



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

John W. Clay  
Commissioner

March 26, 2009

## PARTIES OF RECORD

Re: Case No. 2008-00335

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within five days of receipt of this letter. If you have any questions, please contact John E.B. Pinney at 502/564-3940, Extension 427.

Sincerely,

A handwritten signature in black ink, appearing to read "DS Samford", written over a horizontal line.

David S. Samford  
Deputy Executive Director

Attachment

## INTRA-AGENCY MEMORANDUM

### KENTUCKY PUBLIC SERVICE COMMISSION

**TO:** Case File

**FROM:** J.E.B. Pinney *J.P.*  
Staff Attorney

**DATE:** March 26, 2009

**SUBJECT:** Case No. 2008-00335  
Insight Phone of Kentucky, LLC v. Windstream Kentucky East, LLC and  
Windstream Kentucky West, LLC

On February 24, 2009, representatives for Insight Phone of Kentucky, LLC ("Insight"), Big River Telephone Company, LLC ("Big River"), Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (collectively, "Windstream") participated with Commission Staff in an informal conference regarding the above styled case. A copy of the sign-in sheet of those who attended is attached.

The purpose of the meeting was to discuss Insight's complaint against Windstream. At the beginning of the conference, counsel for Insight advised the participants that additional issues had arisen since the filing of the complaint against Windstream. These issues were: (1) Windstream's billing of Insight in advance and no prorating of the charges when a customer switches service; (2) Windstream's alleged rejection of Directory Listing Disconnect Orders until the numbers are released by ENPAC; and (3) Windstream's requiring Insight to cancel an original order for a number porting and submitting a new order for the porting when Insight reschedules a service installation.

Windstream objected to the discussion of the additional issues raised at the informal conference, stating that it could not discuss the new issues because it was the first time it had become aware of the additional issues. Windstream, however, was prepared to discuss the original issues raised in the complaint.

Windstream stated that the fundamental disagreement was over interpretation of federal law, most notably a Federal Communications Commission ("FCC") declaratory ruling addressing number portability and the information required to conduct a port. Windstream stated that approximately 5 percent of all requests from Insight are rejected due to inadequate information being submitted and that it required the same information be submitted in all 16 of the states in which it operates.

Insight stated that only a *de minimus* number of port orders were rejected prior to August 2008. Insight also stated that rejection of port orders caused it to expend additional money to obtain information from the customer necessary to have the number ported.

Windstream stated that it has an affirmative obligation to protect Customer Proprietary Network Information ("CPNI") and that, by not requiring certain information and allowing the porting of a number, it could be susceptible for penalties for slamming.

Big River commented that the declaratory order was not intended to make it more difficult to port numbers. Big River commented that the additional rules in the declaratory order were designed to protect against slamming by resellers, not facilities-based competitors such as Insight and Big River.

The parties also discussed the role of their interconnection agreement and whether a blanket letter of authority was sufficient to allow the release of the numbers from Windstream.

Thereafter, the parties discussed possible procedures. Commission Staff suggested addressing the additional issues raised at the informal conference, to which Insight raised its concern that proceeding to address the issues under the interconnection agreement would take too long.

The parties agreed to discuss the newly-raised issues and to agree on a proposed procedural schedule which the parties would then file with the Commission.

Thereafter, the conference adjourned.

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INSIGHT PHONE OF KENTUCKY, LLC	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2008-00335
	)	
WINDSTREAM KENTUCKY EAST, LLC	)	
AND	)	
WINDSTREAM KENTUCKY WEST, LLC	)	
	)	
DEFENDANTS	)	

SIGN IN SHEET FOR FEBRUARY 24, 2009 INFORMAL CONFERENCE

<u>NAME</u>	<u>PARTY</u>
<u>Tiffany Brouner</u>	<u>PSC Staff</u>
<u>Jim Stevens</u>	<u>PSC STAFF</u>
<u>Lynne Hughes</u>	<u>Windstream</u>
<u>Scott Perry</u>	<u>" "</u>
<u>Tray Brunner</u>	<u>" "</u>
<u>TANA HENSON</u>	<u>" "</u>
<u>Mark R. Overstreet</u>	<u>Windstream</u>
<u>Daniel Logsdon</u>	<u>"</u>
<u>Doug Brent</u>	<u>SKD - Big River Telephone Co.</u>
<u>LARRY ZIELKE</u>	<u>ZIELKE Law Firm - Insight</u>
<u>Gregory Cameron</u>	<u>Insight</u>
<u>BRAD WAGGONER</u>	<u>Insight</u>

Jared Harper  
Paul Meltzer  
Nick Crounwell  
Pete Santos  
Kyle Willard  
Eric Bowman  
Stacy Majors  
JEB Pinnery  
Jerry Howell

Insight  
Insight  
Insight  
INSIGHT  
PSC-Engineering  
PSC-Engineering  
Windstream  
PSC Staff  
Big Rivers