

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPROVAL OF THE INTERCONNECTION)	
AGREEMENT NEGOTIATED BETWEEN)	CASE NO.
BALLARD RURAL TELEPHONE)	2006-00192
COOPERATIVE CORP., INC., AND BIG RIVER)	
TELEPHONE COMPANY, LLC. PURSUANT TO)	
SECTIONS 251 AND 252 OF THE)	
TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

Ballard Rural Telephone Cooperative Corp., Inc. ("Ballard") and Big River Telephone Company, LLC ("Big River") submitted to the Commission on April 21, 2006 their negotiated agreement for interconnection of their networks for the purpose of transmission and termination of telecommunications traffic. The agreement itself was originally signed on February 24, 2006. Pursuant to 47 U.S.C. § 252(e), the parties to an interconnection agreement adopted by negotiation must submit the agreement to the Commission for approval.

When Ballard submitted the agreement on behalf of itself and Big River, it merely requested that the Commission approve the agreement. No mention was made of a need to delay the effective date of the agreement. By the terms of the agreement itself, the effective date is the date on which the Commission approves the agreement. Both parties assert that the agreement or any portion thereof does not discriminate against a telecommunications carrier not a party to the agreement and that the agreement is consistent with the public interest, convenience, and necessity.

On April 26, 2006, the Commission's executive director sent the parties a letter indicating that the Commission Staff had reviewed the agreement and that it would be effective by operation of law on July 20, 2006. On May 16, 2006, Big River moved the Commission to approve the agreement by Order. On May 19, 2006, the Commission issued an Order approving the agreement effective the date of the Order.

On May 24, 2006, Ballard sought reconsideration of the effective date of the negotiated interconnection agreement. In support of its request, Ballard asserts that it was unprepared to ensure that the agreement could be appropriately implemented prior to June 20, 2006. In its response in opposition, Big River contends that the effective date contained in the negotiated interconnection agreement itself, the date of approval by the Commission, should be implemented. Moreover, Big River asserts that the agreement may be implemented even in the absence of Ballard's preparations, including preparations for number portability.

On June 8, 2006, Ballard alleged in reply that Big River may be planning to violate the terms of the agreement immediately upon its implementation. Ballard also requested an informal conference to discuss the effective date.

Having carefully considered the negotiated contract herein and the motions and replies thereto, the Commission finds that rehearing should be denied. The parties jointly submitted a negotiated interconnection agreement, representing that it was a concluded agreement. Upon the motion by one of the parties that the negotiated agreement be implemented upon Commission approval rather than by operation of law, the Commission granted that reasonable request. Ballard has provided no reason why the effective date negotiated by the parties and contained in the agreement should not

now be the agreement's effective date. No informal conference is necessary, as the matter of an effective date is legal rather than factual. The Commission urges both parties to implement their negotiated agreement and to comply with the terms of the agreement. Should matters arise regarding the parties' compliance with the agreement or other issues regarding its implementation, the Commission stands ready, willing, and able to resolve complaints submitted to it.

IT IS HEREBY ORDERED that Ballard's motion for reconsideration of the Commission's May 19, 2006 Order is denied.

Done at Frankfort, Kentucky, this 13th day of June, 2006.

By the Commission

ATTEST:


Executive Director