

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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	)	

O R D E R

This matter is before the Commission on the requests of NTCH-West, Inc. ("NTCH") and ComScape Communications, Inc. ("ComScape"), as set forth in letters dated June 15, 2006, for dismissal of the arbitration petitions filed against them pursuant to Section 252 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the "Act") by Duo County Telephone Cooperative Corporation, Inc. ("Duo County") in Kentucky Public Service Commission Case Nos. 2006-00225 and 2006-00226 (collectively, the "Arbitration Proceedings"). Duo County has filed a response and the matter is now ripe for review.

The Arbitration Proceedings are closely related to 41 other proceedings filed by 12 rural local exchange carriers, including Duo County, against certain commercial mobile radio service providers, such as NTCH and ComScape. On July 25, 2006, the

Commission consolidated these 41 cases into 12 cases centered upon each rural local exchange carrier. The Act expressly authorizes the Commission to consolidate arbitration proceedings where appropriate:

Where not inconsistent with the requirements of this Act, a State commission may, to the extent practical, consolidate proceedings. . .in order to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under the Act.

47 U.S.C. § 252(g).

Although the Commission notes that these Arbitration Proceedings present a threshold question as to whether an interconnection agreement is necessary between NTCH/ComScape and Duo County, the Commission anticipates that the remaining issues presented by the petition in the Arbitration Proceedings will present nearly identical issues to those presented in each of the 12 consolidated arbitration proceedings. Accordingly, the Arbitration Proceedings will be consolidated into this case and the parties will be bound by the schedule set forth in Appendix A of this Order. Due to the number of arbitration petitions at issue as a whole and the relatively short time period for processing each case, the Commission will not deviate from the schedule except in the most rare instance of good cause being shown. The Commission will not impose any additional procedural conditions on the parties at this time, but fully anticipates that the parties will act whenever possible to minimize unnecessary duplication of efforts and resources in each of the 12 consolidated proceedings. The Commission may enter a separate order at a later date setting forth in detail the process and procedures to be followed in conducting the hearings of the

consolidated cases and may permit portions of the hearings to be further consolidated as circumstances may warrant.

IT IS THEREFORE ORDERED that:

1. The request of NTCH and Comscape for dismissal of Case Nos. 2006-00225 and 2006-00226 is denied.
2. Case Nos. 2006-00225 and 2006-00226 shall be consolidated into Case No. 2006-00217, which shall be the case in which all subsequent pleadings and documents are to be filed of record.
3. Case Nos. 2006-00225 and 2006-00226 are hereby consolidated into this proceeding and are stricken from the Commission's docket.
4. The parties shall abide by the schedule set forth in Appendix A unless otherwise ordered by the Commission.

Done at Frankfort, Kentucky, this 31st day of July, 2006.

By the Commission

ATTEST  
  
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2006-00217 DATED July 31, 2006.

Parties negotiate a protective agreement  
to govern the exchange of confidential information, if desired ..... 8/1/06

NTCH and ComScape shall file their formal response  
to the arbitration petition of Duo County ..... 8/7/06

RLECs file and serve TELRIC-based cost studies  
and written testimony in support of those cost studies,  
on which they rely to demonstrate that their proposed  
*reciprocal compensation rates meet the pricing standards*  
of 47 U.S.C. § 252(d)(2) and the FCC's part 51 pricing  
rules. The cost studies will be provided in both hard  
copy and in electronic format that will allow the  
Commission and the CMRS Providers to track each  
element from initial input to final results. All cost  
studies will be provided in open format..... 8/16/06

Written discovery requests shall be filed with the  
Commission and served on all parties electronically ..... 8/23/06

Responses and all objections to discovery shall be  
filed and served electronically..... 9/7/06

Supplemental discovery requests shall be filed with the  
Commission and served on all parties electronically ..... 9/14/06

Responses and objections to supplemental discovery  
shall be filed and served electronically ..... 9/22/06

Direct testimony (other than RLEC cost witnesses) shall  
be filed and served ..... 9/29/06

Rebuttal testimony shall be filed and served ..... 10/6/06

Public hearing is to begin at 9:00 a.m.,  
Eastern Daylight Time, in Hearing Room 1  
Of the Commission's offices at 211 Sower  
Boulevard, Frankfort, Kentucky ..... 10/16-18/06

Opening briefs shall be filed by..... 11/3/06

Reply briefs shall be filed by ..... 11/15/06

Commission decision..... End of December