

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF WINDSTREAM KENTUCKY	)	
EAST, LLC FOR ARBITRATION OF AN	)	CASE NO.
INTERCONNECTION AGREEMENT WITH NEW	)	2009-00246
CINGULAR WIRELESS PCS, LLC D/B/A AT&T	)	
MOBILITY	)	

O R D E R

On June 10, 2010, Windstream Kentucky East, LLC (“Windstream”) and New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T Mobility”) jointly moved for the suspension of the current procedural schedule, which was issued by the Commission by Order dated February 23, 2010. The parties request suspension of the current schedule because they will require more time to complete several pertinent pre-hearing procedural matters. To begin, AT&T Mobility states that it will require additional time to review the updated cost study filed by Windstream on May 27, 2010 and will require additional time to propound related data requests prior to taking depositions in this case.<sup>1</sup> Next, AT&T Mobility states that it intends to perform a traffic study that it believes will contribute to the resolution of at least one issue in this proceeding.<sup>2</sup>

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<sup>1</sup> See Commission Order dated April 8, 2010 approving each party’s request to conduct depositions.

<sup>2</sup> There are four primary issues to be decided by the Commission in this proceeding. See Commission Staff’s Informal Conference Memorandum dated February 5, 2010.

Windstream states that, as a result, it will need additional time to issue data requests related to that traffic study prior to conducting depositions if the parties are unable to reach a resolution. Lastly, the parties request further time to submit an amended procedural schedule that reflects the current activity in the case.

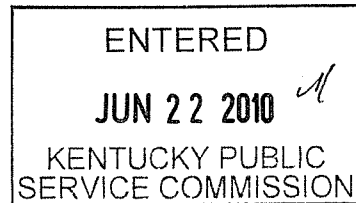
Having reviewed the motion and the arguments contained therein, the Commission finds that the parties have provided good cause for the suspension of the current procedural schedule and, therefore, the motion should be granted. However, the parties failed to specifically state within the motion when a new proposed amended schedule would be submitted to the Commission. To ensure that this proceeding continues to move forward in a timely manner, the Commission finds that the parties should submit a proposed amended procedural schedule no later than July 30, 2010.

The Commission also notes that the parties did not specifically request a continuance of the formal hearing before the Commission, currently scheduled to occur on July 27 and 28, 2010, as set forth in the March 3, 2010 Order. The Commission finds that, as the parties' motion for suspension of the pre-hearing procedural schedule will be granted to allow additional time for discovery of information pertinent to the issues in this arbitration, it then follows that the formal hearing cannot be held as currently scheduled. Therefore, upon its own motion, the Commission finds that the formal hearing set for July 27 and 28, 2010 should be continued. The Commission shall reschedule the formal hearing by separate Order after the parties have submitted a proposed amended procedural schedule.

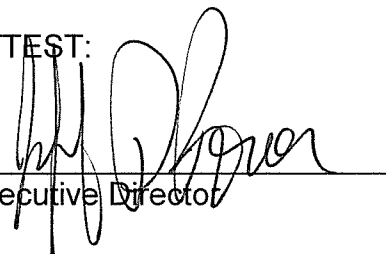
The Commission, being sufficiently advised, HEREBY ORDERS that:

1. The motion to suspend the current procedural schedule issued by Order on February 23, 2010 is granted.
2. The formal hearing scheduled for July 27 and 28, 2010 is cancelled.
3. No later than July 30, 2010, the parties shall submit a new proposed amended procedural schedule for Commission review.

By the Commission



ATTEST:

  
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Executive Director

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