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August 16, 2006

Via Hand Delivery

Hon. Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

RECEIVED

AUG 16 2006

PUBLIC SERVICE
COMMISSION

Re: *In the Matter of: Petition of Ballard Rural Telephone Cooperative Corporation, Inc. for Arbitration of Certain Terms and Conditions of Proposed interconnection Agreement with American Cellular f/k/a ACC Kentucky License LLC, Partnership Pursuant to the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, Case No. 2006-00215*

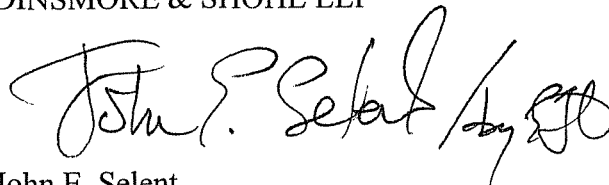
Dear Ms. O'Donnell:

I have enclosed for filing in the above-styled case the original and ten (10) copies of the testimony of Steven E. Watkins in compliance with the July 25th procedural order requiring RLECs to file and serve TELRIC-based cost studies and written testimony in support of those cost studies today.

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

Very truly yours,

DINSMORE & SHOHL LLP



John E. Selent

JES/bmt

Hon. Beth O'Donnell

August 16, 2006

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cc: Harlon E. Parker (w/enclosures)
Janice Chittenden (w/enclosures)
Randy Grogan (w/enclosures)
Stephen Jones (w/enclosures)
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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 1 8 2006

PUBLIC SERVICE
COMMISSION

In the Matter of:

Petition of Ballard Rural Telephone Cooperative)
Corporation, Inc. for Arbitration of Certain Terms)
and Conditions of Proposed Interconnection)
Agreement with American Cellular Corporation)
f/k/a ACC Kentucky License LLC,)
Pursuant to the Communications Act of 1934,)
as Amended by the Telecommunications)
Act of 1996)

Case No. 2006-00215

**PREFILED DIRECT TESTIMONY OF STEVEN E. WATKINS ON BEHALF OF
BALLARD RURAL TELEPHONE COOPERATIVE
CORPORATION, INC.**

August 16, 2006

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**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

Petition of Ballard Rural Telephone Cooperative Corporation, Inc. for Arbitration of Certain Terms and Conditions of Proposed Interconnection Agreement with American Cellular Corporation f/k/a ACC Kentucky License LLC, Pursuant to the Communications Act of 1934, as Amended by the Telecommunications Act of 1996)))))))))
									Case No. 2006-00215

**PREFILED DIRECT TESTIMONY OF STEVEN E. WATKINS ON BEHALF OF
BALLARD RURAL TELEPHONE COOPERATIVE
CORPORATION, INC.**

1 **Q: PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND TELEPHONE**
2 **NUMBER.**

3 A: My name is Steven E. Watkins. My business address is 2154 Wisconsin Avenue, N.W.,
4 Suite 290, Washington, D.C., 20007. My business phone number is (202) 333-5276.

5 **Q: WHAT IS YOUR CURRENT POSITION?**

6 A: I am a self-employed telecommunications management consultant.

7 **Q: WHAT ARE YOUR DUTIES AND RESPONSIBILITIES IN YOUR**
8 **TELECOMMUNICATIONS MANAGEMENT CONSULTANT POSITION?**

9 A: I provide telecommunications management consulting services and regulatory assistance to
10 smaller local exchange carriers (“LECs”) and other smaller firms providing
11 telecommunications and related services in rural and small town areas. My work involves

1 assisting client LECs and related entities in their analysis of regulatory requirements and
2 industry matters requiring specialty expertise; negotiating, arranging and administering
3 connecting carrier arrangements; and assisting clients in complying with the rules and
4 regulations arising from the passage of the Telecommunications Act of 1996 (the “Act”).
5 Prior to the beginning of this year, I worked for client companies in association with the
6 Kraskin, Moorman & Cosson, LLC law firm. Prior to my work association with the law
7 firm, I was the senior policy analyst for the National Telephone Cooperative Association
8 (“NTCA”), a trade association whose membership consists of approximately 500 small and
9 rural telephone companies. While with NTCA, I was responsible for evaluating the then
10 proposed Telecommunications Act, the implementation of the Act by the Federal
11 Communications Commission (“FCC”) and was largely involved in the association's efforts
12 with respect to the advocacy of provisions addressing the issues specifically related to rural
13 companies and their customers.

