

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

SEP 22 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 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

Petition of Duo County Telephone Cooperative Corporation, Inc. for Arbitration of Certain Terms and 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

Case No. 2006-00217

Petition of Logan 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, Pursuant to the Communications Act of 1934, as Amended by the Telecommunications Act of 1996

Case No. 2006-00218

Petition of West Kentucky 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, Pursuant to the Communications Act of 1934, as Amended by the Telecommunications Act of 1996

Case No. 2006-00220

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

Case No. 2006-00252

Petition of South Central Rural Telephone)
Cooperative Corporation, Inc. for Arbitration of)
Certain Terms and 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)

Case No. 2006-00255

Petition of Brandenburg Telephone Company for)
Arbitration of Certain Terms and 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)

Case No. 2006-00288

Petition of Foothills Rural Telephone Cooperative)
Corporation, Inc. for Arbitration of Certain Terms)
and 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)

Case No. 2006-00292

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 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)

Case No. 2006-00294

Petition of Mountain Rural Telephone Cooperative)
Corporation, Inc. for Arbitration of Certain Terms)
and 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)

Case No. 2006-00296

Petition of Peoples Rural Telephone Cooperative)
Corporation, Inc. for Arbitration of Certain Terms)
and 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)

Case No. 2006-00298

Petition of Thacker-Grigsby Telephone Company,)
Inc. for Arbitration of Certain Terms and)
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)

Case No. 2006-00300

CMRS PROVIDERS' MOTION TO COMPEL

Alltel Communications, Inc. ("Alltel"); American Cellular Corporation ("ACC"); New Cingular Wireless PCS, LLC, successor to BellSouth Mobility LLC, BellSouth Personal Communications LLC and Cincinnati SMSA Limited Partnership d/b/a Cingular Wireless ("Cingular"); Sprint Spectrum L.P., on behalf of itself and SprintCom, Inc., d/b/a Sprint PCS ("Sprint PCS"); T-Mobile USA, Inc., Powertel/Memphis, Inc., and T-Mobile Central LLC ("T-Mobile"); and Celco Partnership d/b/a Verizon Wireless, GTE Wireless of the Midwest Incorporated, and Kentucky RSA No. 1 Partnership ("Verizon Wireless") (collectively referred to as the "CMRS Providers") hereby move to compel Ballard Rural Telephone Cooperative Corporation, Inc. ("Ballard"), Duo County Telephone Cooperative Corporation, Inc. ("Duo County"), West Kentucky Rural Telephone Cooperative Corporation, Inc. ("West Kentucky") Logan Telephone Cooperative, Inc. ("Logan"), North Central Telephone Cooperative Corporation ("North Central"), South Central Rural Telephone Cooperative Corporation, Inc. ("South Central"), Foothills Rural Telephone Cooperative Corporation, Inc. ("Foothills"), Brandenburg Telephone Company ("Brandenburg"), Gearheart Communications Inc. d/b/a Coalfields Telephone Company ("Gearheart"), Mountain Rural Telephone Cooperative Corporation, Inc. ("Mountain Rural"), Peoples Rural Telephone Cooperative Corporation, Inc. ("Peoples Rural"), and Thacker-Grigsby Telephone Company, Inc. ("Thacker-Grigsby") (collectively referred to as "RLECs") to respond fully to the CMRS Providers' First Set of Discovery Responses. The CMRS Providers served and filed identical Requests on each RLEC in each of the above dockets. Each RLEC responded individually, but many of the responses and objections were identical. Set forth below are the Discovery Requests that are subject to this Motion, and an explanation as to why the response was deficient or the objection should be denied.

While not required by the Commission's Rules, one representative of the CMRS providers met and conferred by telephone with counsel for the RLECs on the morning of Monday, September 18 to identify these deficiencies and to try to negotiate a resolution in lieu of a motion. Counsel for the CMRS providers indicated that any response from the RLECs on these points would need to be received by Wednesday, September 20 because the CMRS Providers would need to file a motion on Friday, September 22 in light of the upcoming deadlines. Beginning on Thursday afternoon, some additional information was received from the RLECs, and the scope of this motion has been limited accordingly. There are still some issues that are being negotiated, and the CMRS Providers reserve the right to move to compel on those issues if no agreement is reached.

I. REQUESTS 1.8, 1.13, 1.15 – INFORMATION RELATED TO CURRENT INTERCONNECTION BETWEEN RLECS AND BELL SOUTH

A. Requests and Responses

Request 1.8. Identify all of your tandem or end office switches connected to a BellSouth tandem, and the type of trunks (e.g., one-way, two-way, Feature Group C) between the two switches.

