

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERA BLUE, INC.	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2009-00058
WINDSTREAM KENTUCKY EAST, LLC	)	
	)	
DEFENDANT	)	

O R D E R

On March 5, 2009, Windstream Kentucky East, LLC (“Windstream”) submitted its Answer in response to the formal complaint filed by Tera Blue, Inc. (“Tera Blue”) on February 9, 2009. The Commission finds that Tera Blue should be given the opportunity to submit a reply to Windstream’s Answer. Tera Blue’s reply shall include a copy of its most recent interconnection agreement with Windstream and a statement as to the date on which this interconnection agreement was filed with the Kentucky Public Service Commission.

Prior to submitting a reply, counsel for Tera Blue shall file a notice of entry of appearance in this matter. Although an attorney signed a page attached as an addendum to the complaint, it is not clear to the Commission if that attorney intends to serve as Tera Blue’s counsel in this proceeding. Pursuant to 807 KAR 5:001, Section 12, a formal complaint filed on behalf of a corporation or association must have an attorney’s signature on the complaint and provide his or her address. The attorney

must be licensed to practice law in the Commonwealth of Kentucky.<sup>1</sup> Should Tera Blue fail to have counsel formally submit a notice of entry of appearance in accordance with this Order, this matter shall be dismissed and removed from the Commission's docket by subsequent Order.

Based upon information obtained from the Commission's records, the Commission has reason to believe that Tera Blue is acting as a utility within the state and is not properly registered with the Commission. The Commission believes that Tera Blue, Inc., the Complainant in this action, is the same Tera Blue that the Commission expunged from the Commission's list of active utilities within the state for failure to pay its Utility Gross Operating Assessment in Case No. 2006-00492.<sup>2</sup> Separate and apart from its reply and counsel's notice of entry of appearance, Tera Blue shall file a pleading affirmatively stating whether it is operating as a utility within the state and whether it is the same Tera Blue expunged from the Commission's records of active utilities authorized to operate within the state.

IT IS THEREFORE ORDERED that:

1. Within 15 days of the date of this Order, Tera Blue shall have counsel file a notice of entry of appearance in this proceeding. Counsel shall file with the Commission the original and five copies of the notice, with a copy to all parties of record. Should Tera Blue fail to have counsel formally submit a notice of entry of

---

<sup>1</sup> See Kentucky Supreme Court Rules 3.020 and 3.030.

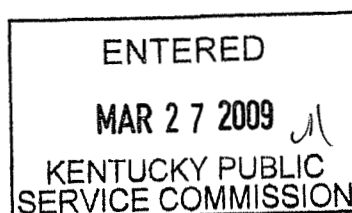
<sup>2</sup> Case No. 2006-00492, Investigation of the Failure of Certain Utilities to File Gross Operating Reports Required Pursuant to KRS 278.140 (Ky. PSC Aug. 13, 2007).

appearance in accordance with this Order, this matter shall be dismissed and removed from the Commission's docket by separate Order.

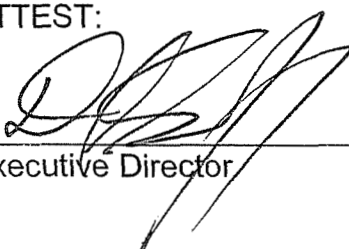
2. Within 15 days of the date of this Order, Tera Blue shall file its affirmative statement of whether it is, in fact, operating as a utility within the state and whether or not it is the same Tera Blue expunged from the Commission's records of active utilities authorized to operate within the state. Tera Blue shall file the original and five copies of its statement, with a copy to all parties of record.

3. Within 10 days after the notice of entry of appearance and the affirmative statement of operation are filed, Tera Blue shall file a reply to Windstream's answer. Tera Blue shall file the original and five copies of its reply, with a copy to all parties of record. Tera Blue's reply shall include a copy of its most recent interconnection agreement with Windstream. In its reply, Tera Blue shall state the date on which the interconnection agreement was filed with the Kentucky Public Service Commission.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

Daniel Logsdon  
Vice President-External Affairs  
Windstream Communications  
130 West New Circle Road  
Suite 170  
Lexington, KY 40505

Sondra Oliver  
Owner  
304 Winterberry Drive  
Winchester, KY 40391

Honorable Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KY 40602-0634