14 **Q: HAVE YOU PREPARED AND ATTACHED FURTHER INFORMATION**
15 **REGARDING YOUR BACKGROUND AND EXPERIENCE?**

16 A: Yes, this information is included in Exhibit 1 following my testimony.

17 **Q: ON WHOSE BEHALF ARE YOU SUBMITTING THIS PRELIMINARY**
18 **TESTIMONY?**

19 A: I am submitting this Preliminary Testimony to the Public Service Commission of the
20 Commonwealth of Kentucky (“Commission”) on behalf of five small and rural LECs,
21 specifically Ballard Rural Telephone Cooperative Corporation, Inc. (Case No. 2006-00215);
22 Brandenburg Telephone Company (Case No. 2006-00288); Duo County Telephone
23 Cooperative Corporation, Inc. (Case No. 2006-00217); Logan Telephone Cooperative, Inc.

1 (Case No. 2006-00218); and West Kentucky Rural Telephone Cooperative Corporation, Inc.
2 (Case No. 2006-00220) (collectively referred to herein as the "RTCs").

3 **Q: WHAT IS THE PURPOSE OF THIS PRELIMINARY TESTIMONY?**

4 A: This testimony is in response to the Commission's Order dated July 25, 2006 ("July 25
5 Order"). The purpose of my testimony is to provide background information and a
6 discussion of the rationale for the "transport and termination" rate that the RTCs proposed to
7 the Commercial Mobile Radio Service ("CMRS") providers and submitted in their respective
8 arbitration petitions.

9 **Q: WHY IS YOUR TESTIMONY BEING DESIGNATED AS "PRELIMINARY
10 TESTIMONY?"**

11 A: I will be providing important information in this Preliminary Testimony for the
12 Commission's consideration as the parties move forward to resolve interconnection
13 agreements between the RTCs and the various CMRS providers. However, the basis for, and
14 the determination of, an appropriate rate for "transport and termination" of traffic between
15 the CMRS providers and the RTCs for traffic that is within the scope of the reciprocal
16 compensation rules is an issue to be decided in the course of the arbitration proceeding.
17 Moreover, I respectfully note that any decision about what the proper basis for such a rate
18 should be for a Rural Telephone Company, as that term is defined in the Act, is a matter to
19 be decided in the yet-to-be-conducted arbitration and any court review of that decision.
20 Therefore, the initial Order and this preliminary testimony are premature, because a full
21 record has not been established and a proper basis for such a conclusion has yet to be
22 determined.

1 In the course of the arbitration proceeding, the Commission will have the opportunity and
2 authority to consider an appropriate approach to determine a reasonable transport and
3 termination rate, consistent with the public interest, and in keeping with the status of the
4 RTCs and their limited resources. As I will discuss below, there is an evolving policy
5 convergence in the industry, as well as before the FCC, for transport and termination rates
6 based on the same rate-setting process used to develop interstate access rates because those
7 costing methods have been revised over the last decade to much lower levels than existed in
8 1996 and are now considered “cost-based.” There is an equally evolving policy recognition
9 that so-called “TELRIC” studies are problematic and should be abandoned. Accordingly, the
10 Commission should adopt a rate-development approach in this proceeding that avoids
11 unnecessary, complex, and burdensome TELRIC studies – an approach not required of
12 Rural Telephone Companies such as the RTCs.

13 **Q: WHY DID THE RTCS SET FORTH A TRANSPORT AND TERMINATION RATE**
14 **OF \$0.015 PER MINUTE OF USE IN THEIR ARBITRATION PETITIONS?**

15 A: The RTCs set forth the 1.5 cent rate for several reasons.

16 1. The 1.5 cent rate is the rate that the RTCs currently apply to the CMRS providers that
17 are the parties to these arbitrations. This current rate application is pursuant to the industry
18 agreement between and among BellSouth, the CMRS providers party to the pending
19 arbitration proceedings, and the RTCs. As such, the 1.5 cent rate proposal is simply a
20 continuation of the existing rate.