ANSWER: the Company objects that this interrogatory is overbroad and unduly burdensome. Without waiving its objection, refers the CMRS Providers to the chart attached as Exhibit 1.

SUPPLEMENTAL ANSWER: Pursuant to our discussion on Monday, and without waiving any objections, it is our understanding that the RLEC's typically exchange BellSouth toll traffic by means of 2-way FGC toll trunks connecting RLEC and BellSouth tandems. The exchange of other IXC traffic is typically accomplished by means of 2-way FGD trunks connecting RLEC and BellSouth tandems. EAS traffic is typically different in that connectivity is typically made by means of a 2-way EAS trunk between an RLEC tandem and a BellSouth end-office.

1.13 Please identify where (i.e., physical interconnection location(s)) and describe how (i.e., type of trunk group, and nature of traffic currently exchanged over each trunk group) Respondent's network is currently interconnected with the BellSouth network.

ANSWER: The Company objects that this interrogatory is overbroad, unduly burdensome, not relevant to the subject matter of the pending action, and not reasonably

calculated to lead to the discovery of admissible evidence. Without waiving its objections, the Company refers the CMRS Providers to the chart attached as Exhibit 1. In addition, see information readily available in the Local Exchange Routing Guide (“LERG”) and the Commission’s website.

SUPPLEMENTAL ANSWER: Pursuant to our discussion on Monday, and without waiving any objections, it is our understanding that the RLEC's typically exchange BellSouth toll traffic by means of 2-way FGC toll trunks connecting RLEC and BellSouth tandems. The exchange of other IXC traffic is typically accomplished by means of 2-way FGD trunks connecting RLEC and BellSouth tandems. EAS traffic is typically different in that connectivity is typically made by means of a 2-way EAS trunk between an RLEC tandem and a BellSouth end-office.

1.15 Does BellSouth currently combine CMRS Provider traffic with other traffic types and deliver such combined traffic to you over the same trunk group(s)? If so, please identify each trunk group over which combined traffic is delivered to you by BellSouth, and each type of traffic that you contend BellSouth has combined for delivery over that trunk group.

ANSWER: The Company objects that this interrogatory is overbroad, unduly burdensome, not relevant to the subject matter of the pending action, and not reasonably calculated to lead to the discovery of admissible evidence. The company further objects that the phrase “trunk group” is vague and ambiguous. The Company further objects that it cannot answer a question directed at the practices of a non-party to this proceeding because it has no direct knowledge of that non-party’s practices. Without waiving its objections, the Company refers the CMRS Providers to the charts attached hereto as Exhibit 1.

SUPPLEMENTAL ANSWER: Pursuant to our discussion on Monday, and without waiving any objections, we can state that to the best of the RLEC’s knowledge, BellSouth currently combines its own intraLATA toll traffic with that of the CMRS carriers and delivers that traffic to the RLEC’s over BellSouth access toll trunks.

B. CMRS Providers’ Argument

The information provided by the RLECs in their Exhibit 1 documents is non-responsive to these three requests. The RLECs have identified which BellSouth tandems are connected to their switches, but failed to provide the additional requested information regarding these connections. The RLECs did not identify the various of type of trunks, and did not identify the types of traffic exchanged over these trunks. The supplemental response provided does not appear to be definitive (“it is our understanding”) and does not provide any specific information about any RLEC network. This information is relevant in this case because the Parties are

arbitrating whether and how indirect interconnection will occur after January 1, 2007. The CMRS Providers seek the requested information, in part, to demonstrate that the current indirect interconnection arrangements are technically feasible and do not created any undue burden or hardship upon the RLECs. The RLECs' objection to this request as overbroad and unduly burdensome should be denied.

**II. REQUESTS 1.11, 1.44, AND 1.48 - LOCAL CALLING INFORMATION/
DIALING PARITY**

A. Requests and Responses

1.11 Complete the form attached as Exhibit 2, providing the requested local calling and EAS calling information for each exchange you serve. Provide your response in electronic form.

Exhibit 2 was as follows:

EXHIBIT 2 TO FIRST DISCOVERY SERVED BY CMRS PROVIDERS
Local and EAS Calling

Rate Center	Exchange	CLLI CODE	Intra Company Calling or EAS		Inter Company ¹ Local Calling or EAS			
			Rate Center	NPA-NXX	Rate Center	NPA-NXX	Carrier	Trunk Type ²

¹ Identify all local or EAS calling with other carriers (ILECs, CLECs, CMRS)
² Identify how local or EAS traffic is routed between Petitioner and another carrier
(e.g., Shared EAS trunks, Dedicated EAS, Local Interconnect, Type 1, Type 2 etc.)

