2010-00162

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PUBLIC SERVICE COMMISSION

VIA COURIER

Mr. Jeff Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602

Re: AT&T Communications of the South Central States, TCG Ohio, and BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky, Complainants v. Kentucky Rural Incumbent Local Exchange Carriers, Kentucky Competitive Local Exchange Carriers, Windstream West, LLC, Windstream East, LLC, and Cincinnati Bell, Respondents

Dear Mr. Derouen:

Enclosed for filing in the above-captioned case are original and ten (10) copies of AT&T's Petition and Complaint Seeking Reduction of Intrastate Switched Access Rates.

Should you have any questions, please let me know.

Sincerely,

Mary K. Keyer

Enclosures

cc: Parties of Record listed on Certificate of Service
Dennis Howard, Assistant Attorney General

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:	)	
	)	
AT&T COMMUNICATIONS OF THE SOUTH CENTRAL STATES, TCG OHIO, AND BELLSOUTH TELECOMMUNICATIONS, INC., d/b/a AT&T KENTUCKY,	)	
	)	
Complainants	)	
	)	
v.	)	**Case No.:** 2010-00162
	)	
KENTUCKY RURAL INCUMBENT LOCAL EXCHANGE CARRIERS, KENTUCKY COMPETITIVE LOCAL EXCHANGE CARRIERS, WINDSTREAM WEST, LLC, WINDSTREAM EAST, LLC, AND CINCINNATI BELL	)	
	)	
Respondents	)	

AT&T'S PETITION AND COMPLAINT SEEKING REDUCTION OF INTRASTATE SWITCHED ACCESS RATES

AT&T Communications of the South Central States, TCG of Ohio, BellSouth Long Distance Inc. d/b/a AT&T Long Distance Service, and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (collectively, "AT&T") pursuant to KRS 278.260(1) and 807 KAR 5:001, Section 12, bring this formal Complaint against the independent telephone companies ("ICOs") and competitive local exchange carriers ("CLECs")[1] in Kentucky. The ICOs include Kentucky's rural

[1] A list of the CLECs is attached as **Exhibit A**.

local exchange carriers ("RLECs"),[2] Windstream East, LLC, and Windstream West, LLC (collectively, "Windstream"), and Cincinnati Bell Extended Territories LLC ("Cincinnati Bell"). Concurrent with this complaint, AT&T also requests that the Public Service Commission of Kentucky ("Commission") establish an administrative case for the purpose of implementing intrastate switched access reform throughout the telecommunications industry in Kentucky.

Excessive switched access charges are a holdover of the monopoly days in the telecommunications market from nearly a quarter of a century ago. Today, they are harming consumers, impeding competition, unjustly discriminating against certain market segments, and slowing the deployment of new technologies that will be used in providing the telecommunications services of today and tomorrow. The Federal Communications Commission ("FCC") has ordered significant reductions in interstate switched access charges for incumbent local exchange carriers ("ILECs"), and it has "capped" the access rates for CLECs at the rates of the ILECs with which they compete. More than 20 states – most recently New Jersey – have followed the FCC's lead at the state level, by requiring some or all local exchange carriers ("LECs") to reduce their intrastate switched access rates to "parity" with their corresponding interstate rates.[3]

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[2] A list of the RLECs is attached hereto as **Exhibit B**.

[3] The following states have implemented parity between intrastate and interstate rates for some or all LECs, either through legislation, commission rule or commission order: Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Mississippi, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Tennessee, Texas, West Virginia, and Wisconsin.

This Commission should do the same for Kentucky consumers and (i) direct all Kentucky ICOs to implement intrastate switched access rates that match, both in rate level and rate structure, the ICOs' corresponding interstate switched access rates, and (ii) where necessary, direct all CLECs to cap their intrastate switched access rates at the corresponding intrastate switched access rates of the ILECs with which they compete. Going forward, Kentucky ICOs and CLECs should be required to continue these requirements. At the same time, the Commission should ensure that Kentucky ICOs can recoup access revenue reductions from (i) additional retail pricing flexibility, up to a reasonable "benchmark" price, for local service, and (ii) a state universal service fund ("USF"). CLECs, which have the ability to choose what geographic areas to enter, should recover any access revenue reductions from retail pricing only and should not be permitted to draw from a state USF.

I. The Commission Has Long Since Recognized the Need for Access Reform in Kentucky.

Intrastate switched access rates were first approved by the Commission in 1984,[4] and were established when wireline telephone service was essentially a closed monopoly. Generally, these charges were established as an implicit subsidy of local rates. Consumers wanting to communicate over a long-distance network had little choice but to place a wireline long-distance call and pay long-distance rates set to recover the high intrastate access charges.

Switched access rates of ICOs consist of both traffic sensitive and non-traffic sensitive ("NTS") rates. The traffic sensitive components are per-minute

[4] *Investigation of Toll and Access Charge Pricing and Toll Settlement Agreements*, Case No. 8838, Order at 5, 14 (Nov. 20, 1984).

charges that are assessed for completing a long-distance call while the non-traffic sensitive rates are based on a fixed revenue requirement ("Non-Traffic Sensitive Revenue Requirement" or "NTSRR") that the ICO is allowed to collect regardless of the amount of long-distance traffic delivered over its network.[5] The NTSRR was established in the early 1990s when the Commission found that "intraLATA facilities-based toll competition is in the public interest."[6] It was set forth in an agreement among all the ICOs, and AT&T and US Sprint Communications Company, both of which were IXCs.[7]

The Commission approved this plan with some modifications in the *IntraLATA Toll Case* as a means of implementing intraLATA toll competition. The *Joint Motion* also allowed a LEC to "change its traffic sensitive rates in future years by mirroring its own interstate tariffed rates or by supporting its proposed changes by an intrastate-specific cost study."[8] For the most part, neither has occurred.

Over a decade has passed since the Commission first recognized the need to rationalize Kentucky access rates. In 1998, this Commission concurred with the FCC's statement "'as competition develops, states may be compelled by market place forces to convert implicit support to explicit, sustainable

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[5] CLECs do not have an NTSRR component.
[6] *In the Matter of An Inquiry into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and and WATS Jurisdictionality*, Adm. Case No. 323, Phase I ("*IntraLATA Toll Case*"), Order at 6 (May 6, 1991).
[7] Joint Motion of Local Exchange Companies and Interexchange Carriers ("*Joint Motion*") approved and adopted in the *IntraLATA Toll Case* by Order dated May 6, 1991. South Central Bell, a predecessor company to BellSouth now d/b/a AT&T Kentucky, was not a party to the *Joint Motion*.
[8] *Id.* at 5.

mechanisms consistent with section 254(f).'"[9] The Commission further stated with regard to NTS rate elements, that "[e]limination of NTS is a priority and will be considered along with the elimination of other implicit subsidies."[10] The time to act on these policy statements has long since passed.

Access reform has already begun in Kentucky, but is woefully incomplete. AT&T Kentucky (then BellSouth) reduced its intrastate switched access rates to interstate levels as part of its plan for alternative regulation, which the Commission adopted in 1999.[11] In approving these reductions, the Commission cited the public interest benefits of removing subsidies and pricing services more closely to their costs. The access rates for other Kentucky ILECs (the ICOs), however, have not been similarly reformed. As a result, the disparity between the interstate and intrastate access rates for the ICOs is dramatic. The ICOs' intrastate access rates are all significantly higher than their corresponding interstate access rates, as illustrated in **Exhibit C**, attached hereto. Many CLECs have intrastate access rates that are nearly 100% higher than their interstate access rates.

It is equally unsurprising that Kentucky CLECs charge intrastate switched access rates that are several times the corresponding rates of the ILECs with

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[9] *In the Matter of An Inquiry into Universal Service and Funding Issues*, Adm. Case No. 360, Order (May 22, 1998) at 2-3, citing *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order (May 8, 1997) at ¶ 17.

[10] *Id.* at 35.

[11] *BellSouth Telecomm., Inc.'s Application to Restructure Rates*, Case No. 97-074, Order, at 1 (Oct. 24, 1997), *citing Application of BellSouth Telecomm., Inc. d/b/a South Central Bell Tel. Co. to Modify Its Method of Regulation,* Case No. 94-121. *Tariff Filing of BellSouth Telecommunications, Inc. to Mirror Interstate Rates*, Order, Case No. 98-065 ("*BellSouth Mirroring Order*") (Mar. 31, 1999); *Review of BellSouth Telecomm., Inc.'s Price Regulation Plan*, Order, Case No. 99-434 ("*BellSouth Price Plan Review*")(Aug. 3, 2000).

which they compete: a result that is driven solely by the CLECs' market power over switched access service. If the switched access market were competitive, the rates would be much closer, because the CLECs are providing the same access service in the same geographic area as the ILECs. The dramatic difference between the intrastate switched access rates for a sampling of CLECs in Kentucky and the intrastate switched access rates of AT&T Kentucky, the ILEC with which they compete, is shown in **Exhibit D**, attached hereto.

Such high access rates enable ICOs and CLECs to keep their local retail rates relatively low, thereby resulting in other Kentucky consumers subsidizing the ICO and CLEC rates. Cross-subsidy mechanisms are incompatible with the policy goal of promoting consumer welfare and advancing competition on the merits. The success and failure of competitors are determined on the basis of their relative costs, efficiencies, and quality of services, not by regulatory asymmetries. Highly disparate access rates also distort investment by creating an artificial, regulatory-induced competitive disadvantage for wireline long-distance providers. As long as the ICOs are being shielded from competition, there is less incentive, and gradually will be less money, for them to maintain their current levels of investment, if any, in broadband.

In its recent National Broadband Plan, the FCC "encourage[d] states to complete rebalancing of local rates to offset the impact of lost access revenues ... [as] [d]oing so would encourage carriers and states to 'rebalance' rates to move away from artificially low $8 to $12 residential rates that represent old

implicit subsidies to levels that are more consistent with costs."[12] (Endnotes omitted).