21 2. The 1.5 cent rate proposal is consistent with at least some, and perhaps the majority, of
22 existing interconnection agreements that the RTCs have in place with some of the CMRS
23 providers. That is, it is my understanding that the 1.5 cent proposal is the same as, or lower

1 rate than, the rate employed in existing CMRS interconnection agreements with the RTCs if
2 those rates were applied reciprocally.

3 3. The 1.5 cent rate proposal is an efficient and reasonable approach which recognizes the
4 facts that (a) the RTCs have not previously conducted such complex cost studies as those
5 proposed by the CMRS providers (*i.e.*, “*TELRIC*”) and (b) there is no requirement at this
6 time for the RTCs to conduct such complex cost studies to support some other rate.

7 4. As I will further discuss below, the interstate access rates that the RTCs charge for the
8 same transport and termination network functions have been “reformed” (*i.e.*, reduced) over
9 the last several years, and the rate-setting methodology used for interstate access is, more
10 than ever, justified as a basis for rate-setting and is just as reasonable as other, theoretical,
11 economic approaches to rate setting. It is my understanding that the proposed composite 1.5
12 cent per minute of use rate for the functions of transport and termination is comparable to the
13 combined RTCs’ interstate access rates for these same functions, and less than the higher
14 intrastate access rates for these functions. Accordingly, given a comparison to the cost-based
15 interstate access rates for transport and termination, it is the position of the RTCs that the 1.5
16 cent proposal is a reasonable approach.

17 5. Assuming that the RTCs were to bear the burden and expense of conducting *TELRIC*
18 studies, the resulting rates from such studies would likely be greater than both the 1.5 cent
19 per minute proposal and the existing interstate access rates for these network functions. I
20 will explain below why *TELRIC* based network costs and resulting rates would likely be
21 higher. Therefore, the 1.5 cent proposal is reasonable given that unnecessarily burdensome
22 *TELRIC* studies would likely yield an even higher rate.

1 6. A recent proposal that would address the local interconnection rates for transport and
2 termination has recently been set before the FCC and the States. For Rural Telephone
3 Companies, this proposal would apply a costing method identical to that used for the develop
4 of interstate access rates for transport and termination functions. (See FCC Press Release
5 dated July 24, 2006 discussing the so-called "Missoula Plan" filed in the FCC's unified
6 intercarrier compensation proceeding, CC Docket 01-92.) The RTCs' proposed 1.5 cent rate
7 is reasonable when compared to the rate that would result from the pending proposal in that
8 proceeding. I will further explain, below, the industry consensus proposal, proposed rate-
9 setting methods, and relevance to this proceeding.

10 7. The 1.5 cent proposal is reasonable in lieu of conducting complex and expensive
11 TELRIC studies for small Rural Telephone Companies (with a resulting higher rate) given
12 that the FCC also doubts, as a fundamental matter, the efficacy of the TELRIC study
13 approach. I respectfully submit, as the FCC's recent conclusions support and as I reference
14 and explain below, that the facts already before the Commission demonstrate that the
15 determination of a rate for transport and termination in this proceeding may be, and should
16 be, resolved without conducting expensive and complex studies which, in the end, may not
17 yield a conclusive answer.

18 8. As the RTCs have already set forth in the record supporting their arbitration petitions in
19 these proceedings, the CMRS providers have been recalcitrant and have ignored the
20 necessary and good-faith negotiations with the RTCs. Accordingly, there was no effective
21 chance for the RTCs to resolve any of the issues with the CMRS providers. Therefore, the
22 proposal to continue with the existing rate, given the other conclusions and facts set forth
23 above, was expedient given the circumstances.

1 As a side note, the CMRS providers' recalcitrance over the last several months should not
2 now be rewarded by the imposition of unnecessary and undue economic and administrative
3 burdens on the RTCs. The CMRS providers' insistence on unnecessary cost studies, after
4 they ignored the RTCs for months, should not be condoned. It is my view that the CMRS
5 providers have used the issue of TELRIC studies simply to overburden the RTCs, by
6 requiring the RTCs to redirect their resources, in order to gain advantage in the overall
7 regulatory proceedings. Regardless of the CMRS providers' motives, the FCC's pricing
8 rules and TELRIC methods that the CMRS providers would like to impose on the RTCs are
9 not applicable to Rural Telephone Companies with the status of the RTCs. *See, e.g.,* Motion
10 For Rehearing, filed by Ballard Rural Telephone Cooperative Corporation, Inc. with the
11 Commission on August 3, 2006.

