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September 16, 2010

PARTIES OF RECORD

Re: Case No. 2009-00246

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within seven days of receipt of this letter. If you have any questions, please contact Tiffany Bowman at 502/564-3940, Extension 465 or by email at TiffanyJ.Bowman@ky.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derduen".

Jeff Derduen
Executive Director

JD/tb

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File
FROM: Tiffany Bowman
Staff Attorney
DATE: September 16, 2010
SUBJECT: Case No. 2009-00246

Petition of Windstream Kentucky East, LLC for Arbitration of an Interconnection Agreement with New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

Informal Conference Memorandum

An informal conference ("IC") was held in this matter on Tuesday, September 14, 2010. The participants were as follows:

Tiffany Bowman – PSC Staff
Mary Keyer – AT&T (by phone)
Jim Stevens – PSC Staff
Kyle Willard – PSC Staff
Paul Walters – AT&T (by phone)
Jim Tipton – AT&T (by phone)
Rob Moore – Windstream (by phone)
Stacey Majors – Windstream (by phone)
Lynn Hughes - Windstream (by phone)
Scott Terry – Windstream (by phone)
Kerry Smith – Windstream (by phone)

The purpose of the IC was to discuss the Motion of AT&T Mobility to Amend its Response to the Arbitration Petition and to File an Amended Issues Matrix, or in the alternative, Motion to Strike.

During the course of the IC, the parties and PSC Staff discussed the following issues:

- Windstream stated that it doesn't believe the current matrix requires any revisions because the issues are already defined in a very broad way to cover any new sub-issues. Also, if the PSC allows in new issues those issues should be defined now and not at the end of the discovery schedule. Windstream stated that it believes AT&T has had sufficient time to review the new cost study.

- AT&T states that the revised study has over 100 changes within it and it is difficult to tell what is relevant. If AT&T had to submit a revised matrix now, it believes it may miss something it may want to challenge later (i.e. the revised study contained a significant change to the estimated minutes of use). AT&T states that it has looked at the spreadsheet, but is not totally certain why Windstream made certain changes. AT&T noted that in preparing the latest revised procedural schedule, AT&T requested including time for the submission of a motion to file an amended matrix, but said Windstream did not want that included. AT&T stated that there is the possibility that some of the issues in the existing matrix may be able to be eliminated, but it needs to engage in discovery before making that determination.

- The PSC Staff reviewed the most recent procedural schedule with the parties, noted the start and conclusion of the latest round of interrogatories and the inclusion of a date by which depositions are to be concluded. The PSC Staff asked questions on the best methods for submitting new matrices by the parties while giving fair opportunity to evaluate discovery needs.

- AT&T proposed November 5th as a potential deadline for the submission of a new matrix.

- Windstream stated it would want the matrix submitted before depositions are completed on December 10th. Windstream believes AT&T has been provided more than enough time to file new issues and Windstream may also need to file its own matrix after AT&T has made its submission.

- The PSC Staff stated that a 2nd IC will be held the 1st week of October (it will be scheduled by a separate Order). Staff stated that once the October 1st date for the submission of any Motions to Compel has passed, then it will be appropriate to determine a timeline for the submission of individual revised matrices by AT&T and Windstream. PSC Staff stated that the submission of the revised matrices should be completed before the end of the deposition schedule in December. PSC Staff stated that this matrix submission schedule will be discussed at the October IC.

The informal conference then adjourned.