AT&T's request that the Commission should evaluate the level of intrastate originating and terminating switched access rates charged by both ICOs and CLECs to establish a course to remove implicit subsidies inherent in the current switched access rate structure is not only in harmony with the intent of the legislature to level the competitive landscape and stimulate the economy through deregulation and with the Commission's "pro-competitive policy for all geographic areas of Kentucky,"[13] it is also in harmony with the *FCC NBP* recommendation for "comprehensive reform ... to shift from primarily supporting voice communications to supporting a broadband platform that enables many applications, including voice."[14] The Commission should actively pursue access reform and continue in its own words to be "in the forefront nationally in encouraging interLATA and intraLATA toll competition and ... to encourage competition in local exchange markets, balancing the interests of consumers and telecommunications providers alike within the parameters mandated by Congress and the FCC."[15]

While the FCC opened an access reform docket almost 10 years ago,[16] it has not yet acted, and this Commission should not wait for the FCC to take such

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[12] *Connecting America: The National Broadband Plan*, FCC (Mar. 16, 2010), at 142 (citation omitted) ("*FCC NBP*").
[13] *In the Matter of An Inquiry into Local Competition Universal Service, and the Non-Traffic Sensitive Access Rate*, Adm. Case No. 355, Order at 51 (Sept. 26, 1996).
[14] *FCC NBP* at 141.
[15] *In the Matter of An Inquiry into Local Competition Universal Service, and the Non-Traffic Sensitive Access Rate*, Adm. Case No. 355, Order at 48-49 (Sept. 26, 1996).
[16] FCC Common Carrier Docket No. 01-92, *Developing a Unified Intercarrier Compensation Regime.*

action.[17] In its recent *FCC NBP*, the FCC "encourage[d] states to complete rebalancing of local rates to offset the impact of lost access revenues."[18] As this Commission recently stated, the fact that the FCC "could issue an order that would preempt all state authority in making determinations on access charges ... the mere existence of that possibility does not dissuade this Commission from the need to address intercarrier compensation."[19]

The Commission has repeatedly voiced the view that intrastate access reform falls under *its* jurisdiction and is *its* responsibility and recently that "an investigation into the issue of intercarrier compensation reform is necessary."[20] It is time to put those views into action and finish the job it began over a decade ago.

II. Explanation of Switched Access Charges

Intrastate switched access services are wholesale services provided by local exchange carriers generally to wireline long-distance providers (*i.e.*, local long-distance providers and interexchange carriers ("IXCs")), for originating and terminating intrastate long-distance calls. For example, if a customer in one local exchange makes a toll call to a customer in another local exchange, the caller's LEC typically transports that call to an IXC, thereby providing "originating" switched access services. The IXC then transports the call to the recipient's LEC, which delivers and terminates the call to the recipient, thereby providing "terminating" switched access services.

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[17] AT&T's proposed plan submitted herewith provides for many of the recommendations made in the *FCC NBP* and provides for any future action the FCC may take.
[18] *FCC NBP* at 148.
[19] *Windstream Access Order* at 6.
[20] *Windstream Access Order* at 8.

On the originating side, the IXC has no control over which ICOs or CLECs serve its customers; likewise, on the terminating side, the IXC has no control over which recipients its customers call, and no control over which ICOs or CLECs serve those recipients. Thus, the IXC must pay whatever switched access rates the ICOs or CLECs assess for those calls, and the ICO or CLEC essentially has a monopoly over the access service. As the FCC stated, "when an end user decides to take service from a particular LEC, that LEC controls an essential component of the system that provides interexchange calls, and it becomes the bottleneck for IXCs wishing to complete calls to, or carry calls from, that end user."[21]

Given the market power that ICOs and CLECs wield over intrastate switched access services, it is not surprising that the ICOs' intrastate switched access rates are much higher than their corresponding interstate rates for the same access service, and that the intrastate switched access rates of a sampling of CLECs that compete with AT&T Kentucky, the ILEC, are much higher than the corresponding intrastate access rates of AT&T Kentucky. *See* Exhibits C and D.

III. The Problem: High Access Charges Harm Consumers And Competition.

These inflated intrastate switched access rates are harmful to both consumers and competition in Kentucky for several reasons. *First*, switched access charges are a principal component of the cost of providing wireline long-distance service. Thus, high access charges keep the prices for in-state wireline long-distance calls higher than they should be. And because long-distance rates

[21] *In re Access Charge Reform, Seventh Report and Order and Further Notice of Proposed Rulemaking*, 16 FCC Rcd. 9923, 9931 (2001).

are geographically averaged (so that long-distance providers spread high access costs over all Kentucky consumers who place long-distance calls) high intrastate access charges harm all Kentucky consumers, regardless of whether they ever place any calls to or from customers served by the ICOs and CLECs with excessive access rates. As a result, consumers who place traditional long-distance calls from their home or office phones – one of the staples of modern life – are paying much more than they should.

Second, while that direct hit to Kentucky consumers is bad enough, high access charges damage the state's economy in other ways. Wireline long-distance providers face a wide array of competing technologies including, but not limited to, email, texting, wireless phone service,[22] Voice over Internet Protocol ("VoIP") services, cable telephony, instant messaging, and social networking websites that do not have to bear the same subsidy-laden access cost burden. Saddled with the cost of high access charges, wireline providers simply cannot compete fully and aggressively against competitors that are free from such burdens.

In recent years, AT&T's wireline long-distance business has lost millions of minutes of traffic to many of these competing technologies, not because of any real difference in quality, but in part because of the market distortion created by regulatory rules permitting those alternatives to not incur access costs in the same way as wireline long-distance service, and accordingly those alternatives

[22] Pursuant to FCC rules, wireless carriers pay access charges on calls between Major Trading Areas ("MTAs") but not on calls within an MTA. Given that virtually all of Kentucky falls within a single MTA, wireless carriers are practically exempt from Kentucky intrastate switched access charges. *See* http://wireless.fcc.gov/auctions/data/maps/mta.pdf.

can offer materially more attractive retail prices. Indeed, as shown in **Chart 1** below, across Kentucky, the number of access minutes of use declined more than 21% from 2004 through 2008,[23] as consumers shifted their usage away from traditional long distance calling and to forms of communication not burdened with access subsidies:

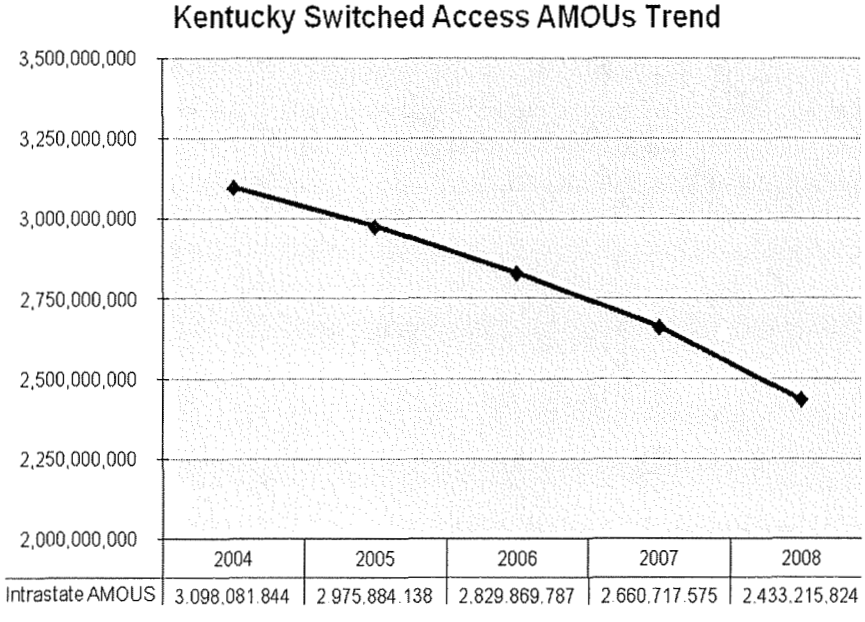

Chart 1

Fair competition is always a welcome development, but high intrastate access rates distort competition. If the artificial burden of high access charges were removed or at least lightened, wireline long-distance providers could compete more aggressively. In turn, other competing technologies will be forced to become more efficient, more innovative, and more attuned to consumer

[23] Access MOUs estimated by AT&T. Interstate MOUs reported to National Exchange Carrier Association ("NECA") were adjusted by a factor to derive intrastate traffic volumes.

needs. The results will be a more competitive, consumer-focused Kentucky communications market – a clear win for consumers who will be reaping the benefits of full and fair competition.

Third, there is no material technical difference in functionality between originating and/or terminating an interstate call versus originating and/or terminating an intrastate call, yet there is a large difference in rates between the intrastate and interstate switched access rates. Charging radically different prices for materially the same functionality leads to arbitrage, substantial expense, waste, and inefficiency, resulting in decreased value for consumers as the maps in **Exhibit E**, attached hereto, demonstrate.

Fourth, carriers that pay high intrastate access charges have an incentive to evade them if the interstate-intrastate differential is too great. For example, high switched access rates could encourage "buying" carriers to route traffic in such a way that makes it difficult or impossible to determine its jurisdiction. In addition, carries may fail to provide the necessary information required to apply the proper charges, either access for long distance traffic or reciprocal compensation for the exchange of local traffic. This practice is known as "phantom traffic."

Fifth, high switched access rates also engender uneconomic traffic stimulation. Providers that receive high access charges have an incentive to generate increased traffic volumes. The recent, highly publicized "traffic pumping" schemes, which are designed to drive massive volumes of traffic to adult chat lines and similar services (*e.g.*, free conference call offers) via rural

LECs and CLECs with high switched access rates, serve to highlight the potential for abuse.[24]

Finally, the status quo cannot be sustained. As indicated in Chart 1 on page 11, access minutes of use are decreasing at an increasing rate as more and more consumers shift their usage away from traditional long distance services to alternatives not saddled with the same access subsidy obligations. As traditional landline minutes are transitioned to email, social networking, wireless[25] and IP-based alternatives, access revenues (historically used as "implicit subsidies" for artificially low local service prices) diminish. With the erosion of these subsidies and ultimate loss of access revenues for ICOs comes a threat to universal service and rural investment, which puts rural connectivity at risk. As consumers shift their calling away from the traditional wireline telephone networks, the traditional telephone companies are strained to recover largely fixed costs from a shrinking customer base. Ironically, because high access charges drive customers and usage away from the wireline networks, they are drying up the stream of implicit subsidies that they were intended to generate for other wireline services like local exchange service in rural areas. As the FCC

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[24] *In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers,* Notice of Proposed Rulemaking, FCC 07-176, WC Docket No. 07-135 (Rel. Oct. 2, 2007). *See also, In the Matter of Complaint of Sprint Communications Company L.P. v. BluegrassTelephone Company Inc. d/b/a Kentucky Telephone Company for the Unlawful Imposition of Access Charges*, Ky PSC Case No. 2010-00012.