12 **Q: HAS THE FCC EXPRESSED ANY CONCERNS OVER THE EFFICACY OF THE**
13 **TELRIC METHODS FOR RATE DEVELOPMENT?**

14 A: Yes. The FCC initiated a proceeding to review its own pricing rules given the industry
15 interconnection experience since the enactment of the Act now over 10 years ago. (*See*
16 *Notice of Proposed Rulemaking, In the Matter of Review of the Commission's Rules*
17 *Regarding the Pricing of Unbundled Network Elements and the Resale of Service by*
18 *Incumbent Local Exchange Carriers, WC Docket No. 03-173, released September 15, 2003*
19 *("TELRIC NPRM").*) The FCC asked generally for comment on compensation and
20 recognized that the current process creates significant burdens:

21 We seek comment on what measures we might adopt to reduce the
22 costs associated with establishing compensation arrangements. We

1 recognize that a formal negotiation and arbitration process could
2 impose significant burdens on the parties.

3 *Id.* at para. 140 (emphasis added).

4 Moreover, the futility and wastefulness of resources associated with the TELRIC
5 methodology is not surprising to the FCC:

6 State pricing proceedings under the TELRIC regime have been
7 extremely complicated and often last for two or three years at a time.
8 State commissions typically are presented with at least two
9 conflicting cost models, and hundreds of inputs to those models, all
10 supported by the testimony of expert witnesses.

11 *Id.* at para. 6 (citation omitted).

12 Furthermore, the FCC has questioned the wisdom of utilizing the TELRIC approach, not
13 only with respect to intercarrier reciprocal compensation rates but also with respect to all
14 competitive interconnection rates:

15 We also note that, for any given carrier, there may be significant
16 differences in rates from state to state, and even from proceeding to
17 proceeding within a state. We are concerned that such variable
18 results may not reflect genuine cost differences but instead may be
19 the product of the complexity of the issues, the very general nature of
20 our rules, and uncertainty about how to apply those rules. The
21 resulting rates might not, therefore, achieve fully the Commission's
22 goal of sending appropriate economic signals.

23 *Id.*

1 Finally, the FCC recognizes that the cost of conducting TELRIC studies impose significant
2 burdens on the involved parties:

3 These cases are extremely complex, as state commissions must make
4 dozens of detailed decisions regarding the calculation of forward-
5 looking cost of building a local telecommunications network. The
6 drain on resources for the state commission and interested parties can
7 be tremendous.

8 *Id.*

9 **Q: WHAT RELEVANCE DO THE FCC'S CONCLUSIONS HAVE IN THIS**
10 **PROCEEDING?**

11 A: The FCC has recognized the potential waste of resources that results from contentious,
12 inexact, and complex cost proceedings using TELRIC methods. In fact, the FCC may even
13 address these drawbacks in its rulemaking proceeding before it would be possible for the
14 parties to resolve TELRIC rates in this proceeding.

15 Based on my experience with the CMRS carriers in other states, even if the RTCs were to
16 make good faith efforts to produce TELRIC studies, it will likely lead to protracted litigation
17 with the CMRS providers. As the FCC admits, its rules are not explicit and clear; as such,
18 TELRIC studies result in prolonged litigation about appropriate inputs and cost relationships.
19 Similarly, the pursuit of TELRIC studies here would appear to be nothing more than a path
20 to incessant and contentious proceedings that would be counterproductive given the facts and
21 circumstances here. Such an approach would, furthermore, ignore the drawbacks that the
22 FCC has already recognized. Instead, alternative approaches are available to the

1 Commission that would recognize and avoid the problems and resource drain that the FCC
2 has already observed.

3 **Q: IF THE RTCS WERE TO CONDUCT TELRIC STUDIES, HOW WOULD THEY**
4 **HAVE TO PROCEED?**

5 A: They would have to seek outside assistance. The staffs of the RTCs do not possess expertise
6 in the development of TELRIC studies or the methods. Moreover, the RTCs have no prior
7 experience with the available consultants on these matters because there had never before
8 been any reason to seek such assistance, and there has never been a requirement for these
9 Rural Telephone Companies to conduct such studies. In light of events in this proceeding,
10 the RTCs have made recent inquiries of the consultants to determine the scope, cost and
11 potential scheduling of such studies.

