

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE TRAFFIC DISPUTE)
BETWEEN WINDSTREAM KENTUCKY EAST, LLC,)
BRANDENBURG TELEPHONE COMPANY AND)
MCIMETRO ACCESS TRANSMISSION SERVICES, LLC)
D/B/A VERIZON ACCESS)

Case No. 2008-00203

Conditional Request For Limited Evidentiary Hearing

Windstream Kentucky East, LLC (“Windstream East”) requests the Commission to set this matter for an evidentiary hearing limited to those factual issues about which the Commission has remaining questions regarding the liability and the amount owed Windstream with respect to the unauthorized use of Windstream East’s network by Brandenburg Telephone Company (“Brandenburg”) and MCIMETRO Access Transmission Services, LLC d/b/a Verizon Access (“Verizon”). In support of its request Windstream East states:

1. Windstream East believes that the August 19, 2008 evidentiary hearing in this matter, in conjunction with the subsequent briefing, data request responses and pre-filed testimony provide an adequate basis for the Commission to resolve all issues related to liability of Brandenburg and Verizon to Windstream East for the unauthorized use of Windstream East’s network and the amount due Windstream East for such unauthorized use. Accordingly, Windstream East does not believe a further hearing is required.

2. Windstream East nevertheless recognizes that the Commission may have identified factual matters that it believes may require further testimony or clarification.

Windstream East has no objection to a hearing limited to any such compensation issues, including recently discovered communications between Verizon and Brandenburg.

3. In light of the extensive proceedings in this matter to date, Windstream East does not believe it appropriate to hold a hearing on any other issues, including the outstanding dispute between Verizon and Brandenburg regarding a direct interconnection between the two carriers.

Wherefore, Windstream Kentucky East, LLC respectfully requests:

1. The Commission enter an Order setting this matter for a hearing limited to such factual issues as the Commission believes remain outstanding regarding the liability and the amount owed Windstream East with respect to the unauthorized use of Windstream East's network by Brandenburg and Verizon. Windstream further requests that the parties permitted to file final briefs on the liability and the amount owed Windstream East with respect to the unauthorized use of Windstream East's network by Brandenburg and Verizon.

2. Alternatively, submit this matter for decision by the Commission following final briefing by the parties on the issues of the liability and the amount owed Windstream East with respect to the unauthorized use of Windstream East's network by Brandenburg and Verizon.

Respectfully submitted,

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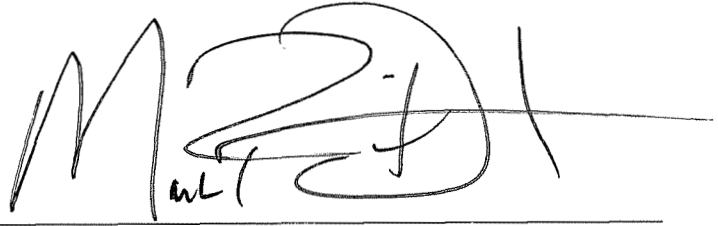
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CERTIFICATE OF SERVICE

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 20th day of April, 2010.

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A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line. The signature is stylized and cursive.

Mark R. Overstreet