[25] Based upon 2007 data, the Centers for Disease Control and Prevention (CDC) Study estimated that nearly 21% of Kentucky households have a wireless phone and no longer have a traditional landline telephone. *See* http://www.cdc.gov/nchs/data/nhsr/nhsr014.htm. According to the FCC's report "Local Telephone Competition: Status as of June 30, 2008," there were over 3.3 million wireless subscribers in Kentucky receiving services from as many as 11 wireless carriers. *See* http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-292193A1.pdf. In addition, 14.7 percent of Americans have wireline phones but use their wireless phones for all or almost all calls. *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-June 2009,* p. 1 (available at http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless200912.htm).

noted in its *FCC NBP*, "fewer terminating minutes ultimately mean a smaller revenue base for intercarrier compensation. ... Even rate-of-return carriers, who are permitted to increase per-minute rates so they have the opportunity to earn their authorized rate of return, acknowledge that the current system is 'not sustainable' and could lead to a 'death spiral' as higher rates to offset declining minutes exacerbate arbitrage and non-payment."[26]

Today's broken system means that rural providers will not be able to re-invest in their networks or invest in new technologies, which leaves rural communities without the benefits of advanced technologies. The current system also discourages other companies from investing in rural communities because of the unfair advantage the current providers enjoy. High and increasing access rates by rural phone companies are a high cost for all telephone companies that affects their ability to invest in infrastructure and new technology. Thus, the perpetuation of high intrastate access rates is impeding Kentucky's technological future.

In short, reforming today's high intrastate access rates will yield profound benefits to Kentucky consumers and ensure that Kentucky remains competitive in the new economy. When access rates are reformed, consumers can enjoy a fuller array of competing services. They can expect savings and innovation from the local exchange carriers and more efficient and improved services at the best possible price, as all providers – regardless of technology – will be afforded the opportunity to compete fairly.

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[26] *FCC NBP* at 142 (citation omitted).

IV. A Simple and Meaningful Step towards Reform – AT&T's Proposed Framework for Resolution of the Issues.

While the problems created by inflated intrastate switched access charges are severe, meaningful reform is simple. Years ago, the FCC took significant steps to eliminate implicit subsidies from interstate access rates, by reducing ILEC rates and "capping" CLEC rates at the level of the corresponding ILEC rates.[27] Many states have followed the FCC's lead, by ordering some or all ILECs to reduce their intrastate rates to "parity" with the corresponding interstate rates and/or by adopting the FCC's interstate caps on CLEC rates. Kentucky has already taken the first step in the same direction, when AT&T Kentucky reduced its intrastate access rates to interstate levels in 1999. CLECs have already developed systems and procedures to implement the same rules for interstate traffic; all they need to do now is apply the same procedures on the intrastate side.

AT&T recommends that the Commission take the same straightforward approach that the FCC recently suggested in its *FCC NBP* by moving ICOs' intrastate terminating switched access rates to interstate terminating switched access rate levels.[28] AT&T also recommends following the FCC's precedent on CLEC interstate switched access rates and requiring CLECs' intrastate switched access rates to be capped at the intrastate rates of the ILECs with which they

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[27] *In the Matter of Access Charge Reform, Reform of Access Charges Imposed by Competitive Local Exchange Carriers,* CC Docket No. 96-262, Seventh Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 9923, ¶ 3 (2001) ("*CLEC Access Reform Order*").
[28] *FCC NBP* at 148. The FCC also discusses ultimately eliminating per-minute charges altogether, but that is not a part of AT&T's proposal in this docket.

compete.[29] This will reduce implicit subsidies in intrastate switched access rates and benefit consumers by creating a more level playing field among differing technologies.

CLECs, which have the ability to choose the geographic areas in which to provide service in order to maximize earnings, also have full de-regulatory freedom, and thus can determine on their own how to best recover, if necessary, the resulting shift in revenues that would come about by restructuring their intrastate switched access rates to reasonable levels.

With regard to the ICOs, AT&T proposes a benchmark model that creates a framework for the ICOs to recover the resulting shift in revenues they will experience.

AT&T's recommended plan contains three essential elements that will facilitate accomplishing effective access reform: (1) a limited, judicious expansion of the Kentucky USF; (2) freedom for the ICOs to determine the best manner to recover their resulting access revenue reduction; (3) and a transition mechanism that allows ICOs with very low retail rates to raise those rates modestly each year, thereby diminishing distributions from the Kentucky USF. These elements can be achieved in four steps.

First, ICOs should immediately and fully reduce their intrastate access rates to their interstate levels and structure, and CLECs should immediately cap their intrastate access rates at the intrastate rates of the ILECs with which they compete.

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[29] *See CLEC Access Reform Order*, ¶ 3.

Second, a retail rate benchmark level, determined by the Commission, would establish how much of the ICO access revenue reduction would be recovered from the Kentucky USF and retail rate increases. An ICO whose basic local exchange rate is at or above the benchmark would recover its access revenue reduction entirely from Kentucky USF distributions. An ICO whose basic local exchange rate is below the benchmark would recover its access revenue reduction from distributions from the Kentucky USF less an imputed amount of revenue that the ICO would realize if it raised its retail rate to the benchmark level.

Third, for ICOs whose basic local exchange rates are significantly below the benchmark, an annual rate increase limit (a "Transitional Cap") would provide the opportunity, but not a requirement, for modest annual increases to move retail rates toward the benchmark level. This would ensure a smooth transition toward reducing the Kentucky USF support while at the same time allowing ICOs to make necessary changes to their business plans. Retail rate increases would then be constrained by both the Commission's Transitional Cap and market forces.

Fourth, the Kentucky USF requirement would be determined by using data made available to the Commission or to a neutral third party by each ICO. Consistent with established state USF methodologies employed by a number of states, all providers with Kentucky revenues would be required to contribute a percentage of their Kentucky intrastate end-user retail revenues to the Kentucky USF and, at the company's discretion, would have the ability to pass this charge

along to its base of end-user retail customers, either through a line item surcharge or some other method. Over time, the Kentucky USF would decrease as ICOs were able to recover the revenue shift through operational efficiencies or movement of local rates closer to the actual cost of providing the service. AT&T's proposed plan is attached hereto as **Exhibit F**.

There is no dispute that there is a need for comprehensive access reform in Kentucky. Such need is not confined just to Verizon and Windstream as outlined in the complaint proceeding brought against Windstream by Verizon.[30] It is also present between and among other long-distance providers, ICOs and CLECs. Windstream, in the *Windstream Access Case*, noted that if the Commission decided to proceed with an evaluation of any carrier's intrastate switched access rates, it should do so in a generic proceeding that sought comprehensive reform for all ICOs.[31] While at that time the Commission chose not to establish a generic proceeding, the passage of time suggests that it is time for the Commission to revisit that decision. Comprehensive reform is needed now, but the extent to which retail rate levels must change and to which switched access revenues must be reduced differs dramatically among Kentucky carriers. A solution that appears reasonable for Windstream, which may have a relatively low revenue reduction measured on a per line basis and a relatively high retail rate, may be totally impractical for a company like Brandenburg Telephone

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[30] *MCI Communications Services, Inc., BellAtlantic Communications, Inc., NYNEX Long Distance Company, TTI National, Inc., Teleconnect Long Distance Services & Systems Company and Verizon Select Services, Inc. v. Winstream Kentucky West, Inc., Windstream Kentucky East, Inc.-Lexington and Windstream Kentucky, East, Inc.-London*, Kentucky PSC Case No. 2007-00503 ("*Windstream Access Case*").

[31] *Windstream Access Case,* Windstream Motion to Dismiss, Answer, and Response to Motion for Full Intervention, at 14 (Jan. 17, 2008).

Company, which may experience a relatively high access revenue reduction when its intrastate access rates are reduced to parity with its interstate rates, and which has very low retail rates. The Commission needs a policy framework that accounts for these differences and sets out a reasonable path that allows all ICOs and CLECs to lower their access rates.

V. AT&T's Petition and Complaint.

In support of its Complaint and Petition, AT&T states as follows:

1. The ICOs are all independent telephone companies authorized by the Commission to provide, and do provide, telecommunications service in the Commonwealth of Kentucky. The ICOs provide both local and long-distance, including interexchange, services to end users either directly or through their affiliates, thereby competing directly or indirectly with AT&T in providing both intraLATA and interLATA toll services.

2. The CLECs are all competitive local exchange carriers authorized by the Commission to provide, and do provide, telecommunications service in the Commonwealth of Kentucky. The CLECs provide both local and long-distance, including interexchange, services to end users either directly or through their affiliates, thereby competing directly or indirectly with AT&T in providing both intraLATA and interLATA toll services.

3. AT&T is authorized by the Commission to provide either or both local and long-distance, including interexchange, telecommunications services in Kentucky.

4. AT&T is represented by the following counsel in this matter:

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mary.keyer@att.com	demetro@mayerbrown.com

5. To provide traditional long-distance, including interexchange, services to its customers, AT&T and other long-distance providers must purchase originating and terminating switched access services from the respective tariffs of the ICOs and CLECs that transport the calls of the long-distance providers' customers. If the calls are intrastate toll calls, the long-distance provider pays the switched access rates for the origination and termination of those calls as set forth in the applicable ICOs' and CLECs' tariffs filed with the Commission. If the calls are interstate toll calls, the long-distance provider pays the switched access rates for the origination and termination of those calls as set forth in the applicable ICOs' and CLECs' tariffs filed with the FCC. Whether the call is an intrastate or interstate call, the origination and termination of the call entail essentially the same functionality: the originating ICO or CLEC delivers the call from the caller to the long-distance provider's point of presence, while the terminating ICO or CLEC delivers the call from the long-distance provider's point of presence to the end user who receives local service from the ICO or CLEC. Yet in nearly *all* instances the ICOs' intrastate switched access rates are well in excess of their interstate switched access rates, and the CLECs' intrastate switched access rates are generally well above the intrastate switched access rates of the ILECs with which they compete.

