

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BELLSOUTH	)	
TELECOMMUNICATIONS, INC. D/B/A AT&T	)	CASE NO.
KENTUCKY FOR ARBITRATION OF	)	2010-00062
INTERCONNECTION AGREEMENT WITH	)	
SPRINT COMMUNICATIONS COMPANY L.P.	)	

O R D E R

On July 26, 2010, the parties, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”), Sprint Spectrum L.P., Nextel West Corp., and NPCR, Inc. d/b/a Nextel Partners (collectively, “Sprint CMRS”) and Sprint Communications Company L.P. (“Sprint CLEC”), submitted a Joint Notice and Motion for Procedural Schedule (“Joint Notice”). The parties state that they either are or will be engaged in identical arbitration proceedings against one another before commissions in North Carolina, Georgia, Florida, Wisconsin, Tennessee, South Carolina, Alabama, Louisiana, and Mississippi (collectively, “Arbitration States”). The parties state that they have agreed to a regional procedural schedule and regional discovery procedures in order to efficiently accomplish the administrative litigation across the Arbitration States and to minimize the discovery burdens upon themselves, as well as the affected Arbitration State commissions. The proposed procedural schedule is provided as Exhibit 1 to the Joint Notice.

Additionally, the parties state that they have settled the other outstanding procedural issues in this proceeding, including the motion to consolidate Case Nos.

2010-00061 and 2010-00062 filed by Sprint CMRS and Sprint CLEC on March 9, 2010. The parties agree that a number of substantive issues still must be arbitrated and decided by this Commission; however, they intend to continue to engage in negotiations in order to narrow the remaining disputes in preparation for the formal hearing scheduled to occur on December 14-16, 2010.

The parties state that they have agreed to the following preliminary matters which render moot the pending motions:

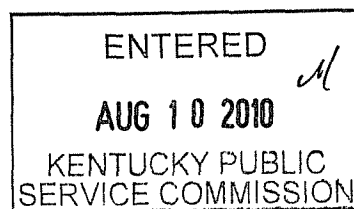
1. Consolidation of Case Nos. 2010-00061 and 2010-00062;
2. Usage of the consolidated Sprint CMRS/Sprint CLEC decision point list that was filed simultaneously with the Joint Notice on July 26, 2010; and
3. Preparation and filing of separate interconnection agreements for Sprint CMRS and Sprint CLEC to be executed as a result of the consolidated arbitration proceedings, as opposed to a single combined Sprint CMRS/Sprint CLEC interconnection agreement.

Having reviewed the Joint Notice, the Commission finds that the motion for a procedural schedule should be granted. Additionally, although the parties state that they have agreed to the resolution of the other outstanding preliminary procedural issues in this proceeding as outlined above, the Commission finds that the notice of resolution of these issues shall also be treated as a motion for the Commission to accept the terms of that resolution. Having reviewed the resolution for case consolidation, a consolidation of the decision point list, and the submission of Sprint CMRS and Sprint CLEC interconnection agreements, the Commission finds that the motion to accept the resolution of those terms should be granted.

IT IS HEREBY ORDERED that:

1. The motion for a procedural schedule is granted. The parties shall follow the procedural schedule provided in the Appendix to this Order.
2. The motion to consolidate is granted. Case No. 2010-00062 is consolidated into Case No. 2010-00061.
3. From the date of this Order, the Executive Director of the Commission shall file all pleadings and papers for Case No. 2010-00061 and Case No. 2010-00062 into Case No. 2010-00061.
4. From the date of this Order, all pleadings and papers in Case No. 2010-00061 and Case No. 2010-00062 shall bear only the caption of Case No. 2010-00061.
5. The motion to use the consolidated Sprint CMRS/Sprint CLEC decision point list filed on July 26, 2010 is granted.
6. The motion to file separate interconnection agreements for Sprint CMRS and Sprint CLEC at the conclusion of Case No. 2010-00061 is granted.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2010-00062 DATED **AUG 10 2010**

## JOINT PROCEDURAL SCHEDULE

The following schedule for the conduct of this arbitration shall apply:

August 17, 2010	Simultaneous Direct Testimony filed
September 16, 2010	Simultaneous Rebuttal Testimony filed
November 15, 2010	No new data requests propounded after this date.
December 14-16, 2010	Hearing. Attorneys for the Parties shall gather early on the first date of the hearing to discuss any outstanding procedural issues.

Simultaneous Post-Hearing Briefs: 45 days after Receipt of Hearing Transcript.

Simultaneous Post-Hearing Reply Briefs: 30 days after Post-Hearing Briefs.

The discovery window is open and is being conducted under the following parameters:

1. Written discovery shall be limited to a total of 100 distinct discovery requests of any type from each Party for all arbitrations pending or to be filed in the Arbitration States. Parts and subparts of a request shall be counted as separate requests. A given request shall be counted as a single request even though it may seek information regarding more than one Arbitration State or (insofar as the Parties may be required to propound or file discovery in more than one state covered by the stipulation) has been propounded in more than one state.
2. The Parties believe written discovery, pre-filed testimony and the record through and including the arbitration hearings will create a sufficient record for the respective Commissions to render arbitration decisions and, therefore, agree that neither Party will initiate deposition discovery. If a Commission Staff or statutory advocate seeks deposition discovery despite the Parties' agreement not to initiate deposition discovery, the Parties will jointly request that such deposition discovery be coordinated with deposition discovery sought in any other state so that such discovery is:
  - a. Limited to witnesses who have submitted testimony in the arbitration;
  - b. Limited to one deposition per witness for all proceedings; and,
  - c. Conducted at mutually acceptable locations, times and dates for witness depositions.

3. Responses to discovery propounded in one state (including discovery propounded by Commission Staff or statutory advocates) shall be treated as if produced in all states covered by this stipulation. Any time before the close of the arbitration hearing record in a given state, either Party may file and move for admission of discovery responses propounded in another state, and the non-filing Party shall not object to the admission of such discovery on the basis that the discovery was propounded and answered in another state. Notwithstanding the foregoing, the Parties reserve their right to object to admissibility based on any other grounds.
4. Objections to discovery shall be served within 10 calendar days of service of the request.
5. Responses to discovery shall be served within 21 calendar days of service of the request.
6. Requests and responses shall be served electronically, with hard copies to follow.
7. The Parties agree to use a mutually acceptable regional protective agreement for use in the proceedings.

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