12 It is the intent of Congress for Rural Telephone Companies and their rural subscribers to
13 avoid undue economic burdens associated with the fulfillment of interconnection obligations.
14 *See* 47 U.S.C. §§ 251(f)(1) and (2). Given the FCC's own conclusions, in its original
15 interconnection decision in 1996 which concluded that Rural Telephone Companies that
16 possess an exemption from the Section 251(c) interconnection requirements are not subject
17 to the FCC's TELRIC pricing rules, and its conclusions in recent times about the problems
18 associated with TELRIC studies and the significant burdens associated with the conduct of
19 TELRIC studies, there is no policy objective to be served for such studies to be conducted
20 here, particularly when there are more reasonable, less burdensome approaches available to
21 the Commission.

22 **Q: DO THE RTCS HAVE ANY ESTIMATE OF THE COST AND TIME IT WOULD**
23 **TAKE TO COMPLETE TELRIC STUDIES?**

1 A: Based upon my experience in other states, and responses to the RTCs' recent inquiries of the
2 available consultants, a reasonable estimate of the direct costs for outside assistance would
3 be \$30,000 or greater (perhaps as much as \$50,000) based on some variables, including the
4 complexity of the network to be analyzed and the extent of existing cost information that
5 may be useful. In addition to the outside expert costs, there will be extraordinary costs
6 incurred by company personnel in the preparation of information and assistance to the
7 consultants. This internal cost may very well add another \$20,000 to \$30,000 to the overall
8 bill. And these costs would only cover the initial preparation and justification of such a
9 study. Given the number of companies involved, and the requirement to develop some cost
10 information for the first time for some of the RTCs, the initial studies would likely take a few
11 months to complete. To the extent that TELRIC studies result in ongoing disagreement
12 among the parties, the costs would likely be even higher.

13 As the FCC observes, there is no explicit or accepted TELRIC study method prescribed by
14 general rules; and therefore, there are a range of possible approaches which will inevitably
15 lead to disagreement among the parties to such proceedings as to what may be required.
16 Furthermore, the time and cost of TELRIC studies in this set of proceedings is likely to be
17 even greater because of the mere number of small company participants involved, their
18 limited resources, and the availability of a finite set of outside experts that typically assist
19 these companies.

20 **Q: WHAT CONCLUSIONS DO YOU DRAW FROM THESE ESTIMATES?**

21 A: The cost for an individual RTC to conduct, defend, debate, and litigate a TELRIC study
22 could easily reach \$100,000. To incur this amount of cost would be imprudent given: (a) the
23 relatively small number of CMRS minutes to which the resulting rate would be applied; (b)

1 the relatively little difference in the TELRIC rate result from the alternative rate already
2 proposed by the RTCs; and (c) the likelihood that the TELRIC rate would be even greater
3 than what the RTCs have proposed.

4 The Commission should consider a real world example using Duo County Telephone
5 Cooperative Corporation, Inc. If one assumes a total cost of \$100,000 to conduct a TELRIC
6 study, and the fact that Duo County has approximately 5 million aggregate annual minutes of
7 use with CMRS providers that would be affected by a decision in this proceeding, and if Duo
8 County were to recover the costs of conducting a TELRIC study over the next two years
9 during the course of a set of agreements with these CMRS providers, the cost recovery
10 would equate to \$0.01 per minute with these CMRS providers. This cost recovery rate, by
11 itself, is almost as much as the underlying network costs to transport and terminate traffic
12 with the CMRS providers, for which the RTCs have proposed a rate of only \$0.015. When
13 one looks at it this way, it seems absurd for the RTCs, the Commission, and the CMRS
14 providers to waste their respective resources pursuing an approach which will be
15 counterproductive for both sides.

16 **Q: WHY WOULD TELRIC BASED RATES LIKELY BE HIGHER THAN THE**
17 **EQUIVALENT FUNCTION RATES DEVELOPED FOR INTERSTATE ACCESS**
18 **SERVICE PURPOSES?**

19 **A:** The National Exchange Carrier Association develops the costs, demand, and resulting rates
20 for its participant LECs, including the RTCs, for local switching (which is the equivalent
21 function to what is referred to as “termination” in the reciprocal compensation application)
22 and transport functions. Interstate costs are developed on a relative interstate use basis
23 compared to total usage of the particular network function/equipment under cost review.