6. The Commission has jurisdiction over the intrastate switched access rates of all of the ICOs and CLECs. The Commission has authority to reduce each ILEC's and CLEC's intrastate access rates to levels that comply with Kentucky law and Commission precedent. When the Commission finds that a public utility's rates are unjust or unreasonable, it must prescribe just and reasonable rates. *See* KRS 278.270. The Commission is obligated by law to investigate as it deems necessary or convenient complaints that a telephone utility's rates are unjust or unreasonable. *See* KRS 278.260(1).

7. Given the vast changes in Kentucky telecommunications market, the ICOs' and CLECs' intrastate access rates[32] are no longer just and reasonable and no longer comply with KRS 278.030(1). While the Commission has in the past permitted the intrastate access rates of the ICOs and CLECs to go into effect through tariff filings, changes in the market have rendered those rates unjust and unreasonable. When rates were originally set they were established in a monopoly environment with implicit subsidies for the ICOs that supported goals of universal service and rural investment. They can no longer be sustained in today's competitive environment. For the CLECs, which never had the universal service obligations, they were never entitled to these high access rates.

8. This Complaint and Petition are being brought to reduce the ICOs' and CLECs' originating and terminating intrastate switched access rates in light of the significant changes that have occurred in the telecommunications market over the past several years, and in furtherance of the stated policies of this

[32] A portion of the ICOs' intrastate switched access rates is made up of a NTSRR which is addressed on page 4, *supra.*

Commission and the FCC to reduce and eliminate the implicit subsidies in intrastate switched access rates, to ensure a level playing field and to encourage a competitive environment.

9. There is no material technical difference in functionality between originating and/or terminating an interstate call versus originating and/or terminating an intrastate call, and therefore no technical justification and no logical or reasonable basis for the large difference in rates between the intrastate and interstate switched access rates. Charging radically different prices for materially the same functionality leads to arbitrage, substantial expense, waste, and inefficiency.

10. The Commission recently acknowledged that "[t]he need for a comprehensive review of intra-state access charges has been a looming specter over the Commission for a significant period of time."[33] By order dated March 11, 2009, in the *Windstream Access Case*, the Commission set a procedural schedule to address Verizon's complaint against Windstream for unjust and unreasonable access charges. Since the issues in the *Windstream Access Case* are identical to those raised in this Petition and Complaint, AT&T requests that the Commission consolidate the two cases and require each ICO to implement originating and terminating intrastate access charges that match, in rate level and rate structure the ICO's analogous interstate switched access rates, and each CLEC to cap its intrastate access rates at the intrastate rates of the ILECs with which they compete, and both to continue doing so going forward.

[33] *Windstream Access Case*, Order at 5 (Mar. 11, 2009) ("*Windstream Access Order*").

11. Today's high intrastate access rates are unjust and unreasonable contrary to KRS 278.030(1). They are harming Kentucky consumers and distorting the competitiveness of the Kentucky intrastate communications market, contrary to Kentucky law. Wireline long-distance providers cannot compete on a level playing field when they are saddled with massive subsidy obligations that their competitors do not face. Access reform is needed to create a level playing field for all long-distance providers, regardless of technology. And in accomplishing such, consumers win.

VI. Conclusion.

Time is of the essence. The Commission has recognized the need to address intrastate access charges for over a decade, during which time many Kentucky consumers have been paying too much for their intrastate long distance services while others have been forced to shift their usage to technologies not saddled with the access subsidy burden. AT&T is submitting herewith a proposed procedural schedule, attached hereto as **Exhibit G**, and respectfully requests a final decision on the issues raised in this docket by no later than March 1, 2011. To facilitate completing an administrative case in this time frame, AT&T proposes that the Commission establish a workshop for the purpose of: 1) establishing a model that estimates the anticipated access revenue reduction; and 2) providing all parties an opportunity to present their plans, if they have one, of how best to accomplish intrastate switched access reform in Kentucky.

WHEREFORE, AT&T respectfully requests that this Commission enter an order that:

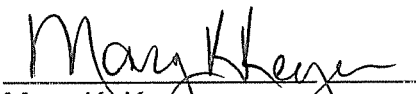
a. Directs each ICO to implement intrastate access charges that match, in rate level and rate structure, the ICO's interstate switched access rates, and to continue this mirroring in the future;

b. Directs each CLEC to implement and maintain intrastate access charges that are capped at the intrastate switched access rate levels of the ILECs with which they compete;

c. Directs, if the Commission deems appropriate, that this proceeding be consolidated with the *Windstream Access Case*, or that the scope of that docket be expanded to determine, for each ILEC or CLEC, what measures are appropriate and necessary, if any, to enable the ILEC and CLEC to respond to the reduction in its intrastate switched access revenues; and

d. Grants such other relief as the Commission deems just and appropriate.

Respectfully submitted,



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804033

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

1-800-RECONEX, Inc.
dba USTel
2500 Industrial Avenue
P. O. Box 9
Hubbard, OR 97032-0009

321 Communications, Inc.
c/o Regulatory and Tax
450 Old Peachtree Road NW
Suite 101A
Suwanee, GA 30024

Abacus Computer Store, Inc.
229 W. Court Street
Prestonsburg, KY 41653

Absolute Home Phones, Inc.
710 NE 48th Avenue Road
Ocala, FL 34470

Access Fiber Group, Inc.
201 Summit Parkway
Birmingham, AL 35209

Access Point, Inc.
1100 Crescent Green, Suite 109
Cary, NC 27518

Accutel of Texas, Inc.
dba 1-800-4-A-PHONE
P. O. Box 721117
Dallas, TX 75372

ACN Communication Services, Inc.
1000 Progress Place
Concord, NC 28025

Acorn Telephone, LLC
2219 Bonnie Butler Way
Charlotte, NC 28270

Aero Communications, LLC
1301 Broadway
Suite 100
Paducah, KY 42001

Affinity Network, Inc.
4380 Boulder Highway
Las Vegas, NV 89121-3002

Affordable Phone Services, Inc.
dba High Tech
2855 SE 58th. Avenue
Ocala, FL 34471

Airespring, Inc.
6060 Sepulveda Blvd, 2nd Floor
Suite 220
Van Nuys, CA 91411

ALEC, Inc.
dba Volaris Telecom, Inc.
250 W. Main Street, Suite 1920
Lexington, KY 40507-1734

All American Telecom, Inc.
9116 Lantern Oak Way
Land O Lakes, FL 34638

Alliance Global Networks, LLC
1221 Post Road East
Westport, CT 06880

American Fiber Network, Inc.
9401 Indian Creek Parkway, Suite 280
Overland Park, KS 66210

American Telephone Company, LLC
c/o Telecom
5909 NW Expressway, Suite 101
Oklahoma City, OK 73132

American Tower Corporation / ATC Outdoor DAS
10 Presidential Way
Woburn, MA 01801

Armstrong Telecommunications, Inc.
One Armstrong Place
Butler, PA 16001

Assurance Home Phone Services, Inc.
1850 S.E. 18th Avenue, Apt. 3405
Ocala, FL 34471

Baldwin County Internet DSSI Service, LLC
P. O. Box 1245
Gulf Shores, AL 36547

Bandwidth.com CLEC, LLC
4001 Weston Parkway Suite 100
Cary, NC 27513

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

BCN Telecom, Inc.
550 Hills Drive
Bedminster, NJ 07921

Bellerud Communications, LLC
401B West Montgomery Street
Willis, TX 77378

BetterWorld Telecom, LLC
11951 Freedom Drive, 13th Floor
Reston, VA 20190

Big River Telephone Company, LLC
24 South Minnesota
P. O. Box 1608
Cape Girardeau, MO 63702

Birch Communications, Inc.
2300 Main Street, Suite 600
Kansas City, MO 64108

Birch Telecom of the South, Inc.
dba Birch
2300 Main Street, Suite 600
Macon, GA 64108

BLC Management LLC
dba Angles
450 Old Peachtree Road NW
Suite 101A
Suwanee, GA 30024

Bluegrass Telephone Company, Inc.
101 Mill Street
Leitchfield, KY 42754

Brandenburg Telecom, LLC
200 Telco Drive
Brandenburg, KY 40108

Broadview Networks, Inc.
800 Westchester Avenue, Suite N-501
Rye Brook, NY 10573

Broadvox-CLEC, LLC
1228 Euclid Avenue, Suite 390
Cleveland, OH 44115

Brydels Communications LLC
dba Golpe
549 Kenilworth Parkway
Baton Rouge, LA 70808

Budget Prepay, Inc.
dba Budget Phone
1325 Barksdale Blvd, Suite 200
Bossier City, LA 71111

BullsEye Telecom, Inc.
c/o Technologies
P. O. Drawer 200
Winter Park, FL 32790-0200

Business Telecom, Inc.
dba BTI
7037 Old Madison Pike
Suite 400
Huntsville, AL 35806

CAT Communications International, Inc.,
dba CCI
P. O. Box 11845
Roanoke, VA 24022-1845

Cellular Services, LLC
P. O. Box 240
Staffordsville, KY 41256

CenturyTel Fiber Company II, LLC
dba LightCore
11111 Dorsett Road
Maryland Hts., MO 63043

Cincinnati Bell Any Distance, Inc.
221 East Fourth Street
103-1280
Cincinnati, OH 45201

Cinergy MetroNet, Inc.
8829 Bond Street
Overland Park, KS 66214

CityNet Kentucky, LLC
113 Platinum Drive, Suite B
Bridgeport, WV 26330

CloseCall America, Inc.
101-A Log Canoe Circle
Stevensville, MD 21666

Comcast Phone of Kentucky, LLC
d/b/a Comcast
One Comcast Center
Philadelphia, PA 19103

CommPartners, LLC
8350 S. Durango Drive, Suite 200
Las Vegas, NV 89113

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

Communications Venture Corporation
5312 West Washington Center Road
Fort Wayne, IN 46818

ComTech 21, LLC
One Barnes Park South
Wallingford, CT 06492

Comtel Telcom Assets LP
dba Excel
433 E. Las Colinas Blvd., Suite 1300
Irving, TX 75039

Comtel Telcom Assets LP
dba VarTec Telecom,
433 E. Las Colinas Blvd., Suite 400
Irving, TX 75039

CoreTel Kentucky, Inc.
209 West Street, Suite 302
Annapolis, MD 21401

Covista, Inc.
225 East 8th Street, Suite 400
Chattanooga, TN 37402

Cumberland Cellular, Inc.
dba Duo County
P. O. Box 80
2140 N. HWY 127
Jamestown, KY 42629

