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MAY 24 2006

PUBLIC SERVICE  
COMMISSION

May 23, 2006

**VIA FEDERAL EXPRESS**

Hon. Beth O'Donnell  
Executive Director  
Public Service Commission  
211 Sower Blvd.  
Frankfort, KY 40601

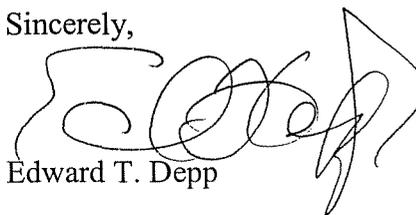
**Re: *In the Matter of Interconnection Agreement Between Ballard Rural Telephone Cooperative Corporation, Inc. and Big River Telephone Co., LLC; Case No. 2006-00192***

Dear Executive Director O'Donnell:

I have enclosed for filing, in the above-styled case, the original and eleven (11) copies of Ballard Rural Telephone Cooperative Corporation, Inc.'s Motion for Reconsideration of Order Granting Big River Telephone Co., LLC's Motion for Expedited Approval. Please date-stamp and return one of the copies to me in the enclosed, self-addressed envelope.

Thank you, and if you have any questions, please call me.

Sincerely,



Edward T. Depp

ETD/lb

cc: Douglas F. Brent, Esq. (Counsel to Big River Telephone Co., LLC) (w/ encl.)  
John E. Selent, Esq. (w/o encl.)  
Holly C. Wallace, Esq. (w/o encl.)

RECEIVED

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

MAY 24 2006

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Interconnection Agreement between )  
Ballard Rural Telephone Cooperative ) Case No. 2006-00192  
Corporation, Inc. and Big River )  
Telephone Co., LLC )

**MOTION FOR RECONSIDERATION OF ORDER  
GRANTING BIG RIVER TELEPHONE CO., LLC'S  
MOTION FOR EXPEDITED APPROVAL**

Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard Rural"), by counsel, and pursuant to K.R.S. § 278.400, hereby moves the Public Service Commission of the Commonwealth of Kentucky ("Commission") to reconsider and modify its order granting expedited approval of its interconnection agreement between Big River Telephone Co., LLC ("Big River"). In support of its motion, Ballard Rural states as follows.

**I. Statement of Facts.**

Ballard Rural and Big River voluntarily negotiated an interconnection agreement, which Ballard Rural filed with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") for approval on April 21, 2006. This interconnection agreement with Big River is Ballard Rural's first interconnection agreement in the cooperative's history. Ballard Rural's letter requesting that the Commission approve the interconnection agreement intentionally excluded any request that the agreement be approved on an expedited basis.

Upon Ballard Rural's filing of the interconnection agreement, the Commission reviewed it and served the parties with a letter stating that the agreement was in compliance with federal and state law, as well as previous orders of the Commission. In that letter, the Commission stated that the interconnection agreement would become effective on July 20, 2006 (which is ninety days after

submission). Ballard Rural continued its preparations for operation under the interconnection agreement based on the Commission's letter stating that the agreement would become effective in ninety days.

Subsequent to its receipt of the Commission's letter, Big River filed a motion to expedite approval of the interconnection agreement. Ballard Rural received Big River's motion on Tuesday, May 16, 2006. The basis for Big River's motion was that "Big River intends to operate using the agreement as soon as possible." (Motion for Expedited Approval at 2.) Big River also claimed that there was some confusion regarding when the interconnection agreement would be "approved," despite the fact that – during the negotiation of the agreement – counsel to Ballard Rural had informed Big River's chief negotiator that Ballard Rural would consider the "approval" date to be the effective date established by the Commission, which Ballard Rural anticipated would be ninety days following filing. For these reasons, Ballard Rural did not join in Big River's motion, but (on May 19, 2006, which was just three days after receipt of the motion) it instead filed a letter informing the Commission that it intended to respond in opposition to the motion. Unbeknownst to Ballard Rural, however, the Commission may have already entered its order granting Big River's motion by that time. Thus, Ballard Rural now seeks reconsideration of the Commission's May 19, 2006 order approving the interconnection agreement as of that date.

## **II. Argument and Analysis.**

The Commission should reverse its May 19, 2006 order and either: (i) reinstate its April 26, 2006 letter indicating that the interconnection agreement would become effective on July 20, 2006; or (ii) order that the interconnection agreement will become effective on June 20, 2006, which should give Ballard Rural sufficient time to implement the appropriate preparations for operating pursuant to the terms of the interconnection agreement. As previously mentioned, this is Ballard

Rural's first interconnection agreement, and – consistent with the Commission's April 26, 2006 letter – it had scheduled its preparations to be completed by July 20, 2006. Many preparations have been completed by now, but others have proven more complex than initially anticipated. More specifically, although Ballard Rural is now theoretically and technically capable of providing local number portability ("LNP"), it has not yet had a chance to test its LNP capabilities in simulated, real-world scenarios or complete its training process to familiarize its employees with the number porting process and other operational aspects of the interconnection agreement. In addition, Ballard Rural still needs to file certain components of its National Exchange Carrier Association ("NECA") tariffs to ensure that it is able to recoup its costs of complying with the LNP requirements under the interconnection agreement. Without a tested LNP capability, without adequately trained employees, and without a filed, approved LNP cost-recovery tariff, Ballard Rural is not presently able to operate pursuant to the interconnection agreement. Accordingly, the Commission should reconsider and modify its May 19, 2006 order that the interconnection agreement became effective on that date. Moreover, during the pendency of this motion, the Commission should stay the effectiveness of the interconnection agreement.

### **III. Conclusion.**

Ballard Rural comes to the Commission simply to ask for a sufficient amount of time to ensure that the interconnection agreement is appropriately implemented. Within two months' time (as would remain pursuant to the Commission's original letter making the agreement effective on July 20, 2006), Ballard Rural will undoubtedly be in a position to operate pursuant to the interconnection agreement. If pressed, Ballard Rural may be able to accomplish the goal in only one month. Accordingly, Ballard Rural respectfully requests that the Commission reconsider its May 19, 2006 order in this matter and order that the parties' interconnection agreement shall be approved and

become effective on July 20, 2006 (as originally ordered), or in the alternative, no sooner than June 20, 2006.

Respectfully submitted,



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**COUNSEL TO BALLARD RURAL  
TELEPHONE COOPERATIVE  
CORPORATION, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion for Reconsideration of Order Granting Big River Telephone Co., LLC's Motion for Expedited Approval was served upon the following party by first-class United States mail, sufficient postage prepaid, and electronic mail this 23<sup>rd</sup> day of May, 2006.

Douglas F. Brent, Esq.  
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400 West Market Street  
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*Counsel to Big River Telephone Co., LLC*



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Counsel to Ballard Rural Telephone  
Cooperative Corporation, Inc.