

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

BALLARD RURAL TELEPHONE COOPERATIVE)
CORPORATION, INC., ET AL.)
COMPLAINANTS)
v.)
BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A)
AT&T KENTUCKY)
DEFENDANT/THIRD PARTY COMPLAINANT)
v.)
HALO WIRELESS, INC.)
THIRD PARTY DEFENDANT)

CASE No. 2011-00199

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COMMISSION

**JOINT MOTION TO EXTEND PROCEDURAL SCHEDULE
AND REQUEST FOR AN EXPEDITED RULING**

Complainants Ballard Rural Telephone Cooperative Corporation, Inc., Brandenburg Telephone Company, Duo County Telephone Cooperative Corporation, Inc., Foothills Rural Telephone Cooperative, Inc., Gearheart Communications Co., Inc., Highland Telephone Cooperative, Inc., Logan Telephone Cooperative, Inc., Mountain Rural Telephone Cooperative Corporation, Inc., North Central Telephone Cooperative Corporation, Peoples Rural Telephone Cooperative, Inc., South Central Rural Telephone Cooperative Corporation, Inc., Thacker-Grigsby Telephone Company, Inc., and West Kentucky Rural Telephone Cooperative Corporation, Inc. (the "RLECs"), and Defendant/Third Party Complainant BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") (collectively the "Parties"), by counsel, hereby jointly move to extend the procedural schedule in this matter and request an expedited ruling on this motion. In support of the motion and the request, the Parties state as follows.

1. This matter comes before the Commission by formal complaint against AT&T Kentucky filed by the RLECs on May 24, 2011.

2. On July 22, 2011, Bluegrass Telephone Co., Inc. d/b/a Kentucky Telephone Company (“KTC”) moved for limited intervention, which the Commission granted by Order on August 5, 2011.

3. After removal to, and remand from, the United States District Court for the Eastern District of Kentucky, and in light of the promulgation of new regulations that provide for only full intervention, the Commission issued an Order on September 10, 2013 granting KTC full intervention and providing all parties to the proceeding an opportunity to object. AT&T Kentucky objected to KTC’s status as a full intervenor on September 20, 2013.

4. Sustaining the objections of AT&T Kentucky in its Order of December 11, 2013, the Commission found that “KTC’s issues and facts presented in support of full intervention are sufficiently different from those presented by the RLECs and that KTC’s full participation in this matter [would] unduly complicate this proceeding. . . . Allowing KTC to become a full party to this case would expand the issues beyond those presented by the RLECs and unnecessarily delay and complicate this proceeding.” The Commission therefore dismissed KTC as a party to the case.

5. In addition to this dismissal, the Commission’s December 11, 2013 Order also established an amended procedural schedule which, among other things, requires that responses to initial requests for information be filed no later than December 20, 2013.

6. During the pendency of AT&T Kentucky’s objections to KTC’s status as a full intervenor, the parties have had several preliminary discussions relating to the potential pursuit of settlement negotiations. In the course of such discussions, the parties negotiated and reached agreement on the terms of a Non-Disclosure Agreement which will govern the future exchange of information between the parties. Moreover, while an exact date has not yet been set, the Parties

have agreed to meet in mid-January and hold substantive, good faith settlement talks to explore whether an agreed negotiated resolution of the instant matter can be reached.

7. In light of their talks to date, and their intent to meet to discuss settlement next month, the Parties jointly request that the deadlines set forth in the Commission's December 11th procedural order be extended to allow a reasonable time for the foregoing settlement discussions to occur. The Parties submit that a brief extension of those dates would allow the Parties to use their time and resources preparing for their upcoming meeting and related discussions, rather than fulfilling their respective discovery obligations.

8. The requested extension, of course, would also permit the Parties and the Commission to ultimately avoid such obligations, altogether, should the Parties be successful in reaching a resolution.

9. Accordingly, in order to encourage an efficient preservation of the Parties' and Commission staff's resources, it is requested that the pre-hearing dates set forth in the procedural schedule issued on December 11, 2013 be extended along the lines of the following:

- Responses to initial requests for information shall be due no later than **3/12/2014**.
- Simultaneous direct testimony in verified form shall be filed no later than **4/16/2014**.
- Supplemental requests for information shall be filed no later than **4/30/2014**.
- Responses to supplemental requests for information shall be filed no later than **5/28/2014**.
- Simultaneous rebuttal testimony in verified form shall be filed no later than **6/11/2014**.


10. It is further requested that the public hearing and post-hearing briefing be rescheduled to a dates convenient for the Commission and consistent with the foregoing timeline.

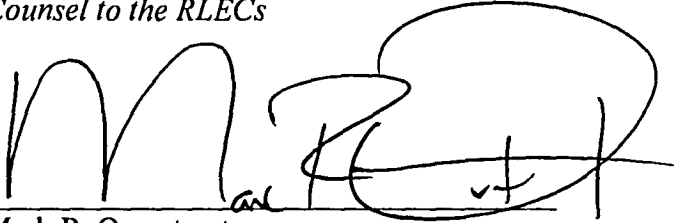
11. This motion is not made for the purpose of delay; rather, it is in the interest of all parties to allow for the most orderly and efficient consideration of this matter.

12. Finally, because responses to initial data requests are presently due on December 20, 2013, the Parties respectfully request an expedited ruling on this motion.

WHEREFORE, for all the foregoing reasons, the Parties respectfully and jointly request that the Commission issue an Order extending the deadlines of the December 11, 2013 procedural schedule in the manner set forth herein.

Respectfully submitted,


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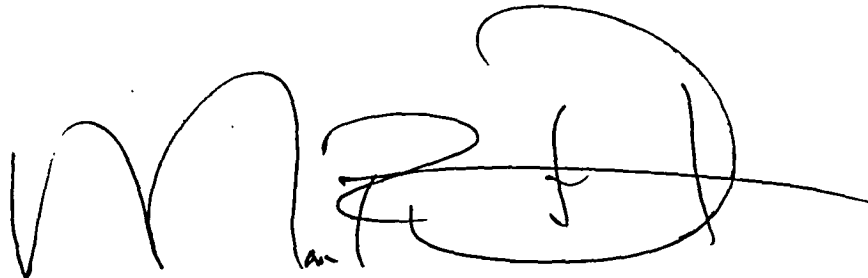

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by U.S. mail this __ day of December, 2013, on the following individuals:

HALO WIRELESS, INC.:

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