DeltaCom, Inc.
7037 Old Madison Pike, Suite 400
Huntsville, AL 35806

Dialog Telecommunications, Inc.
756 Tyvola Road, Suite 100
Charlotte, NC 28217

Dialtone & More, Inc.
c/o Regulatory and Tax
450 Old Peachtree Road NW
Suite 101A
Suwanee, GA 30024

DIECA Communications, Inc.
dba Covad
7000 North MoPac Expressway
2nd Floor
Austin, TX 78731

dPi-Teleconnect, LLC
c/o TCS
3100 Cumberland Blvd SE, Suite 900
Atlanta, GA 30339-5930

DSLnet Communications, LLC
c/o Technologies
P. O. Drawer 200
Winter Park, FL 32790-0200

e-Tel, LLC
dba e-Tel Murray, LLC
601 Broadway, Suite B
Paducah, KY 42001

East Kentucky Network, LLC
101 Technology Trail
Ivel, KY 41642

EnTelegent Solutions, Inc.
3800 Arco Corporate Drive, Suite 310
Charlotte, NC 28273

Ernest Communications, Inc.
c/o Technologies
P. O. Drawer 200
Winter Park, FL 32790-0200

EveryCall Communications, Inc.
c/o Telecom
5909 Northwest Expressway, Suite 403
Oklahoma City, OK 73132

Express Phone Service, Inc.
1803 W. Fairfield Drive, Unit 1
Pensacola, FL 32501

FiberNet, LLC
1200 Greenbrier Street
Charleston, WV 25311

First Choice Technologies, Inc.
411 Ring Road
Elizabethtown, KY 42701

Flatel Company, Inc.
dba Florida Telephone Co.
2300 Palm Beach Lakes Blvd., Suite 100
West Palm Beach, FL 33409

France Telecom Corporate Solutions L.L.C.
13775 McLearen Road
Mail Stop 1100
Oak Hill, VA 20171-3212

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

Ganoco, Inc.
dba American Dial Tone, Inc.
2323 Curlew Road, Suite 7
Dunedin, FL 34698

Global Capacity Direct, LLC
f/k/a Vanco Direct
P. O. Drawer 200
Winter Park, FL 32790-0200

Global Capacity Group, Inc.
c/o Telecom
5909 Northwest Expressway, Suite 101
Oklahoma City, OK 73132

Global Connection Inc. of America
5555 Oakbrook Parkway, Suite 620
Norcross, GA 30093

Global Crossing Local Services, Inc.
225 Kenneth Drive
Rochester, NY 14623

Global Crossing Telemanagement, Inc.
225 Kenneth Drive
Rochester, NY 14623

Go-Tel, LLC
P. O. Box 1138
Yazoo City, MS 39194

Granite Telecommunications, LLC
100 Newport Avenue Ext
Quincy, MA 02171

Hypercube Telecom, LLC
5300 Oakbrook Parkway
Bldg. 300, Suite 330
Norcross, GA 30093

IBFA Acquisition Company, LLC
1850 Howard Street, Unit C
Elk Grove Vlg., IL 60007

IDS Telcom Corp.
dba Cleartel
P. O. Drawer 200
Winter Park, FL 32790-0200

IDT America, Corp.
520 Broad Street
Newark, NJ 07102-3111

Image Access, Inc.
dba NewPhone
5555 Hilton Ave. # 415
Baton Rough, LA 70808

iNetworks Group, Inc.
125 S. Wacker Drive, Suite 2510
Chicago, IL 60606

Infotelecom, LLC
1228 Euclid Avenue, Suite 390
Cleveland, OH 44115

Insight Phone of Kentucky, LLC
c/o Technologies
P. O. Drawer 200
Winter Park, FL 32790-0200

IntelePeer, Inc.
2855 Campus Drive, Suite 200
San Mateo, CA 94403

Inter-Mountain Cable, Inc.
dba MTS
20 Laynesville Road
P. O. Box 159
Harold, KY 41635

Intrado Communications, Inc.
c/o Technologies
P. O. Drawer 200
Winter Park, FL 32790

IPC Network Services, Inc.
1 State Street Plaza, 12th Floor
New York, NY 10004

Jack W. Pruitte
dba First Phone
3281-B Fort Campbell Blvd.
Clarksville, TN 37041

Kentucky Data Link, Inc.
8829 Bond Street
Overland Park, KS 66214

Knology of Kentucky, Inc.
1241 O. G. Skinner Drive
West Point, GA 31833

Level 3 Communications, L.L.C.
1025 Eldorado Boulevard
Broomfield, CO 80021

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

Lifeconnex Telecom, LLC
c/o Regulatory and Tax
450 Old Peachtree Road NW, Suite 101A
Suwanee, GA 30024

Lightyear Network Solutions, LLC
1901 Eastpoint Parkway
Louisville, KY 40223

Linkup Telecom, Inc.
293 N. Cherrypop Drive
Inverness, FL 34453

Matrix Telecom, Inc.
c/o Telecom Professionals,
5909 Northwest Expressway, Suite 403
Oklahoma City, OK 73132

MCC Telephony of the South, LLC
100 Crystal Run Road
Middletown, NY 10941

MCI Communications Services, Inc.
5055 North Point Parkway
Alpharetta, GA 30022

MCIMetro Access Transmission Services, LLC
5055 North Point Parkway
Alpharetta, GA 30022

McLeodUSA Telecommunications Services, Inc.
One Marth's Way
P. O. Box 3177
Hiawatha, IA 52233

Metropolitan Telecommunications of Kentucky
55 Wall Street, 31st Floor
New York, NY 10041

Midwestern Telecommunications, Inc.
65 E. 16th. Street, Suite 300
Chicago Heights, IL 60411

Mitel NetSolutions, Inc.
7300 W. Boston Street
Chandler, AZ 85226

Mobilitie, LLC
c\o Davis Wright Tremaine, LLP
1919 Pennsylvania Avenue N.W.
Suite 200
Washington, DC 20056

Momentum Telecom, Inc.
2700 Corporate Drive, Suite 200
Birmingham, AL 35243

Navigator Telecommunications, LLC
8525 Riverwood Park Drive
P. O. Box 13860
N. Little Rock, AR 72113-9860

NET TALK.COM, INC.
1100 NW 163rd Drive, Suite 3
N. Miami Beach, FL 33169

Network Innovations, Inc.
1101 W. Lake Street, 6th Floor
Chicago, IL 60607

Network Telephone Corporation
dba Cavalier
3300 North Pace Boulevard
Pensacola, FL 32505

Neutral Tandem-Kentucky, LLC
1 South Wacker Drive, Suite 200
Chicago, IL 60606

New Edge Network, Inc.
dba New Edge Networks
3000 Columbia House Boulevard
Suite 106
Vancouver, WA 98661-2969

New Talk, Inc.
112 E. Seminary Drive, Suite B
Fort Worth, TX 76115

Nextlink Wireless, Inc.
13865 Sunrise Valley Drive
Herndon, VA 20171

Nexus Communications, Inc.
3629 Cleveland Avenue, Suite C
Columbus, OH 43224

NGTelecom, Inc.
505 North Toombs Street
Valdosta, GA 31601

Norlight Telecommunications, Inc.
8829 Bond Street
Overland Park, KS 66214

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

Norlight, Inc.
aka Cinergy Communications
8829 Bond Street
Overland Park, KS 66214

North Central Communications, Inc.
872 Highway 52 By-Pass E
P. O. Box 70
Lafayette, TN 37083

NOS Communications, Inc.
dba 001
4380 Boulder Highway
Las Vegas, NV 89121-3002

NovaTel LTD, Inc.
11550 IH-10 West, Suite 110
San Antonio, TX 78230

NOW Communications, Inc.
dba Cleartel
Technologies Management, Inc.
P. O. Drawer 200
Winter Park, FL 32790-0200

NSW Telecom, Inc.
234 S. Main Street
P. O. Box 213
Eaton Rapids, MI 48827

NuVox Communications, Inc.
Two North Main Street
Greenville, SC 29601

Ohio County Networks
dba Greater Ohio Valley
109 SR 1543
P. O. Box 1
Hartford, KY 42347

One Voice Communications, Inc.
c/o Technologies
210 N. Park Ave.
P. O. Drawer 200
Winter Park, FL 32790-0200

OneTone Telecom, Inc.
100 Century Plaza, Suite 9-1
Seneca, SC 29672

Pac-West Telcomm, Inc.
4210 Coronado Avenue
Stockton, CA 95204

PAETEC Communications, Inc.
600 Willowbrook Office Park
Fairport, NY 14450

PCB Communications, Inc.
817 E. Prien Lake Road
Lake Charles, LA 70601

Phone Club Corporation
168 SE 1st Street, Suite 705
Miami, FL 33131

Phoneaid Communications Corp.
3749D Gulf Breeze Pkwy #331
Gulf Breeze, FL 32563

PNG Telecommunications, Inc.
dba PowerNet
100 Commercial Drive
Fairfield, OH 45014-5556

ProNet Communications, Inc.
1775 Eagle Drive
P. O. Box 966
Morehead, KY 40351

Quality Telephone, Inc.
600 N. Pearl St, Suite 5104
Dallas, TX 75201

QuantumShift Communications, Inc.
c/o TCS
3100 Cumberland Blvd SE, Suite 900
Atlanta, GA 30339-5930

Quick-Connect Communications, LLC
1320 Madison Avenue
Covington, KY 41011

Qwest Communications Company, LLC
1801 California Street, 51st Floor
Denver, CO 80202

Ruddata Corporation
dba Vision Communications
523 S. Third Street
Paducah, KY 42003

Sage Spectrum, LLC
805 Central Expressway South, Suite 100
Allen, TX 75013-2789

Sage Telecom Inc.
805 Central Expressway South, Suite 100
Allen, TX 75013-2789

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

Serenity, Inc.
dba Five D's Communications
P. O. Box 520
Harrodsburg, KY 40330

Shelby Communications, LLC
P. O. Box 562
Simpsonville, KY 40067

Smart Connections, Inc.
12815 Emerald Coast Parkway
Suite 124
Destin, FL 32550

South Central Telcom, LLC
1399 Happy Valley Road
P. O. Drawer 159
Glasgow, KY 42142-0159

