



Ernie Fletcher
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Mark David Goss
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Vice Chairman

Gregory Coker
Commissioner

November 17, 2005

PARTIES OF RECORD:

Re: Case No. 2004-00413

Enclosed please find a memorandum that has been filed in the record of the above-referenced case. Any comments regarding this memorandum's contents should be submitted to the Commission within ten days of receipt of this letter. Questions regarding this memorandum should be directed to Dale Wright at 502/564-3940, Extension 235.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

vh/

Enclosure

Honorable David A. Pike
Attorney at Law
Pike Legal Group PLLC
1578 Highway 44 East, Suite 6
P. O. Box 369
Shepherdsville, KY 40165-0369

Honorable John E. Selent
Attorney at Law
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: File: Case No. 2004-00413

FROM: Dale Wright, Staff Attorney 

DATE: November 17, 2005

SUBJECT: Informal Conference

An informal conference was conducted on November 16, 2005 at the Commission's offices from 10:00 a.m. to 1:00 p.m. The names of those in attendance, representing the PSC; BellSouth Mobility, LLC d/b/a Cingular Wireless—Kentucky ("Cingular"); and East Kentucky Network, LLC ("EKN"), are listed on the attached sign-in sheet.

The meeting began by establishing the status of all motions and discovery. EKN had filed information requests to Cingular; Cingular had filed a motion to compel complete answers by EKN to its requests for information; EKN had filed a response to the motion to compel; and EKN had filed a motion requesting that Cingular be compelled to respond to information requests. It was determined that the parties would prepare and execute a confidentiality agreement allowing each to fully respond to pending information requests.

Holly C. Wallace, representing EKN, and David Pike, representing Cingular, stated that further negotiations could occur between the personnel and managers of the parties without benefit of counsel or PSC Staff. In the absence of PSC Staff and counsel for the parties, the personnel and managers negotiated. After negotiations, the parties agreed, without objection from PSC Staff, that they will meet on November 28, 2005 for extended negotiations toward settlement. The parties agreed that, if they do not reach settlement at the November 28, 2005 meeting, an additional meeting or informal conference will be held at the Commission's offices on December 12, 2005 at 10:00 a.m. Depending on the outcome of the November 28 meeting, the parties do not object to PSC Staff being present for the December 12 meeting and, if necessary, to follow a mediation format at the conference with the involvement of the PSC Hearing Officer.

During negotiation of settlement, all motions and discovery currently pending are placed in abeyance.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH)
MOBILITY, LLC D/B/A CINGULAR)
WIRELESS - KENTUCKY FOR)
ISSUANCE OF A CERTIFICATE)
OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A)
WIRELESS COMMUNICATIONS)
FACILITY AT ROUGH AND TOUGH)
ROAD, PRESTONSBURG, KENTUCKY)
41653 OR, IN THE ALTERNATIVE,)
AN ORDER REQUIRING CO-LOCATION)
ON REASONABLE TERMS AND)
CONDITIONS IN THE WIRELESS)
COMMUNICATIONS LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF FLOYD)
SITE NAME: BRAINARD)

CASE NO. 2004-00413

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November 16, 2005 Informal Conference
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Please sign in:

NAME

REPRESENTING

Wade Wright
J. Telt Coen
Eric Rasmussen
Andy S. Donaherty
Ryle Willard
Holly Wallace
GERALD ROBINETTE
Michelle Ward

PSC Staff attorney
PSC Staff attorney
PSC Staff
PSC Staff Attorney
Engineering
East Ky Network
EAST KY NETWORK
Cingular Wireless

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IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF FLOYD)
SITE NAME: BRAINARD)

CASE NO. 2004-00413

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November 16, 2005 Informal Conference
=====

Please sign in:

NAME

REPRESENTING

David R. Byrnes

CINGULAR WIRELESS

David R. Byrnes

" "

Bob Grant

" "
