstream respectfully again asks that the Kentucky Public Service Commission take immediate action in this matter: *i.e.*, that the Commission order that the continued misuse of Windstream's network by Brandenburg and Verizon stop immediately; and that Windstream receive appropriate compensation for the past misuse.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,

STITES & HARBISON, PLLC



Bruce F. Clark

BFC:pjt
Enclosure
cc: Douglas F. Brent
John E. Selent

RECEIVED

DEC 30 2008

**PUBLIC SERVICE
COMMISSION**

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

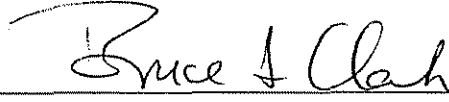
**SECOND SUPPLEMENTAL AND AMENDED RESPONSE OF WINDSTREAM
KENTUCKY EAST, LLC'S TO BRANDENBURG TELEPHONE COMPANY'S INITIAL
DATA REQUESTS TO WINDSTREAM KENTUCKY EAST, LLC AND COMMISSION
STAFF'S DATA REQUEST TO WINDSTREAM KENTUCKY EAST, LLC,
BRANDENBURG TELEPHONE COMPANY AND MCIMETRO ACCESS
TRANSMISSION SERVICES, LLC D/B/A VERIZON ACCESS**

Windstream Kentucky East, LLC ("Windstream") supplements as follows in response to the Initial Data Requests; Request No. 13 served by Brandenburg Telephone Company ("Brandenburg") dated July 17, 2008 and the Initial Data Requests; Request No. 1 served by the Commission's Staff dated July 17, 2008.

RESPONSE: The additional compensation to which Windstream is entitled, calculated through October 2008, is as follows:

- \$1,197,361.00 (Usage billed from August 05 to October 08)
- \$ 91,812.00 (Late payment charges on Usage billed from August 05 to October 08)
- \$ 36,299.00 (LNP charges from August 05 to March 07)
- \$ 4,758.00 (Late payment charges on LNP from August 05 to October 08)

Respectfully submitted,



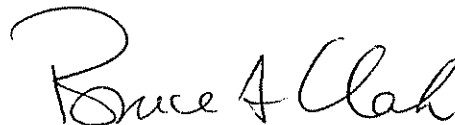
Bruce F. Clark
STITES & HARBISON, PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634
Telephone: (502) 223-3477
COUNSEL FOR WINDSTREAM KENTUCKY
EAST, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served by first class mail on those persons whose names appear below this 30th day of December, 2008.

John E. Selent
Edward T. Depp
Holly C. Wallace
DINSMORE & SHOHL, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202
Counsel to Brandenburg Telephone Company

Douglas F. Brent Esq.
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202-2874
Counsel to Verizon



Bruce F. Clark