SouthEast Telephone, Inc.
106 Power Drive
P.O. Box 1001
Pikeville, KY 41502-1001

Southern Light, LLC
156 Saint Anthony St.
Mobile, AL 36603

Spectrotel, Inc.
3535 State Highway 66, Suite 7
Nepture, NJ 07753

SpeedBeam Lexington, LLC
2331 Fortune Drive, Suite 250
Lexington, KY 40509

Sprint Communications Company, L.P.
c/o Sprint
4701 Mercantile Drive, North
Forth Worth, TX 76137-3606

Syniverse Technologies, Inc.
8125 Highwoods Palm Way
Tampa, FL 33647

T.V. Service, Inc.
2742 Hwy 550 E.
Hindman, KY 41822

Talk America, Inc.
d/b/a Cavalier Telephone
3300 North Pace Boulevard
Pensacola, FL 32505

Tel-Tech Communications
3400 Lower McIntosh Road
P. O. Box 242
Stinnett, KY 40868

Telcentrex, LLC
5 Concourse Parkway #1925
Atlanta, GA 30328

TelCove Operations, LLC
c/o Level 3
1025 Eldorado Boulevard
Broomfield, CO 80021

Telecom Management, Inc.
dba Pioneer
39 Darling Avenue
South Portland, ME 04106

TeleDias Communications, Inc.
5605 Riggins Court, Suite 265
Reno, NV 89502

Telrite Corporation
4113 Monticello Street
Covington, GA 30014

Tennessee Independent
Telecommunications
211 Commerce Street, Suite 610
Nashville, TN 37201

Tennessee Telephone Service, LLC
c/o Telecom
5909 Northwest Expressway, Suite 403
Oklahoma City, OK 73132

TeraBlue, Inc.
167 West Main Street
Lexington, KY 40507

The Electric & Water Plant Board of the City
of Frankfort
P. O. Box 308
Frankfort, KY 40602

The Other Phone Company, Inc.
dba Access One
3300 North Pace Boulevard
Pensacola, FL 32505

Time Warner Cable Information Services,
LLC
60 Columbus Circle
New York, NY 10023

Exhibit A
List of Kentucky Competitive Local Exchange Carriers (CLECs)

Touchtone Communications, Inc.
16 South Jefferson Road
Whippany, NJ 07981

Trans National Communications Int'l
2 Charlesgate West
Boston, MA 02215

TVD Broadband Services, LLC
20 Laynesville Road
P. O. Box 160
Harold, KY 41635

TW Telecom of Kentucky, LLC
555 Church Street, Suite 2300
Nashville, TN 37219

U. S. South Communications, Inc.
250 Williams Street, Suite M-100
Atlanta, GA 30303

UCN, Inc.
7730 South Union Park Avenue, Suite 500
Midvale, UT 84047

Universal Telecom, Inc.
208 Parker Drive, Suite 1C
LaGrange, KY 40031

University Telcom, Inc.
611 N. Carol Malone Blvd.
Grayson, KY 41143

US Digital Online, Inc.
402 West White Oak
Leitchfield, KY 42754

US LEC of Tennessee, Inc.
dba PAETEC
Morrocroft III
6801 Morrison Blvd.
Charlotte, NC 28211

Vanco US, LLC
200 S. Wacker Drive, Suite 1600
Chicago, IL 60606

Velocity Networks of Kentucky, Inc.
120 East Third Street
Russellville, KY 42276

Velocity The Greatest Phone Company Ever, Inc.
7130 Spring Meadows West Drive
Holland, OH 43528

Wholesale Carrier Services, Inc.
5471 N. University Drive
Coral Springs, FL 33067

WilTel Local Network, LLC
c/o Level 3
712 North Main Street
Coudersport, PA 16915

Win.Net Telecommunications, Inc.
1048 E. Chestnut
Louisville, KY 40204

Windstream Communications, Inc.
124 E. Main Street
P. O. Box 458
Ephrata, PA 17522-0458

XO Communications Services, Inc.
13865 Sunrise Valley Drive
Herndon, VA 20171

Ygnition Networks, Inc.
565 Andover Park West 3201
Seattle, WA 98188

YMax Communications Corp.
c/o Technologies
P. O. Drawer 200
Winter Park, FL 32790-0200

Zayo Bandwidth, LLC
901 Front Street, Suite 200
Louisville, CO 80027

782776

EXHIBIT B

List of Kentucky Rural Local Exchange Carriers (RLECs)

Ballard Rural Telephone Cooperative Corporation
159 W. 2nd Street
P. O. Box 209
La Center, KY 42056-0209

Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY 40108

Duo County Telephone Cooperative Corporation
2150 N. Main Street
P. O. Box 80
Jamestown, KY 42629

Foothills Rural Telephone Cooperative
1621 Kentucky Route 40 W
P. O. Box 240
Staffordsville, KY 41256

Gearheart Communications Co., Inc.
20 Laynesville Road
P. O. Box 160
Harold, KY 41635

Highland Telephone Cooperative, Inc.
7840 Morgan County Highway
P. O. Box 119
Sunbright, TN 37872

Leslie County Telephone Company, Inc.
10025 Investment Drive, Suite 200
Knoxville, TN 37932

Lewisport Telephone Company, Inc.
10025 Investment Drive, Suite 200
Knoxville, TN 37932

Logan Telephone Cooperative, Inc.
10725 Bowling Green Road
P. O. Box 97
Auburn, KY 42206

Mountain Telephone Cooperative, Inc.
405 Main Street
P. O. Box 399
West Liberty, KY 41472-0399

North Central Telephone Cooperative, Inc.
872 Highway 52 By-Pass
P. O. Box 70
Lafayette, TN 37083-0070

Peoples Rural Telephone Cooperative
P. O. Box 159
McKee, KY 40447

Salem Telephone Company
c/o TDS-Telecom
10025 Investment Drive, Suite 200
Knoxville, TN 37932

South Central Rural Telephone Cooperative
1399 Happy Valley Road
P. O. Box 159
Glasgow, KY 42141-0159

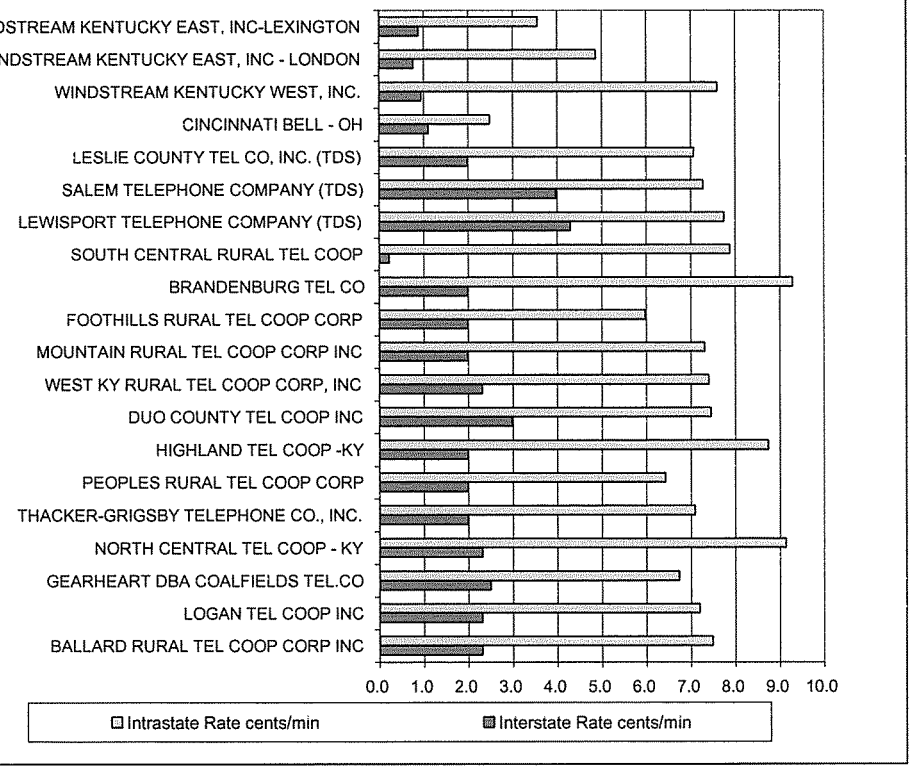
Thacker-Grigsby Telephone Company, Inc.
60 Communications Lane
P. O. Box 789
Hindman, KY 41822

West Kentucky Rural Telephone Cooperative
237 North Eighth Street
P. O. Box 649
Mayfield, KY 42066-0649

Kentucky RLEC Intrastate Switched Access Rates are Multiples of Their Interstate Rate for the Same Functionality

EXHIBIT C

Corporate Parent	Company Name	Access Lines
WINDSTREAM COMMUNICATIONS (Little Rock, AR)	**WINDSTREAM CORPORATION**	**441,156**
	WINDSTREAM KENTUCKY EAST, INC-LEXINGTON	338,068
	WINDSTREAM KENTUCKY EAST, INC - LONDON	84,619
	WINDSTREAM KENTUCKY WEST, INC.	18,469
CINCINNATI BELL, INC. (Cincinnati, OH)	**CINCINNATI BELL - OH**	**161,239**
TDS TELECOM (Chicago, IL)	**TDS**	**11,389**
	LESLIE COUNTY TEL CO, INC. (TDS)	8,280
	SALEM TELEPHONE COMPANY (TDS)	1,895
	LEWISPORT TELEPHONE COMPANY (TDS)	1,214
UNAFFILIATED RLECS	**UNAFFILIATED**	**151,926**
	SOUTH CENTRAL RURAL TEL COOP	25,101
	BRANDENBURG TEL CO	22,997
	FOOTHILLS RURAL TEL COOP CORP	15,245
	MOUNTAIN RURAL TEL COOP CORP INC	15,003
	WEST KY RURAL TEL COOP CORP, INC	14,691
	DUO COUNTY TEL COOP INC	11,738
	HIGHLAND TEL COOP -KY	8,953
	PEOPLES RURAL TEL COOP CORP	7,846
	THACKER-GRIGSBY TELEPHONE CO., INC.	7,061
	NORTH CENTRAL TEL COOP - KY	6,156
	GEARHEART DBA COALFIELDS TEL.CO	5,896
	LOGAN TEL COOP INC	5,796
	BALLARD RURAL TEL COOP CORP INC	5,441
Total KY RLECs		**765,710**



Source/Notes:
Source for Lines is 2008 Annual Filing CAP-1 TRPs
Lines: 2008 Annual Filing CAP-1 TRPs for Price Cap companies and NECA USF 9/08 data submission for ROR.
NECA USF 9/08 Data Submission were adjusted by factor of .95 to reflect removal of official business lines (non-end user).
Access rates based on AT&T analysis of Interstate Annual Filing and publicly available tariff rates.

