



2009-00245

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JUN 29 2009

PUBLIC SERVICE  
COMMISSION

2000 PNC Plaza Plaza  
500 West Jefferson Street  
Louisville, KY 40202-2828  
Telephone: (502) 333-6000  
Fax: (502) 333-6099  
[www.skofirm.com](http://www.skofirm.com)

DOUGLAS F. BRENT  
Direct Dial: (502) 568-5734  
Direct Fax: (502) 562-0934  
[douglas.brent@skofirm.com](mailto:douglas.brent@skofirm.com)

June 25, 2009

Jeffrey DeRouen  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

**RE: Time Warner Cable Information Services, (Kentucky) LLC—Notice of Adoption of Interconnection Agreement under Section 252(i) of the Telecommunications Act**

Dear Mr. DeRouen:

Enclosed is an original and ten copies of the Notice Of Time Warner Cable Information Services (Kentucky), LLC's Adoption Of The Windstream KY East/Insight Phone of KY Interconnection Agreement.

Please confirm your receipt of this filing by placing the stamp of your office with the date received on the enclosed additional copy and return them to me in the enclosed self-addressed stamped envelope.

Very truly yours,

Douglas F. Brent

DFB/jms  
Enclosures  
cc:

Vin Paladini  
Julie P. Laine  
Maribeth Bailey

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 29 2009

PUBLIC SERVICE COMMISSION

IN THE MATTER OF )  
 )  
NOTICE OF TIME WARNER CABLE )  
INFORMATION SERVICES' (KENTUCKY) )  
INTENT TO ADOPT THE INTERCONNECTION )  
AGREEMENT BETWEEN INSIGHT )  
COMMUNICATIONS AND Windstream )  
KENTUCKY EAST, LLC )

Case No. 2009-00 245

**NOTICE OF TIME WARNER CABLE INFORMATION SERVICES (KENTUCKY), LLC'S ADOPTION OF THE WINDSTREAM KY EAST-INSIGHT INTERCONNECTION AGREEMENT**

Time Warner Cable Information Services (Kentucky), LLC d/b/a Time Warner cable ("TWCIS (KY)"), pursuant to Section 252(i) of the Telecommunications Act of 1996 ("Act"), 47 U.S.C. § 252(i), hereby files this Notice of Intent to adopt the currently effective interconnection agreement between Windstream Kentucky East, LLC ("Windstream") and Insight Phone of Kentucky, LLC.

TWCIS (KY) is a utility within the meaning of KRS 278.010(3)(e) and is a competitive local exchange carrier or CLEC. Windstream is an incumbent local exchange carrier or ILEC. The referenced agreement, which is to be adopted in its entirety, is identified by the tracking number 00942-AI on the Commission's publicly-available Internet site for approved agreements. The CLEC party to this unexpired agreement is Insight Phone of Kentucky, LLC ("Insight").

The Commission has frequently acknowledged the statutory right of carriers to adopt existing interconnection agreements by notice to the Commission.<sup>1</sup> As the adoption arises from a statutory right, such a request may be reviewed expeditiously and promptly granted.<sup>2</sup> Accordingly, TWCIS (KY) requests expedited review of this Notice and an Order that:

- a) Approves TWCIS (KY)'s adoption of the existing interconnection agreement between Windstream and Insight filed with the Commission on March 18, 2008 (the "Insight ICA");
- b) Directs Windstream to file the agreement adopted by TWCIS (KY); and
- c) Makes the agreement effective as of the date of the Commission's Order.

#### **PARTIES**

1. TWCIS (KY) is a Delaware limited liability company, whose principal place of business is 290 Harbor Drive, Stamford, CT 06902. TWCIS (KY) is an indirect subsidiary of Time Warner Cable Inc.

2. Windstream is an incumbent local exchange company ("ILEC") as defined under Section 251(h) of the Act, and is authorized to provide telecommunications services in the Commonwealth of Kentucky.

3. Notice of this filing is being sent to:

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<sup>1</sup> *E.g., In the Matter of Adoption by Nextel West Corp. of Interconnection Agreement between BellSouth Telecommunications, Inc. and Sprint Communications Co. L.P.*, Case No. 2007-00255, (Order dated February 18, 2008) at p. 14 (noting that because the agreement to be adopted is effective, the adopting carrier's rights under 47 U.S.C. § 252(i) and 47 C.F.R. § 51.809 "are sufficient, by themselves, to allow [the adoption].") ("*Nextel West Order*").

