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June 12, 2009

HAND DELIVERED

Jeff R. Derouen
Executive Director
Public Service Commission
P.O. Box 615
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RECEIVED
JUN 12 2009
PUBLIC SERVICE
COMMISSION

Mark R. Overstreet
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moverstreet@stites.com

RE: *Insight Phone of Kentucky, LLC v. Windstream Kentucky East, LLC, et al.*
P.S.C. Case No. 2008-00335

Dear Mr. Derouen:

Windstream Kentucky East, LLC and Windstream Kentucky West, LLC (collectively, "Windstream") submit this response to the June 8, 2009 letter filed on behalf of Big River Telephone Company ("Big River") in the above referenced case.

Big River's letter filing is procedurally improper. Although it seems to have been intended as a response to Windstream's June 5 filing regarding a stipulation of facts, the substance of Big River's filing is not on point and could be interpreted as a separate complaint requesting relief in the form of penalties imposed against Windstream. To the extent that Big River is claiming a dispute separate and apart from the issues in the case at hand, then Big River has violated the parties' interconnection agreement ("ICA") which states that a party must seek a remedy for issues under the dispute resolution provisions of the parties' ICA. The issue of dispute resolution was addressed during the parties' prior informal conference in this proceeding. However, to the extent that Big River only seeks a determination on Windstream's "four fields" policy (which includes account numbers and pass codes), then those issues are already being addressed in the case at hand, and Big River's request to have the matter predetermined at this time is procedurally improper.

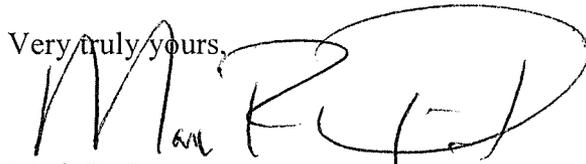
For the reasons set forth above, Windstream does not believe it is appropriate to respond to each of the erroneous representations set forth in Big River's letter. As a general statement, Big River's assertion that Windstream has engaged in wrongful actions worthy of penalties is legally and factually without merit. As will be briefed in this matter, Windstream's policy is sound and fully supported by FCC precedent. For example, the attached FCC Consumer Facts advises customers changing providers to be prepared to provide their account numbers and pass codes:

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To keep the process as short as possible, the FCC recently clarified that companies may not obstruct or delay number porting by requiring you to provide excessive personal information before porting your existing telephone number. ***In addition, the FCC clarified that validation for a simple number port should not require more than the following information: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit zip code; and (4) pass code, if it applies.***

Windstream will continue to work with the parties to this matter to identify the issues and determine which facts may be stipulated to. If you have any questions please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MRO', with a large, loopy flourish extending to the right.

Mark R. Overstreet

cc: Douglas F. Brent
Janice M. Theriot
Lawrence J. Zielke

Keeping Your Telephone Number When You Change Your Service Provider

FCC Consumer Facts

Background

Under the Federal Communications Commission's (FCC's) "local number portability" (LNP) rules, so long as you remain in the same geographic area, you can switch telephone service providers, including interconnected Voice over Internet Protocol (VoIP) providers, and keep your existing phone number. If you are moving from one geographic area to another, however, you may not be able to take your number with you. Therefore, subscribers remaining in the same geographic area can now switch from a wireless, wireline, or VoIP provider to any other wireless, wireline, or VoIP provider and still keep their existing phone numbers.

Initiating the Process

If you want to change companies:

- **Do not** terminate your service with your existing company **before** initiating service with the prospective new company.
- Contact the new company, which will start the process of porting your number by contacting your current company. Be prepared to provide the new company with your 10-digit phone number, customer account number, five-digit zip code, and passcode, if applicable.
- Be aware that when terminating service with a wireless company, you may be obligated to pay any early **termination fees under your existing contract**. Also, when terminating service with any company, you are usually required to pay any outstanding balance owed. Review your bill or contract to determine what fees or charges apply. Once you request service from the new company, however, your old company **may not refuse to port your number, even if you owe money** for an outstanding balance or termination fee.
- You may request service from a new company at any time.

