

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF BALLARD RURAL TELEPHONE)	
COOPERATIVE CORPORATION, INC. FOR)	CASE NO.
ARBITRATION OF CERTAIN TERMS AND)	2006-00215
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)	

O R D E R

This matter is before the Commission on the requests of NTCH-West, Inc. (“NTCH”) and ComScape Communications, Inc. (“ComScape”), as set forth in letters dated June 15, 2006, for dismissal of the arbitration petitions filed against them pursuant to Section 252 of the Communications Act of 1934 as amended by the Telecommunications Act of 1996 (the “Act”) by Ballard Rural Telephone Cooperative Corporation (“Ballard”) in Kentucky Public Service Commission Case Nos. 2006-00223 and 2006-00224 (collectively, the “Arbitration Proceedings”). Ballard has filed a response and the matter is now ripe for review.

The Arbitration Proceedings are closely related to 41 other proceedings filed by 12 rural local exchange carriers, including Ballard, against certain commercial mobile radio service providers, such as NTCH and ComScape. On July 25, 2006, the Commission consolidated these 41 cases into 12 cases centered upon each rural local

exchange carrier. The Act expressly authorizes the Commission to consolidate arbitration proceedings where appropriate:

Where not inconsistent with the requirements of this Act, a State commission may, to the extent practical, consolidate proceedings. . .in order to reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under the Act.

47 U.S.C. § 252(g).

Although the Commission notes that these Arbitration Proceedings present a threshold question as to whether an interconnection agreement is necessary between NTCH/ComScope and Ballard, the Commission anticipates that the remaining issues presented by the petition in the Arbitration Proceedings will present nearly identical issues to those presented in each of the 12 consolidated arbitration proceedings. Accordingly, the Arbitration Proceedings will be consolidated into this case and the parties will be bound by the schedule set forth in Appendix A of this Order. Due to the number of arbitration petitions at issue as a whole and the relatively short time period for processing each case, the Commission will not deviate from the schedule except in the most rare instance of good cause being shown. The Commission will not impose any additional procedural conditions on the parties at this time, but fully anticipates that the parties will act whenever possible to minimize unnecessary duplication of efforts and resources in each of the 12 consolidated proceedings. The Commission may enter a separate order at a later date setting forth in detail the process and procedures to be followed in conducting the hearings of the consolidated cases and may permit portions of the hearings to be further consolidated as circumstances may warrant.


IT IS THEREFORE ORDERED that:

1. The request of NTCH and Comscape for dismissal of Case Nos. 2006-00223 and 2006-00224 is denied.
2. Case Nos. 2006-00223 and 2006-00224 shall be consolidated into Case No. 2006-00215, which shall be the case in which all subsequent pleadings and documents are to be filed of record.
3. Case Nos. 2006-00223 and 2006-00224 are hereby consolidated into this proceeding and are stricken from the Commission's docket.
4. The parties shall abide by the schedule set forth in Appendix A unless otherwise ordered by the Commission.

Done at Frankfort, Kentucky, this 31st day of July, 2006.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2006-00215 DATED July 31, 2006

Parties negotiate a protective agreement
to govern the exchange of confidential information, if desired..... 8/1/06

NTCH and ComScape shall file their formal response
to the arbitration petition of Ballard..... 8/7/06

RLECs file and serve TELRIC-based cost studies
and written testimony in support of those cost studies,
on which they rely to demonstrate that their proposed
reciprocal compensation rates meet the pricing standards
of 47 U.S.C. § 252(d)(2) and the FCC’s part 51 pricing
rules. The cost studies will be provided in both hard
copy and in electronic format that will allow the
Commission and the CMRS Providers to track each
element from initial input to final results. All cost
studies will be provided in open format 8/16/06

Written discovery requests shall be filed with the
Commission and served on all parties electronically 8/23/06

Responses and all objections to discovery shall be
filed and served electronically 9/7/06

Supplemental discovery requests shall be filed with the
Commission and served on all parties electronically 9/14/06

Responses and objections to supplemental discovery
shall be filed and served electronically 9/22/06

Direct testimony (other than RLEC cost witnesses) shall
be filed and served 9/29/06

Rebuttal testimony shall be filed and served 10/6/06

Public hearing is to begin at 9:00 a.m.,
Eastern Daylight Time, in Hearing Room 1
Of the Commission’s offices at 211 Sower
Boulevard, Frankfort, Kentucky 10/16-18/06

Opening briefs shall be filed by 11/3/06

Reply briefs shall be filed by..... 11/15/06

Commission decision End of December