

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                       |   |            |
|---------------------------------------|---|------------|
| PETITION OF GEARHEART                 | ) |            |
| COMMUNICATIONS, INC. D/B/A COALFIELDS | ) |            |
| TELEPHONE COMPANY FOR ARBITRATION     | ) |            |
| OF CERTAIN TERMS AND CONDITIONS OF    | ) |            |
| PROPOSED INTERCONNECTION AGREEMENT    | ) |            |
| WITH CELLCO PARTNERSHIP D/B/A VERIZON | ) | CASE NO.   |
| WIRELESS, GTE WIRELESS OF THE MIDWEST | ) | 2006-00294 |
| 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 now before the Commission for review and final decision on the interconnection agreements of the petitioner, Gearheart Communications, Inc. d/b/a Coalfields Telephone Company ("Coalfields"). Between May 30, 2006 and June 9, 2006, 12 Rural Local Exchange Carriers<sup>1</sup> filed with the Commission 49 separate requests for arbitration of interconnection agreements with several different Commercial

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<sup>1</sup> Ballard Rural Telephone Cooperative Corporation, Inc.; Duo County Telephone Cooperative Corporation, Inc.; Logan Telephone Cooperative, Inc.; West Kentucky Rural Telephone Cooperative Corporation, Inc.; North Central Telephone Cooperative Corporation; South Central Rural Telephone Cooperative Corporation, Inc.; Brandenburg Telephone Company; Foothills Rural Telephone Cooperative Corporation, Inc.; Gearheart Communications, Inc. d/b/a Coalfields Telephone Company; Mountain Rural Telephone Cooperative Corporation, Inc.; Peoples Rural Telephone Cooperative Corporation, Inc.; and Thacker-Grigsby Telephone Company, Inc. (collectively, "Rural Local Exchange Carriers" or "RLECs").

Mobile Radio Service Providers,<sup>2</sup> pursuant to 47 U.S.C. § 252(b). The Commission initially assigned each case a separate docket number. On July 25, 2006, the Commission issued an Order in Case No. 2006-00294 that consolidated the petitions to 12 separate proceedings, one for each RLEC.

On December 22, 2006, February 5, 2007, March 19, 2007, November 9, 2007 and May 1, 2008, the Commission issued substantive arbitration Orders in this proceeding and instructed the parties to file interconnection agreements consistent with those decisions. On June 18, 2008, the Commission issued a final Order which approved the submission of certain interconnection agreements.

Several of the CMRS Providers sought appellate review of the Commission's Orders before the United States District Court for the Eastern District of Kentucky. On May 20, 2009, the Court issued its Memorandum Opinion and Order and Judgment,<sup>3</sup> wherein it reversed portions of the Commission's Orders and remanded another portion back to the Commission for final decision.<sup>4</sup> The Court also instructed the Commission

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<sup>2</sup> New Cingular Wireless PCS, LLC, successor to BellSouth Mobility LLC, BellSouth Personal Communications LLC, American Cellular, LLC d/b/a AT&T Mobility, and Cincinnati SMSA Limited Partnership d/b/a Cingular Wireless; Sprint Spectrum L.P., on behalf of itself and SprintCom, Inc. d/b/a Sprint PCS; T-Mobile USA, Inc., Powertel/Memphis, Inc., and T-Mobile Central LLC; and Cellco Partnership d/b/a Verizon Wireless, GTE Wireless of the Midwest Incorporated, and Kentucky RSA No. 1 Partnership (collectively, "Commercial Mobile Radio Service Providers" or "CMRS Providers").

<sup>3</sup> Opinion and Order, T-Mobile USA, Inc, et al. v. David Armstrong, et al., Civil Action No. 08-36-DCR, slip copy, United States District Court, Eastern District of Kentucky (May 20, 2009) ("May 20 Opinion"). The Court also issued a judgment in the civil action as a separate document on May 20, 2009 ("May 20 Judgment").

<sup>4</sup> See May 20 Opinion at 6-7, 15-16; see also May 20 Judgment at 2.

to direct the CMRS Providers and RLECs to submit “new conformed interconnection agreements consistent with [the Court’s] Memorandum Opinion and Order.”<sup>5</sup>

On December 18, 2009, Coalfields filed interconnection agreements with the Commission in the following original consolidated cases:

| <u>Case No.</u> | <u>Commercial Mobile Radio Service Providers</u>  |
|-----------------|---|
| 2006-00294      | 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 |
| 2006-00295      | T-Mobile USA, Inc., Powertel/Memphis, Inc. and T-Mobile Central LLC   |

The Commission has reviewed the agreements pursuant to 47 U.S.C. § 252(e)(1) and finds that no portion of the agreements discriminates against any telecommunications carrier not party to the agreements and that implementation of the agreements is consistent with the public interest, convenience and necessity. The Commission also finds that the agreements meet the requirements of 47 U.S.C. § 251.

Having reviewed the submissions and having been otherwise sufficiently advised, the Commission finds that the interconnection agreements submitted by Coalfields, as referenced herein, should be approved.

IT IS THEREFORE ORDERED that:

1. The Coalfields interconnection agreements are approved.
2. This matter is closed and removed from the Commission’s docket.

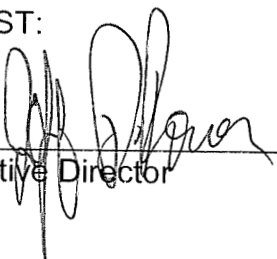
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<sup>5</sup> May 20 Opinion at 16.

By the Commission

ENTERED  
JAN 13 2010 *M*  
KENTUCKY PUBLIC  
SERVICE COMMISSION

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