

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH)	
TELECOMMUNICATIONS, INC. D/B/A AT&T)	
KENTUCKY FOR ARBITRATION OF)	CASE NO.
INTERCONNECTION AGREEMENT WITH)	2010-00061
SPRINT SPECTRUM L.P., NEXTEL WEST)	
CORP., AND NPCR, INC. D/B/A NEXTEL)	
PARTNERS)	

O R D E R

On November 4, 2010, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”), Sprint Spectrum, L.P., Nextel West Corp., and NPCR, Inc. d/b/a Nextel Partners, and Sprint Communications Company, L.P. (collectively, “Sprint Companies”) jointly moved for an amendment to the current procedural schedule. On November 15, 2010, the parties submitted a revised motion for an amended procedural schedule (“November 15 Motion”).¹ The procedural schedule by which the parties are currently operating was issued by the Commission on August 10, 2010 (“August 10 Order”). That schedule included formal hearing dates of December 14-16, 2010.

¹ The November 15 proposed schedule was submitted to revise the discovery and hearing dates. The parties jointly consulted with Commission Staff to determine which dates were available for a formal hearing with the Commission. After the November 4, 2010 filing was made, Commission Staff notified the parties that the Commission would not be available for a hearing on the newly selected hearing dates. The parties then submitted the November 15 filing containing dates on which Commission Staff had advised the Commission would be available for a hearing.

As noted by the Commission in the August 10 Order, the parties have stated that they are engaged in identical arbitration proceedings against one another before commissions in North Carolina, Georgia, Florida, Wisconsin, Tennessee, South Carolina, Alabama, Louisiana, and Mississippi (collectively, "Arbitration States"). The parties have stated that they have agreed to a regional procedural schedule and regional discovery procedures in order to efficiently accomplish the administrative litigation across the Arbitration States and to minimize the discovery burdens upon themselves, as well as the affected Arbitration State commissions. In the November 4, 2010 filing, the parties stated that a witness scheduled to participate in the hearings within the Arbitration States had recently become ill. The parties stated that, due to the unavailability of that witness, in addition to their desire to engage in further settlement discussions to attempt to resolve or narrow some or all of the issues in these cases, they had agreed to modify the regional arbitration schedule, including changes to the hearing dates. The parties provided a proposed amended joint procedural schedule with the November 15 Motion and requested that the schedule be adopted by the Commission.

Having reviewed the motion, the Commission finds that the parties have pled good cause to have the current procedural schedule amended. The Commission finds that the motion should be granted and the parties should follow the procedural schedule provided in the Appendix to this Order.

IT IS HEREBY ORDERED that:

1. The motion for an amended procedural schedule is granted. The parties shall follow the amended procedural schedule provided in the Appendix to this Order.

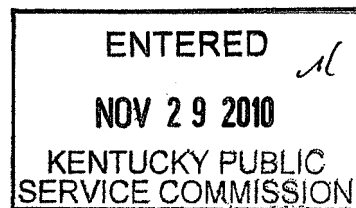
2. The formal hearing scheduled to occur on December 14-16, 2010 is cancelled.

3. A hearing in this matter shall be held on June 21, 22, and 23, 2011 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

4. The official record of these proceedings shall be by video.

5. Any request to cancel or postpone this hearing shall be made by motion filed with the Commission at least one week before the hearing is scheduled to commence.

By the Commission



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2010-00061 DATED NOV 29 2010

AMENDED JOINT PROCEDURAL SCHEDULE

The following schedule for the conduct of this arbitration shall apply:

February 25, 2011	Revised Joint Decision Point List filed
May 12, 2011	No new data requests propounded after this date
May 25, 2011	Supplemental Testimony (if deemed necessary) filed
June 21-23, 2011	Hearing. Attorneys for the Parties shall gather early on the first date of the hearing to discuss any outstanding procedural issues.

Simultaneous Post-Hearing Briefs: 45 days after Receipt of Hearing Transcript.

Simultaneous Post-Hearing Reply Briefs: 30 days after Post-Hearing Briefs.

The discovery window is open and is being conducted under the following parameters:

1. Written discovery shall be limited to a total of 100 distinct discovery requests of any type from each Party for all arbitrations pending or to be filed in the Arbitration States. Parts and subparts of a request shall be counted as separate requests. A given request shall be counted as a single request even though it may seek information regarding more than one Arbitration State or (insofar as the Parties may be required to propound or file discovery in more than one state covered by the stipulation) has been propounded in more than one state.
2. The Parties believe written discovery, pre-filed testimony and the record through and including the arbitration hearings will create a sufficient record for the respective Commissions to render arbitration decisions and, therefore, agree that neither Party will initiate deposition discovery. If a Commission Staff or statutory advocate seeks deposition discovery despite the Parties' agreement not to initiate deposition discovery, the Parties will jointly request that such deposition discovery be coordinated with deposition discovery sought in any other state so that such discovery is:
 - a. Limited to witnesses who have submitted testimony in the arbitration;
 - b. Limited to one deposition per witness for all proceedings; and,
 - c. Conducted at mutually acceptable locations, times and dates for witness depositions.

3. Responses to discovery propounded in one state (including discovery propounded by Commission Staff or statutory advocates) shall be treated as if produced in all states covered by this stipulation. Any time before the close of the arbitration hearing record in a given state, either Party may file and move for admission of discovery responses propounded in another state, and the non-filing Party shall not object to the admission of such discovery on the basis that the discovery was propounded and answered in another state. Notwithstanding the foregoing, the Parties reserve their right to object to admissibility based on any other grounds.
4. Objections to discovery shall be served within 10 calendar days of service of the request.
5. Responses to discovery shall be served within 21 calendar days of service of the request.
6. Requests and responses shall be served electronically, with hard copies to follow.
7. The Parties agree to use a mutually acceptable regional protective agreement for use in the proceedings.

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