

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BALLARD RURAL)	
TELEPHONE COOPERATIVE CORPORATION,)	CASE NO.
INC. FOR ARBITRATION OF CERTAIN TERMS)	2006-00215
AND CONDITIONS OF PROPOSED)	
INTERCONNECTION AGREEMENT WITH)	
AMERICAN CELLULAR F/K/A ACC KENTUCKY)	
LICENSE LLC, PURSUANT TO THE)	
COMMUNICATIONS ACT OF 1934, AS)	
AMENDED BY THE TELECOMMUNICATIONS)	
ACT OF 1996)	
)	
PETITION OF DUO COUNTY TELEPHONE)	
COOPERATIVE CORPORATION, INC. FOR)	CASE NO.
ARBITRATION OF CERTAIN TERMS AND)	2006-00217
CONDITIONS OF PROPOSED)	
INTERCONNECTION AGREEMENT WITH)	
CELLCO PARTNERSHIP D/B/A VERIZON)	
WIRELESS, GTE WIRELESS OF THE)	
MIDWEST INCORPORATED D/B/A VERIZON)	
WIRELESS, AND KENTUCKY RSA NO. 1)	
PARTNERSHIP D/B/A VERIZON WIRELESS,)	
PURSUANT TO THE COMMUNICATIONS ACT)	
OF 1934, AS AMENDED BY THE)	
TELECOMMUNICATIONS ACT OF 1996)	
)	
PETITION OF LOGAN TELEPHONE)	
COOPERATIVE, INC. FOR ARBITRATION OF)	CASE NO.
CERTAIN TERMS AND CONDITIONS OF)	2006-00218
PROPOSED INTERCONNECTION)	
AGREEMENT WITH AMERICAN CELLULAR)	
CORPORATION F/K/A ACC KENTUCKY)	
LICENSE LLC, PURSUANT TO THE)	
COMMUNICATIONS ACT OF 1934, AS)	
AMENDED BY THE TELECOMMUNICATIONS)	
ACT OF 1996)	

PETITION OF WEST KENTUCKY RURAL)	
TELEPHONE COOPERATIVE CORPORATION,)	CASE NO.
INC. FOR ARBITRATION OF CERTAIN TERMS)	2006-00220
AND CONDITIONS OF PROPOSED)	
INTERCONNECTION AGREEMENT WITH)	
AMERICAN CELLULAR CORPORATION F/K/A)	
ACC KENTUCKY LICENSE LLC, PURSUANT)	
TO THE COMMUNICATIONS ACT OF 1934, AS)	
AMENDED BY THE TELECOMMUNICATIONS)	
ACT OF 1996)	

O R D E R

Ballard Rural Telephone Cooperative Corporation, Inc. (“Ballard”); Duo County Telephone Cooperative Corporation, Inc. (“Duo County”); West Kentucky Rural Telephone Cooperative Corporation, Inc. (“West Kentucky”); and Logan Telephone Cooperative, Inc. (“Logan”) (collectively “RLECs”) have submitted motions to approve their respective proposed interconnection agreements with Alltel Communications, Inc.; American Cellular Corporation; New Cingular Wireless PCS, LLC d/b/a Cingular Wireless; Sprint Spectrum L.P. d/b/a Sprint PCS; T-Mobile USA, Inc.; Cellco Partnership d/b/a Verizon Wireless; NTCH-West, Inc.; and ComScape Telecommunications, Inc. (collectively “CMRS Providers”).

The RLECs have asserted that the CMRS Providers made no effort to propose changes to the template agreement which the RLECs suggested to the CMRS Providers for purposes of negotiation. The RLECs then assert that this failure to propose revisions to the template is tantamount to failure to negotiate in good faith. This failure, according to the RLECs, constitutes a violation of the CMRS Providers’ statutory duty to negotiate in good faith. Thus, the RLECs assert that any agreement or modification to the agreement proposed by a CMRS Provider under these

circumstances would, by definition, fail to comport with the duties imposed by federal law. Therefore, according to the RLECs, the Commission should not approve any proposed modification and should adopt the template without change, as proposed by the RLECs.

In response, the CMRS Providers argue that federal law requires the Commission to resolve each issue set forth in the arbitration petitions submitted by the RLECs. The mandate to resolve each issue set forth in the petition negates any possibility that the Commission may impose the RLEC template on the CMRS Providers. Moreover, many of the CMRS Providers submitted affidavits demonstrating their efforts to negotiate with the RLECs.

The Commission has reviewed the motions and responses and replies thereto and finds that it cannot conclude that the CMRS Providers failed to negotiate in good faith. A template of many of the CMRS Providers was furnished to the RLECs several months before the arbitration deadline. Accordingly, the RLECs' motions to approve the interconnection agreements of each of the named CMRS Providers must be denied.

IT IS HEREBY ORDERED that the motions of Ballard, Duo County, West Kentucky, and Logan to adopt the interconnection agreements they proposed are denied.

Done at Frankfort, Kentucky, this 11th day of October, 2006.

By the Commission

ATTEST:


Executive Director *for Beth O'Donnell*