EXHIBIT D

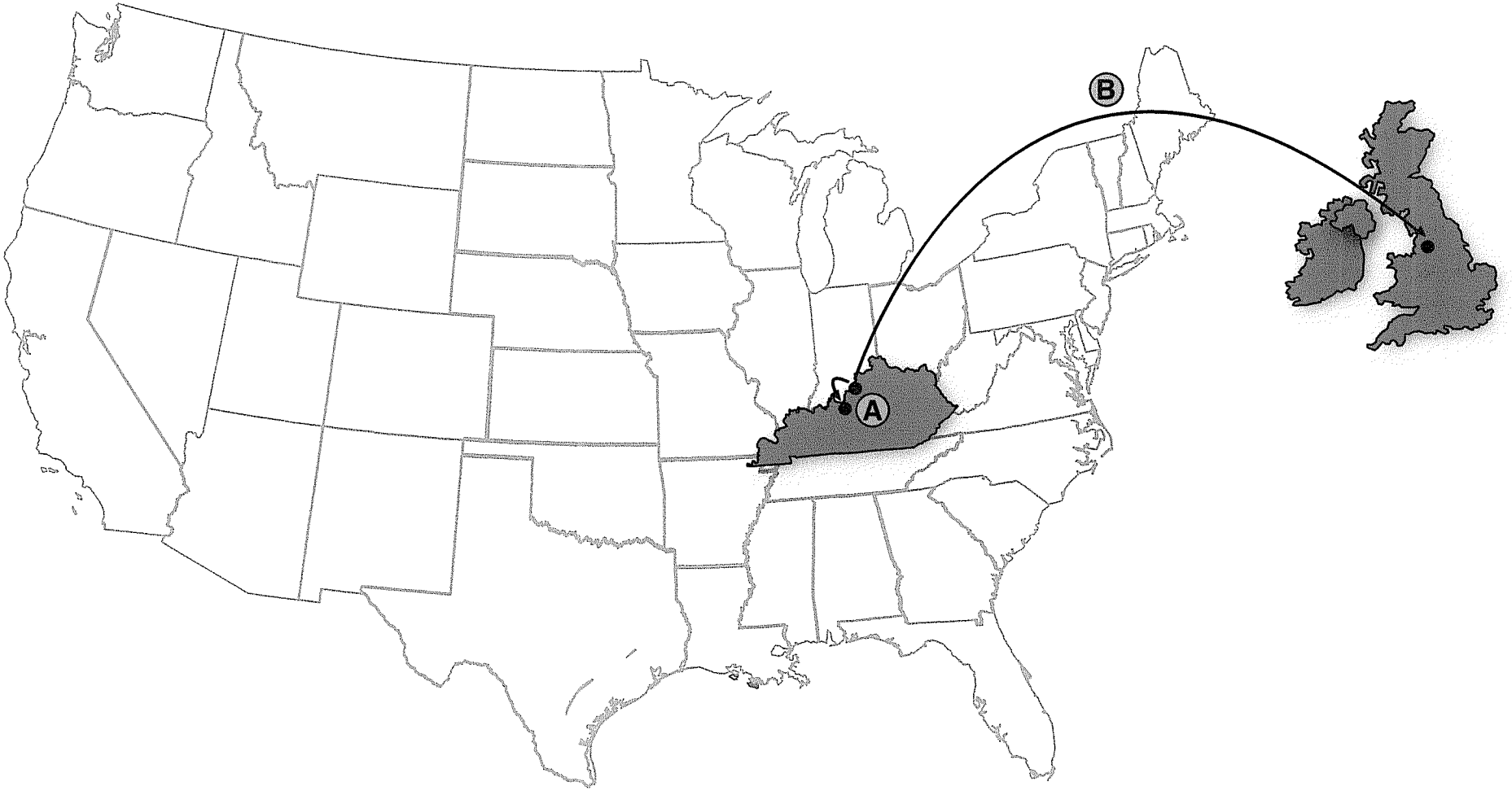
Kentucky CLEC	Blended Intrastate ARPM	Percent Greater Than ILEC
Nuvox Communications (Clear Access)	$.0762	1030%
Cinergy MetroNet	$.0748	1009%
Norlight (a/k/a Cinergy Communications)	$.0748	1009%
SouthEast Tel. Co.	$.0643	853%
Dialog Telecommunications	$.0637	844%
Bandwidth.com	$.0600	789%
Insight Phone (Zone 4)	$.0556	725%
Nuvox Communications (Direct Access)	$.0514	662%
BullsEye Telecom	$.0410	508%
USLEC	$.0394	483%
XO Communications	$.0304	351%
Sprint Communications	$.0286	324%
YMax Communications	$.0275	308%
Brandenburg Telecom	$.0272	303%
South Central Telcom	$.0272	303%
North Central Communications	$.0272	303%
Insight Phone (Zone 1,2,3,5)	$.0262	288%
Telcove	$.0206	205%
Level 3	$.0205	204%
Ernest Communications	$.0200	196%
Armstrong Telecommunications	$.0147	118%
tw telecom (Cincinnati markets)	$.0126	87%
MCIMetro Access Transmission Services (Direct Connect)	$.0103	53%
tw telecom (Lexington, Louisville markets)	$.0102	51%
MCIMetro Access Transmission Services (Tandem Connect)	$.0097	44%
Metropolitan Telecommunications	$.0043	-36%
CLEC Intrastate Average Switched Access Rate/Minute	**$.0353**	**424%**
CLECs That Mirror AT&T ILEC		
TCG		
Comcast Phone		
Birch Telecom		
Sage Telecom		
AT&T Kentucky Intrastate Switched Access Rate/Minute	**$.0067**	

Access rates are illustrative. They are modeled from readily accessible, publicly available switched access tariffs. To facilitate an "apples to apples" comparison, this analysis assumes 50% Originating/Terminating usage, 20% tandem usage, tandem facilities mileage at 10 miles, and "direct access" rates where applicable. ARPM includes the following, as applicable: common carrier line, local switching, information surcharge, interconnection charge, common port, common transport, tandem transport, and tandem switching.

CLEC Intrastate Average Switched Access Rate/Minute is a simple average of all carriers in this analysis.

Tariff source: CCMI/Telview

A 10-minute phone call from Louisville, KY to Radcliff, KY (A) costs 1 dollar, while a call from Louisville, KY to Radcliffe, United Kingdom (B) costs 46 cents.



Sources:
Access rates are illustrative. They are modeled from readily accessible, publicly available switched access tariffs. To facilitate an "apples to apples" comparison, this analysis assumes 50% Originating/Terminating usage, 20% tandem usage, tandem facilities mileage at 10 miles, and "direct access" rates where applicable. ARPM includes the following, as applicable: common carrier line, local switching, information surcharge, interconnection charge, common port, common transport, tandem transport, and tandem switching.
International rate: Source: 2006 FCC 43-61 International Traffic Data for All US Points

Tariff source: CCMI/Telview

A 10-minute phone call from Richmond, KY to Ashland, KY (A) costs 42 cents, while a call from Richmond, KY to Ashland, OR (B) costs only 15 cents.

Sources:
Access rates are illustrative. They are modeled from readily accessible, publicly available switched access tariffs. To facilitate an "apples to apples" comparison, this analysis assumes 50% Originating/Terminating usage, 20% tandem usage, tandem facilities mileage at 10 miles, and "direct access" rates where applicable. ARPM includes the following, as applicable: common carrier line, local switching, information surcharge, interconnection charge, common port, common transport, tandem transport, and tandem switching.

Tariff source: CCMI/Telview

A 10-minute phone call from Paducah, KY to Salem, KY (A) costs 80 cents, while a call from Paducah, KY to Salem, MA (B) costs only 14 cents.

Sources:
Access rates are illustrative. They are modeled from readily accessible, publicly available switched access tariffs. To facilitate an "apples to apples" comparison, this analysis assumes 50% Originating/Terminating usage, 20% tandem usage, tandem facilities mileage at 10 miles, and "direct access" rates where applicable. ARPM includes the following, as applicable: common carrier line, local switching, information surcharge, interconnection charge, common port, common transport, tandem transport, and tandem switching.

Tariff source: CCMI/Telview

EXHIBIT F

AT&T PLAN FOR KENTUCKY SWITCHED ACCESS REFORM

This five year Access Reform Plan ("Plan") ensures that each Kentucky Incumbent Local Exchange Carrier ("ILEC") that reforms its Kentucky intrastate switched access charges to match, in rate level and rate structure, its interstate switched access charges will have the opportunity to recoup for each billable line in service 100% of any reduction in switched access revenues through a combination of increased retail rates and amounts drawn from the Kentucky Universal Service Fund ("KUSF"). The Plan also requires each Competitive Local Exchange Carrier ("CLEC") to reduce its intrastate access rates so that on average they are no higher than the rates of the ILECs with which they compete. The Plan is as follows:

1. Thirty (30) days following a Commission Order adopting the Plan, each CLEC's overall weighted average intrastate switched access rates are capped at, and must be maintained at no greater than, the overall weighted average intrastate rates of the ILEC(s) with which the CLEC competes. CLECs currently have full retail rate pricing flexibility that can be used, in each CLEC's discretion, to recoup any resulting switched access revenue reductions.

2. One-hundred eighty (180) days[1] following the Commission Order, each ILEC shall implement intrastate switched access rates that are identical, in rate level and rate structure, to the ILEC's interstate switched access rates. Whenever changes occur to an ILEC's interstate switched access rates and/or rate structure, the ILEC shall implement identical changes to its provision of intrastate switched access services.

3. The Commission Order will establish a single statewide local exchange service rate benchmark ("Benchmark") applicable to all billable retail local exchange lines in service. To the extent allowed by law, each ILEC will have pricing flexibility to increase its price for any retail basic local exchange service line[2] to the Benchmark level, except that, unless otherwise ordered by the Commission, the increase implemented in each year of the Plan shall be limited to $2.00 per line per month (the "Transitional Cap"). To the extent allowed by law, the Commission Order will grant ILECs additional pricing flexibility to increase retail basic local exchange service rates up to $2.00 per line per month each year of the Plan until rates reach the Benchmark.