ANSWER: The Company objects that this interrogatory is overbroad, unduly burdensome, not relevant to the subject matter of the pending action, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, the Company refers the CMRS Providers to the chart attached as Exhibit 1. In addition, see information readily available in the Local Exchange Routing Guide (“LERG”) and the Commission’s website.

SUPPLEMENTAL ANSWER: As for Information Request 1.11, the companies do not maintain the requested data on an NPA-NXX by NPA-NXX basis, and it would therefore be unduly burdensome for the companies to provide the requested information to you in that form. We believe the exchanges for which local or EAS calling is available were provided on the Exhibit 1 attached to the initial responses, but if you still need some specific information, we can look into getting it for you (although, again, this is complicated by the fact that many of the companies are attending the NECA event in Las Vegas).

1.44 If a CMRS Provider has not established direct interconnection trunks with you, will you allow your customers to make a local call to a CMRS Provider number assigned in the originating exchange or EAS area?

ANSWER: The Company objects that the phrase “direct interconnection trunks” is vague and ambiguous. The Company further objects that this interrogatory seeks the mental impressions of counsel and other information and advice that is subject to the attorney-client and attorney work product privileges. The Company further objects to any implication that it has required or able to exchange traffic with a third-party intermediary. Without waiving its objections, the Company states that the interrogatory does not provide enough information for the Company to answer.

1.48 If a CMRS Provider does not establish direct interconnection trunks with you, do you intend to block inbound or outbound CMRS Provider traffic?

ANSWER: The Company objects that the phrase “direct interconnection trunks” and the word “block” are vague and ambiguous. The Company further objects that this interrogatory seeks the mental impressions of counsel and other information and advice that is subject to the attorney-client and attorney work product privileges. The Company further objects to any implication that it is required or able to exchange traffic with a third-party intermediary. Without waiving its objections, the Company states that the interrogatory does not provide enough information for the Company to answer.

B. CMRS Providers’ Argument

The CMRS Providers have proposed that the Parties’ Interconnection Agreements require that RLECs will provide local dialing parity for calls from RLEC customers to CMRS customers with numbers in locally-rated number blocks. This is required by 47 U.S.C. § 251(b)(3) and is an appropriate subject for an interconnection agreement. WWC License,

L.L.C. v. Boyle, 459 F.3d 880 (8th Cir. 2006). The RLECs disagree, and apparently do not believe that they have any obligation to allow their customers to dial wireless customers at parity with their own. This is an extremely important issue in this arbitration.

The RLECS have provided some limited information in response to this Request 1.11, but have not provided all responsive information. For example, West Kentucky Rural identified companies that it has “EAS” agreements with but does not identify the rate centers that have local calling from each of its own rate centers. In addition, no company identifies its own local NPA-NXX codes or other local NPA-NXX codes that can be dialed on a local basis. This is basic information that is requested and provided as a matter of course in RLEC arbitrations. The Commission should order the RLECs to respond fully to this request. The RLECs’ objection that providing this information would be burdensome should be denied.

With regard to requests 1.44, and 1.48, the RLECs have simply failed to respond. Whether or not the RLECs will allow CMRS customers to dial local numbers in the absence of direct interconnection trunks, and whether or not the RLECs intend to block traffic to or from the CMRS Providers are significant issues for customers and carriers alike, and should be clearly addressed in this arbitration.

CONCLUSION

For the above reasons, the Commission should order the RLECs to provide full and complete responses to the Requests identified above.

Dated: September 22, 2006

By: /s/ Holland N. McTyeire, V
Holland N. McTyeire, V

GREENEBAUM DOLL & McDONALD PLLC
3500 National City Tower
101 South Fifth Street
Louisville, Kentucky 40202
(502) 587-3672
(502) 540-2223 (fax)
hnm@gdm.com

and

Leon M. Bloomfield

WILSON & BLOOMFIELD LLP
1901 Harrison Street
Suite 1620
Oakland, California 94612
(510) 625-1164
(510) 625-8253 (fax)
lmb@wblaw.net

ATTORNEYS FOR AMERICAN CELLULAR
CORPORATION

Dated: September 22, 2006

By: /s/ Jeff Yost

Jeff Yost

Mary Beth Naumann

JACKSON KELLY PLLC

175 East Main Street

Lexington, Kentucky 40507

(859) 255-9500

and

Mark Ashby

CINGULAR

5565 Glenridge Connector

Suite 1797

Atlanta, Georgia 30342

(404) 236-5568

(404) 236-5575 (fax)

and

Paul Walters, Jr.