Fees and Charges

- Companies may assess fees to recover the costs that they incur in providing number portability. Fees may vary between companies, and some companies may not charge any fees.
- Companies may not refuse to port a number because a consumer has not paid for porting.
- When considering a switch, consumers should ask the new company whether it charges any number portability fees and whether those fees can be waived.

The Porting Period

Your new telephone company can usually give you a good idea about how long the process will take. To keep the process as short as possible, the FCC recently clarified that companies may not obstruct or delay number porting by requiring you to provide excessive personal information before porting your existing telephone number. In addition, the FCC clarified that validation for a simple number port should require no more than the following information: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit zip code; and (4) pass code, if it applies.

(More)



The Porting Period (cont'd.)

The FCC is also considering imposing additional requirements to make LNP more efficient, including shortening porting periods for simple ports.

- For a **wireless-to-wireless** transfer, your phone number should work within a few hours of your request to change wireless providers.
- A **wireline-to-wireless** transfer may take several business days to complete. **Ask your new** wireless company whether you will be able to continue using your current wireline number during the transfer process. There may be a period of "mixed service," when you essentially have two telephones with the same number during the adjustment period.
- If you port from a **wireline phone to a wireless phone**, your wireline long distance company **will not** move with you. Your long distance service will generally be provided by your new wireless company, but you should verify this with the new wireless company before changing service providers.

Note: Certain small wireline companies may have an exemption from the porting requirements if they have received a waiver from their state public service commission.

Customers who want to port a wireline number to a wireless phone, and are told that they cannot, should contact their state public service commission to find out whether their wireline company has been granted a waiver. A directory of state public service commissions can be found at

www.naruc.org/commissions.cfm.

Emergency Services

In some areas, 911 operators automatically receive the phone number or location of a wireless call, but in many areas, that is not the case. Technology that will provide that information – Enhanced 911 or "E911" – is currently being implemented, but is not yet

Emergency Services (cont'd.)

available using many wireless phones and in many parts of the country.

As noted above, during the porting process from the old company to the new company, there may be a period of "mixed service" - when you may have two telephones with the same number. During this time period, your E911 service may be affected. The call should go through, but the 911 operator may not be able to call you back if the call gets disconnected. For this reason, before porting either a wireless or a wireline number, **ask the new company** how long the porting process will take and how it will affect a 911 call.

Handsets and Special Services

In some instances, wireless handsets of different wireless telephone companies are incompatible. If you switch wireless companies, you may need to purchase a new handset, even if you retain the same phone number. If you have concerns about purchasing a new handset, **ask your new wireless company** whether or not your current handset will work with that company's network.

Also, be aware that in a few areas, as consumers with ported numbers roam outside their normal wireless service areas, they may only be able to send and receive calls. Other services, such as caller ID, may not function properly.

Filing a Complaint with the FCC

If you have a problem porting your phone number from one service provider to another, first try to resolve it with the responsible provider. If you cannot resolve the problem directly, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an FCC on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC's Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

(More)



Filing a Complaint with the FCC (cont'd.)

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, D.C. 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should indicate:

- your name, address, e-mail address, and phone number where you can be reached;
- the telephone and account numbers that are the subject of your complaint;
- the names and phone numbers of any companies involved with your complaint;

What to Include in Your Complaint (cont'd.)

- the amount of any disputed charges, whether you paid them, whether you received a refund or adjustment to your bill, the amount of any adjustment or refund you have received, an explanation if the disputed charges are related to services in addition to residence or business telephone services; and
- the details of your complaint and any additional relevant information.

For More Information

For more information on number portability, visit the FCC's Web site at www.fcc.gov/cgb/NumberPortability. For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio) please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/

This document is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

10/08/08*

