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Charles R. Borders
Commissioner

February 5, 2010

PARTIES OF RECORD

Re: Case No. 2009-00246

Attached is a copy of the memorandum which is being filed in the record of the above-referenced case. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within seven days of receipt of this letter. If you have any questions, please contact Tiffany Bowman at 502/564-3940, Extension 465 or by email at TiffanyJ.Bowman@ky.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

JD/tb

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File
FROM: Tiffany Bowman
Staff Attorney
DATE: February 5, 2010
SUBJECT: Case No. 2009-00246

Petition of Windstream Kentucky East, LLC for Arbitration of an Interconnection Agreement with New Cingular Wireless PCS, LLC d/b/a AT&T Mobility

Informal Conference Memorandum

An informal conference ("IC") was held in this matter on Thursday, February 4, 2010. A copy of the conference attendance list is attached. The purpose of the IC was to discuss the development of a second procedural schedule, potential hearing dates and developing the proper list of issues to be addressed within this proceeding.

During the course of the IC, the parties and Commission Staff discussed the following issues:

- In its response to Windstream's petition for arbitration, New Cingular proposed the inclusion of 9 additional issues into the case. During the IC, Windstream stated that the 9 issues are simply sub-issues of the original 4 issues presented by Windstream in the petition. Windstream stated that it did not have any objection to keeping each of the 9 issues within the proceeding.
- Commission Staff stated that in its response to the petition for arbitration, New Cingular argued that Windstream's Issue #3 ("*Should interconnection facilities be priced at inter-state or intra-state special access rates?*") should be declared moot and not part of this proceeding. During the IC, New Cingular stated that the parties have reached an agreement on the language to be included in Issue #3 for the interconnection agreement. The parties agreed that Issue #3 can be excluded from the arbitration proceeding.
- New Cingular stated that as to Windstream's Issue #2 ("*What is the proper percentage to use to determine inter-MTA traffic?*"), the

parties are currently negotiating the language to be included in the ICA and may be close to resolution and eliminating that issue from the proceeding. The parties will continue to discuss the settlement of Issue #2 and may have a settlement result within 4 weeks.

- The parties and Commission Staff discussed the additional procedural steps for this case. The parties expect to submit a Joint Proposed Procedural Schedule which will include dates for the following submissions:

A joint issues matrix
Direct Testimony
Supplemental Discovery Requests
Objections to Supplemental Discovery Requests
Rebuttal Testimony
Formal Hearing

The parties also stated that they may include dates for the submission of follow-up data request responses to at least 4 questions that were not answered during the 1st and 2nd rounds of discovery.

- The Parties and Commission Staff developed a list of 3 sets of potential hearing dates:

June 15 and 16, 2010
July 13 and 14, 2010
July 27 and 28, 2010

The Parties stated that they would include these potential dates within their proposed procedural schedule, which will be submitted on February 15th. Commission Staff agreed to submit these potential dates to the Commission for final selection once the Joint Proposed Procedural Schedule is filed.

- New Cingular posed a question regarding Commission practices in compelling parties to participate in witness depositions during the discovery phase of a proceeding. New Cingular stated that it wants to depose Windstream's cost witness and stated that it would make its own cost witness available for deposition by Windstream. New Cingular stated that it would conduct the deposition by telephone, as the parties, witnesses and counsel are based in various cities around the country. New Cingular stated that a transcript would not be filed in the PSC record and Commission Staff would not need to be present. Windstream stated that it objected to holding the depositions. Commission staff stated that it would follow-up with

counsel after the IC with details on past Commission practices on compelling depositions.

The informal conference then adjourned.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NOS. 2009-00246

PETITION OF WINDSTREAM KENTUCKY EAST, LLC FOR ARBITRATION OF
AN INTERCONNECTION AGREEMENT WITH NEW CINGULAR WIRELESS
PCS, LLC D/B/A AT&T MOBILITY

SIGN IN

February 4, 2010

PERSON

Tiffany Bowman

Jim Stevens

Paul Walters

Rob Moore

Mary Keyer

Jim Tipton

Stacey Majors

Lynn Hughes ✓

Scott Terry ✓

Kyle Willard

REPRESENTING

PSC Staff

PSC Staff

~~#~~ NewCingular (phone)

Windstream (phone)

NewCingular (phone)

NewCingular (phone)

Windstream (phone)

Windstream (phone)

Windstream (phone)

PSC-Engineering