<sup>2</sup> *Id.* at p. 12 ("The method for adopting an existing interconnection agreement is simple and expedient."); *see also In the Matter of Adoption by Bluegrass Telephone Co., Inc. d/b/a Kentucky Telephone company of Interconnection Agreement between Kentucky ALLTEL, Inc. and Brandenburg Telecom, LLC*, Case No. 2005-00463 (Order dated December 6, 2005). Kentucky ALLTEL, Inc. is the predecessor in interest to Windstream.

Mr. Daniel Logsdon  
Vice President, State Government Affairs  
Windstream Kentucky East, LLC  
130 West New Circle Road  
Suite 170  
Lexington, KY 40505

and

Ms. Traci Brunner  
Manager – Negotiations  
Windstream  
One Allied Drive  
Mail Stop B5F04-D  
Little Rock, AR 72203-2177

### **BACKGROUND**

4. A true and correct copy of the current Insight ICA, as amended, can be viewed on the Commission's website<sup>3</sup>: <http://162.114.3.165/PSCICA/0000/00942/>

5. TWCIS (KY) intends to be bound by the terms of the unexpired agreement, anticipating that the terms of the agreement will be reproduced in their entirety, substituting TWCIS (KY) in the place of Insight in the Agreement.

6. By letter dated May 27, 2009, TWCIS (KY) notified Windstream in writing that TWCIS (KY) intended to exercise its statutory right to adopt the Insight ICA.

7. TWCIS (KY)'s request is made pursuant to Section 252(i) of the Act and the FCC's interconnection adoption regulation at 47 C.F.R. § 51.809. As this Commission recently recognized in its *Nextel West Order*, the FCC's rule provides only two bases upon which an adoption request may be rejected: (1) where the costs of providing a particular agreement to one carrier are greater than the costs of providing the

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<sup>3</sup> For ease of administrative burden upon the Commission, the current Windstream/Insight ICA is fully incorporated herein by reference. TWCIS (KY) will provide paper or electronic copies upon request.

same terms to another carrier; and (2) where the provision of a particular agreement to the requesting carrier is not technically feasible.<sup>4</sup>

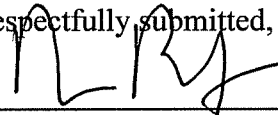
8. TWCIS (KY) does not believe that there are any material issues of fact in dispute that the Commission needs to address at this time to grant the relief requested on the basis asserted in this Notice. Adoption of this agreement can be accomplished in a “straightforward and quick” proceeding.<sup>5</sup>

#### **PRAYER FOR RELIEF**

**WHEREFORE**, TWCIS (KY) requests that the Commission issue its Order:

- a) Acknowledging TWCIS (KY)’s adoption of the existing interconnection agreement between Windstream and Insight filed March 18, 2008.
- b) Requiring Windstream to file with the Commission a true and complete copy of the approved agreement;
- c) Making the agreement effective as of the date of the Commission’s Order;  
and
- d) Granting such other and further relief as the Commission deems just and proper.

Respectfully submitted,



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Douglas F. Brent  
STOLL KEENON OGDEN PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
(502) 333-6000

Counsel for Time Warner Cable Information  
Services (Kentucky), LLC

June 25, 2009

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<sup>4</sup> *Nextel West Order* at pp. 12-15.

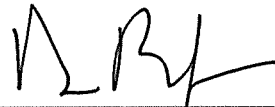
<sup>5</sup> *Nextel West Order* at p. 10

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served on the following by first-class United State mail, sufficient postage prepaid, this 25<sup>th</sup> day of June, 2009.

Mr. Daniel Logsdon  
Vice President, State Government Affairs  
Windstream Kentucky East, LLC  
130 West New Circle Road  
Suite 170  
Lexington, KY 40505

Ms. Traci Brunner  
Manager – Negotiations  
Windstream  
One Allied Drive  
Mail Stop B5F04-D  
Little Rock, AR 72203-2177



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*Counsel to TWCIS (KY)*