3.1. To the extent any ILEC, that elected alternative rate regulation under KRS 278.543 prior to January 1, 2010, has its rates capped at the time this Plan is implemented, the difference between the capped rates and the Benchmark will be replaced with KUSF distributions until the rate cap expires, at which point the ILEC will continue to draw from the KUSF as set forth below.

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[1] The additional 150 days (five months) provided to ILECs would be used to implement a Kentucky Universal Service Fund ("KUSF").

[2] The price of all billable local exchange lines of an ILEC, including those contained in a bundled offering, is assumed for purposes of the Plan to be the ILEC's basic local exchange rate in the exchange in which the line is being provided.

3.2. In the event an ILEC is allowed during the five years of the Plan to establish new rates for retail local exchange service above the Benchmark, the resulting revenue increase above the Benchmark will not be subtracted from the ILEC's KUSF distribution, if any.

4. Distributions from the KUSF will be determined as follows:

4.1. Each ILEC's Total Access Revenue Shift will be determined by calculating, for the calendar year prior to the Commission's order, the difference between the ILEC's total intrastate switched access revenues and the switched access revenues the ILEC would have collected had it applied its interstate switched access rates for the provision of intrastate switched access services.

4.2. Each ILEC's Per Line Access Shift will be determined by dividing the ILEC's Total Access Revenue Shift by the number of billable retail local exchange lines the ILEC had in service as of October 31 of the calendar year prior to the Commission's order. Administrative and official lines shall not be included in the calculation.

4.3. Each year of the Plan, each ILEC will recover from the KUSF its Annual Access Revenue Shift less its Additional Retail Revenue Opportunity, calculated prior to the beginning of the upcoming year ("the upcoming Plan year") as set forth below. If the calculations performed for an upcoming Plan year show that an ILEC's Annual Access Revenue Shift less its Additional Retail Revenue Opportunity produces a number at or less than zero, the ILEC will not be permitted to draw from the KUSF in the upcoming Plan year or in any subsequent year of the Plan. The specific calculations to be performed for each year of the Plan are set forth in Section 4.6, below, and are controlling.

4.4. The ILEC's Annual Access Revenue Shift for an upcoming Plan year is equal to the number of billable retail local exchange lines the ILEC had in service as of October 31 in the year prior to the upcoming Plan year times the ILEC's Per Line Access Shift as defined in Section 4.2, above.

4.5. The ILEC's Additional Retail Revenue Opportunity for each upcoming Plan year consists of two parts:

4.5.1. For each retail local exchange line which price (inclusive of any increases available, but not taken, under this Plan) is in a range from $0.01 to $2.00 below the Benchmark, as of October 31 of the year preceding the upcoming year of the Plan, the difference between the rate and the Benchmark, times 12, totaled for all such lines, plus

4.5.2. For each retail local exchange line which price (inclusive of any increases available, but not taken, under this Plan) is more than $2 below the Benchmark, as of October 31 of the year preceding the upcoming year of the Plan, $2 times 12, totaled for all such lines.

4.5.3. The specific calculations to be performed for each year of the Plan are set forth in Section 4.6, below, and are controlling.

4.6. Each ILEC will be entitled to recover from the KUSF for each year of the Plan as follows:

4.6.1. Year 1 – Each ILEC will be entitled to recover its Annual Access Revenue Shift less its Additional Retail Revenue Opportunity (as determined in the Commission Order and consistent with Sections 4.3, 4.4 and 4.5, above).

4.6.2. Year 2 – Each ILEC will be entitled to recover the amount it recovered in Year 1, with the following adjustments: (a) adjust for any change in the ILEC's number of billable retail local exchange lines as of October 31 of Year 1,[3] then subtract the sum of (b) for each billable retail local exchange line in service priced below the Benchmark, but within $2.00 of the Benchmark, as of October 31 in Year 1,[4] the difference between the rate and the Benchmark, summed for all such lines, times 12, plus (c) for each billable retail local exchange line in service priced more than $2.00 below the Benchmark as of October 31 of Year 1 (see fn. 3), $2.00 times the number of such lines, times 12.

4.6.3. Year 3 - Each ILEC will be entitled to recover the amount it recovered in Year 2, with the following adjustments: (a) adjust for any change in the ILEC's number of billable retail local exchange lines as of October 31 of Year 2 (see fn.2), then subtract the sum of (b) for each billable retail local exchange line in service priced below the Benchmark, but within $2.00 of the Benchmark, as of October 31 in Year 2 (see fn. 3), the difference between the rate and the Benchmark, summed for all such lines, times 12, plus (c) for each billable retail local exchange line in service priced more than $2.00 below the Benchmark as of October 31 of Year 2 (see fn. 3), $2.00 times the number of such lines, times 12.

4.6.4. Year 4 - Each ILEC will be entitled to recover the amount it recovered in Year 3, with the following adjustments: (a) adjust for any change in the ILEC's number of billable retail local exchange lines as of October 31 of Year 3 (see fn.2), then subtract the sum of (b) for each billable retail local exchange line in service priced below the Benchmark, but within $2.00 of the Benchmark, as of October 31 in Year 3 (see fn. 3), the difference

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[3] If the ILEC's number of billable lines in service increases from the prior October 31, add an amount equal to the increase in lines times the Per Line Access Shift times 12. If the ILEC's number of billable lines in service decreases from the prior October 31, subtract an amount equal to the decrease in lines times the Per Line Access Shift times 12.

[4] Nothing in the Plan precludes an ILEC from reducing any of its basic local service rates at any time, but any such reductions will be disregarded for purposes of calculating Kentucky USF distributions under the Plan so that an ILEC may not reduce its retail local exchange prices to increase its draw from the Kentucky USF. Likewise, an ILEC may not increase its distribution from the Kentucky USF by electing to forego available retail local exchange service price increases. The price used for this calculation shall be the highest price the ILEC had in effect during the preceding year, adjusted upward for any price increase the ILEC could have implemented under this Plan but elected to forego. *See* Sections 4.5.1 and 4.5.2.

between the rate and the Benchmark, summed for all such lines, times 12, plus (c) for each billable retail local exchange line in service priced more than $2.00 below the Benchmark as of October 31 of Year 3 (see fn. 3), $2.00 times the number of such lines, times 12.

4.6.5. Year 5 - Each ILEC will be entitled to recover the amount it recovered in Year 4, with the following adjustments: (a) adjust for any change in the ILEC's number of billable retail local exchange lines as of October 31 of Year 4 (see fn.2), then subtract the sum of (b) for each billable retail local exchange line in service priced below the Benchmark, but within $2.00 of the Benchmark, as of October 31 in Year 4 (see fn. 3), the difference between the rate and the Benchmark, summed for all such lines, times 12, plus (c) for each billable local exchange line in service priced more than $2.00 below the Benchmark as of October 31 of Year 4 (see fn. 3), $2.00 times the number of such lines, times 12.

5. No earnings test would be required of the ILECs to qualify for the Kentucky USF distributions.

6. Contributions to the KUSF will occur as follows.

6.1. All providers having Kentucky retail intrastate telecommunications revenues would contribute to the KUSF, including wireline ILECs, CLECs, wireless carriers and IXCs.

6.2. The KUSF contribution assessment will mirror the current Federal USF contribution methodology (*i.e.*, based on intrastate retail telecommunications revenues). If the Federal USF contribution methodology is changed in the future (*e.g.*, to be based upon telephone numbers and/or dedicated connections), then the Commission shall open a proceeding to evaluate the KUSF contribution methodology to consider whether the KUSF contribution methodology should be changed, and if so, how. If the KUSF contribution methodology is revised, the Commission shall allow a reasonable implementation period.

6.3. By November 15 of each year of the Plan, the Commission or its designee will calculate a KUSF assessment for the upcoming Plan year, expressed as a percentage of intrastate retail telecommunications revenues, by dividing the expected KUSF distributions by the expected Kentucky intrastate retail telecommunications revenues, adjusting for a prior-year fund surplus or deficit, if any. Providers will be able to file their Kentucky intrastate retail telecommunications revenue data on a confidential basis.

6.4. Providers are permitted, but not required, to recover their KUSF assessments from their end user customers, and may do so, e.g., through a separate line item for the KUSF assessment on retail customers' bills.

7. Not later than January 1 of Year 5 of the Plan, the Commission shall open a proceeding to review and reevaluate all aspects of the Plan, including the Benchmark and the necessity for continued KUSF distributions, which proceeding shall be completed by December 1 of Year 5 of the Plan. Interested parties shall be provided with notice and an opportunity to comment.

8. In the event the Federal Communications Commission (FCC) issues an order modifying its current methodology for establishing interstate switched access charges, the Kentucky Commission will open a proceeding to determine what changes, if any, are required to this Plan, such proceeding to be completed within 120 days of the effective date of any such FCC order.

EXHIBIT G

PROPOSED PROCEDURAL SCHEDULE

April 30, 2010	Commission Assign Case No. and Issue Procedural Schedule
May 14, 2010	Parties to Answer Complaint
May 28, 2010	Workshop I for All Parties Interested
June 4, 2010	First Data Requests
June 25, 2010	Responses to Data Requests
July 9, 2010	Second Data Requests
July 23, 2010	Responses to Second Data Requests
August 18, 2010	Simultaneous Prefiled Direct Testimony
September 8, 2010	Simultaneous Prefiled Rebuttal Testimony
Month of October	Potential Hearing Dates

Simultaneous Post-Hearing Briefs: 30 days after receipt of hearing transcript

Simultaneous Post-Hearing Reply Briefs: 20 days after Post-Hearing Briefs

Commission Decision: 45 days after Post-Hearing Reply Briefs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individuals and those individuals listed on Exhibits A and B by mailing a copy thereof via U.S. Mail, this 21st day of April 2010.

Cincinnati Bell Telephone Company
221 East Fourth Street
P. O. Box 2301
Cincinnati, OH 45201-2301

Windstream Kentucky East, LLC
124 E. Main Street
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Ephrata, PA 17522-0458

Windstream Kentucky West, LLC
124 E. Main Street
P. O. Box 458
Ephrata, PA 17522-0458

Mary K. Keyer