1 However, the network costs that are considered for interstate access rate development for the
2 switching component are not the total costs of the switching facilities because a portion of
3 these costs is allocated to, and recovered from, Universal Service sources. In other words,
4 the allocation of costs on a relative use basis and the resulting interstate rates for interstate
5 switching are developed based on a less than total amount of actual network cost. The
6 portion of switching costs allocated for Universal Service treatment is recovered via the
7 Universal Service Fund distributions, not through interstate access rates.

8 However, a forward-looking, economic cost approach to rate-setting considers the full
9 economic cost of representative networks used to transport and terminate traffic and, in so
10 doing, considers the entire cost of such networks, without downward adjustment for
11 Universal Service. For these reasons, TELRIC costing methods would likely yield a greater
12 amount of cost for switching functions than does the equivalent process for interstate access.

13 **Q: YOU MENTIONED THE RECENTLY FILED MISSOULA PLAN. HOW WOULD**
14 **THAT PROPOSAL ADDRESS THE RATES FOR TRANSPORT AND**
15 **TERMINATION OF TRAFFIC WITH CMRS PROVIDERS?**

16 **A:** A diverse set of parties including BellSouth, AT&T, Cingular Wireless, as well as a large
17 number of smaller LECs filed a proposal with the FCC for interconnection rules and pricing,
18 now referred to as the Missoula Plan. This consensus and compromise effort was the
19 product of the efforts of the NARUC Intercarrier Compensation Task Force conducted at the
20 encouragement of the FCC. Under this compromise proposal, rural carriers such as the
21 RTCs would be permitted to utilize their interstate access rates as the rates for transport and
22 termination for purposes of reciprocal compensation for local interconnection. As has the
23 FCC, the parties to the compromise proposal also recognized the drawbacks of TELRIC:

1 To remove any potential statutory obstacles to voluntary State
2 compliance with the rate provisions applicable to Track 3 carriers, the
3 [FCC] can modify its rules implementing sections 251(b)(5) and
4 252(d)(2) to make clear that, in setting “cost”-based rates for a Track
5 3 carrier’s transport and termination of traffic, a State opting into the
6 Plan may choose to rely on the Track 3 carrier’s interstate access rate.
7 As the Supreme Court has observed, the term “cost,” as it appears in
8 section 252, “give[s] ratesetting commissions broad methodological
9 leeway.” *Verizon Communications Inc. v. FCC*, 535 U.S. 467, 500
10 (2002). Today’s reformed interstate access rate-setting
11 methodologies, while obviously different from TELRIC, are
12 nonetheless “cost”-based. *See generally* Report and Order, Federal-
13 State Joint Board on Universal Service, Multi-Association Group
14 (MAG Plan for Regulation of Interstate Services of Non-Price Cap
15 ILECs and IXCs, 16 FCC Rcd 11244 (2001).

16 *See* “Missoula Plan - Legal Justification,” footnote 4. (The term Track 3 carrier refers to
17 rural incumbent carriers such as the RTCs.)

18 **Q: WHAT CONCLUSIONS SHOULD THE COMMISSION DRAW FROM THESE**
19 **FACTS AND ANALYSIS?**

20 A: In the course of the arbitration proceedings, the Commission should determine that more
21 prudent options, other than TELRIC, are available to resolve a transport and termination rate
22 for the RTCs. The use of the proposed 1.5 cents per minute or interstate access rates for the
23 same network functions are both reasonable approaches to resolving this issue. For all of the

1 reasons set forth in this preliminary testimony, the Commission should proceed in this
2 manner because it will ensure that all of the parties, including the small RTCs, are not
3 required to incur the undue economic burden of undertaking TELRIC studies.

4 **Q. DOES THIS CONCLUDE YOUR PRELIMINARY TESTIMONY?**

5 A: Yes.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by Federal Express and electronic mail on this 16th day of August, 2006, to the following individual(s):

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A handwritten signature in black ink, consisting of several loops and a long vertical stroke on the right side, positioned above a horizontal line.

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