ATTORNEYS AT LAW

15 East 1st Street

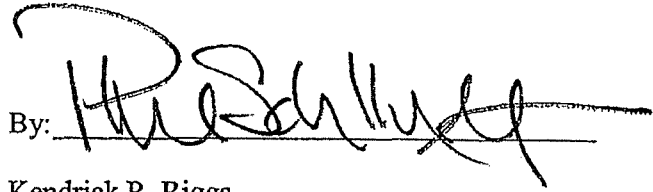
Edmond, Oklahoma 73034

(405) 359-1718

(405) 348-1151 (fax)

ATTORNEYS FOR NEW CINGULAR
WIRELESS PCS, LLC, SUCCESSOR TO
BELLSOUTH MOBILITY LLC AND
BELLSOUTH PERSONAL
COMMUNICATIONS LLC AND
CINCINNATI SMSA LIMITED
PARTNERSHIP D/B/A CINGULAR
WIRELESS

Dated: September 22, 2006

By: 

Kendrick R. Riggs
Douglas F. Brent

STOLL KEENON OGDEN PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202
(502) 333-6000
(502) 627-8722 (fax)
kendrick.riggs@skofirm.com

and

Philip R. Schenkenberg

BRIGGS AND MORGAN, P.A.
2200 IDS Center
Minneapolis, Minnesota 55402
(612) 977-8400
(612) 977-8650 (fax)
pschenkenberg@briggs.com

ATTORNEYS FOR T-MOBILE USA, INC.,
POWERTEL/MEMPHIS, INC. AND T-
MOBILE CENTRAL LLC ("T-MOBILE")
AND CELLCO PARTNERSHIP D/B/A
VERIZON WIRELESS, GTE WIRELESS OF
THE MIDWEST INCORPORATED, AND
KENTUCKY RSA NO. 1 PARTNERSHIP
(VERIZON WIRELESS")

Dated: September 22, 2006

By: /s/ John N. Hughes

John N. Hughes

ATTORNEY AT LAW
124 West Todd Street
Frankfort, Kentucky 40601
Telephone: (502) 227-7270
Facsimile: (502) 875-7059

and

William R. Atkinson
Douglas C. Nelson
SPRINT NEXTEL
3065 Cumberland Circle, S.E.
Mailstop GAATLD0602
Atlanta, Georgia 30339
(404) 649-4882
(404) 649-1652 (fax)
Bill.Atkinson@sprint.com

ATTORNEYS FOR SPRINT SPECTRUM
L.P., ON BEHALF OF ITSELF AND
SPRINTCOM, INC. D/B/A SPRINT PCS

Dated: September 22, 2006

By: /s/ Mark Overstreet

Mark Overstreet

STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, Kentucky 40602-0634
(502) 223-3477
(502) 223-4387 (fax)
moverstreet@stites.com

and

Stephen B. Rowell

ALLTEL COMMUNICATIONS, INC.
One Allied Drive
Little Rock, Arkansas 72202-2099
(501) 905-8460
(501) 905-4443 (fax)
Stephen.B.Rowell@alltel.com

ATTORNEYS FOR ALLTEL
COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of **CMRS PROVIDERS' MOTION TO COMPEL** was on this 22 day of September, 2006 served via electronic and United States mail, postage prepaid to the following:

John E. Selent
DINSMORE & SHOHL, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202

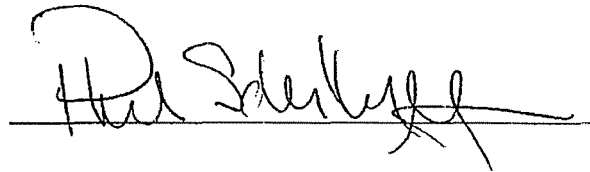
James Dean Liebman
LIEBMAN & LIEBMAN
403 West Main Street
P.O. Box 478
Frankfort, Kentucky 40602

Bhugin M. Modi
COMSCAPE COMMUNICATIONS, INC.
1926 10th Avenue, North
Suite 305
West Palm Beach, Florida 33461

William G. Francis
FRANCIS, KENDRICK AND FRANCIS
First Commonwealth Bank Building
311 North Arnold Avenue, Suite 504
P.O. Box 268
Prestonburg, Kentucky 41653-0268

Thomas Sams
NTCH, INC.
1600 Ute Avenue, Suite 10
Grand Junction, Colorado 81501

NTCH-WEST, INC.
1970 N. Highland Avenue
Suite E
Jackson, Tennessee 38305



A handwritten signature in black ink, appearing to read "John E. Selent", is written over a horizontal line.