

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

An Investigation into the Intrastate Switched  
Access Rates of All Kentucky Incumbent and  
Competitive Local Exchange Carriers

Adm. Case No. 2010-00398

**Expression of Concern**

On behalf of one or more of the intervenor CLECs for which they are the attorneys of record, the undersigned counsel hereby express concern over a planned “2011 Multi-State Telecom Conference” hosted by the Commission, along with Murray State University and the Kentucky Telephone Association.<sup>1</sup> An announcement of the conference and its location and date appeared on the Commission website in early July, and information about the intended topics and panelists appeared there sometime after July 21, 2011. A copy of the Agenda, downloaded from the PSC website on August 1, 2011, is attached hereto.

Of particular concern is a “Regulatory Panel” scheduled for 1:30-2:30 pm. Panel topics listed — “Access Reform,” “Universal Service Fund,” “Revenue stability,” and “Regularity stability” — obviously overlap with issues the Commission highlighted for this proceeding in its Initiating Order, dated November 5, 2010, pp. 6-7, and with issues that have been raised in comments and direct testimony, particularly by ILECs and by AT&T (an ILEC and IXC). The panelists listed are representatives of interested parties in this proceeding: the president of AT&T Kentucky and a telephone co-op general manager who has provided prefiled direct testimony on behalf of the RLECs.

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<sup>1</sup> As of noon August 1, 2011, the Agenda, <http://psc.ky.gov/EventManager/Docs/Summit%20Agenda.pdf>, and Conference Information, <http://psc.ky.gov/EventManager/Docs/Conference%20Information.pdf>, linked to the Commission’s website did not list KTA as a host.

Panel participation will allow communication to the Commission and emphasis of the particular viewpoints of some (but not all) of the parties to this proceeding. This will be *ex parte* because not all the Adm. Case No. 2010-00398 parties will be present or have the same opportunity to be heard. It is also *ex parte* because the communications will not be on the record in the same manner as in a Commission hearing — where parties may present testimony and examine other parties, and any member of the public may offer comments and observe the proceedings.

Intervenor-CLEC concerns are not entirely allayed by the recent addition of a CLEC representative to the announced panel participants, because the concern is not solely about “equal time.” *Ex parte* contacts relevant to the merits of this administrative proceeding and between an interested person and a Commission decision-maker would make the Commission’s decisions herein voidable. The “Regulatory Panel” and other discussion at the conference of issues in this proceeding would unnecessarily risk the effectiveness of this administrative case initiated by the Commission as well as public confidence in the impartiality of the Commission’s decisions.

Respectfully submitted,

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Attorneys for Intervenor CLECs

## 2011 Multi-State Telecom Conference Agenda

### “Technology, Regulatory and Competitive Markets in the Telecom Industry”

#### August 24<sup>th</sup> Agenda

##### 8:00-8:30am *Registration*

##### 8:30- 8:45am *Welcome*

David Armstrong, Chairman, Kentucky Public Service Commission and Dr. Randy Dunn, President, Murray State University

##### 8:45-9:30am *Revolutionary Changes in Telecommunications*

Dr. Michael J. Hicks, Director of the Center for Business and Economic Research, Ball State University

- Technology
- Competitive Markets
- Regulatory

##### 9:30-9:45am *Break*

##### 9:45-10:45am *Technology Panel*

Moderator – Dr. Jay Gillette, Professor of Information and Communications Sciences, Ball State University

Panel Participants include Dr. Michael Bowman, Murray State University

- Change
- Data networks not voice networks
- Networked society
- Wireless not wired
- One network for games, voice, data, video social networking

##### 10:45-11:00am *Break*

##### 11:00-12:00noon *Competitive Markets Panel – “The Future of Telecom Companies”*

Moderator – Dr. Fred Miller, Hutchens Distinguished Professor of Marketing and Business GIS, Murray State University

Panel participants include Duo County Tom Preston, West Kentucky Trevor Bonnstetter, North Central Nancy White, Windstream representative (invited)

- Broadband
- Wireless
- Digital Lifestyle
- Convenience
- Productivity
- Entertaining
- Changes in the way we communicate

**12:00-1:30pm *Luncheon***

**1:30-2:30pm *Regulatory Panel***

Moderator – Dr. Barry Umansky, Professor of Telecommunications, Ball State University  
Panel Participants include ATT Kentucky President Mary Pat Regan, Logan Telephone Greg Hale

- National Broadband Plan
- Spectrum
- Access Reform
- Universal Service Fund
- Revenue stability
- Regularity stability

**2:30-2:45pm *Break***

**2:45-3:45pm *Parallel Sessions***

1. “Recent FCC Developments Discussion/State Networking”- Panel participants include Neustar
2. National Broadband Plan
3. Social Media and the Network
4. Future Technology Impacts

**3:45-4:00pm *Break***

**4:00-5:00pm *PSC Issues***

Panel chaired by Chairman David Armstrong with State Chairs or Senior Representatives from each State