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David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

John W. Clay
Commissioner

July 7, 2009

PARTIES OF RECORD

Re: Case Nos. 2006-00215, 2006-00217, 2006-00218, 2006-00220, 2006-00252, 2006-00255, 2006-00288, 2006-00292, 2006-00294, 2006-00296, 2006-00298, 2006-00300

Attached is a copy of the memorandum which is being filed in the record of the above-referenced cases. 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,

Jeff DeBoen
Executive Director

TB/ew

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Case File

FROM: Tiffany Bowman
Staff Attorney

DATE: July 7, 2009

SUBJECT: Case Nos. 2006-00215, 2006-00217, 2006-00218, 2006-00220, 2006-00252, 2006-00255, 2006-00288, 2006-00292, 2006-00294, 2006-00296, 2006-00298, 2006-00300

Petition of Ballard Rural Telephone Cooperative, Inc., *et al.*
Informal Conference Memorandum

An informal conference ("IC") was held in this matter on Thursday, July 2, 2009. A copy of the conference attendance list is attached. The purpose of the IC was to discuss the procedural steps to be taken by the parties and the Commission to comply with the remand of Issue 2, as well as the other decisions, by the U.S. District Court in T-Mobile USA, Inc. *et al.* v. David Armstrong, *et al.*, Civil Action No. 08-36-DCR, United States District Court, Eastern District of Kentucky (May 20, 2009).

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

- Current negotiations between the parties. The parties stated that they have started negotiations, but the exchange has not involved Issue 2. The exception is AT&T Mobility, which has provided proposed language for Issue 2 to the RLECs. The RLECs have not yet responded to AT&T Mobility.
- T-Mobile, Sprint, Verizon and AT&T Mobility stated that they are interested in resolving Issue 2 without proceeding to a formal hearing. The RLECs agree with the mobile carriers' position.
- Counsel for the mobile carriers stated that with remand under section 252, there may be case law that will support and allow for negotiations between the parties.

- The RLECs stated that they prefer to continue negotiations for a few more weeks (approx. 4 weeks). Commission Staff suggested that the parties submit written status reports providing updates on the negotiations.
- Commission Staff suggested that in 4 weeks, the parties would provide a report on the resolution of Issue 2 and report on the resolution of the remaining substantive issues within the Court's Order.
- Counsel for the mobile carriers stated that the compensation issues decided by the Court directly impact the resolution of Issue 2, therefore, the final Interconnection Agreements could not be complete until Issue 2 is resolved.
- The parties stated that if they are unable to have successful negotiations and must proceed to a hearing, the parties prefer submitting 1 large final ICA at the conclusion of the administrative case which incorporates the Court's decisions and the Commission's decision on Issue 2 (after-remand).
- The parties stated that they believe 4 weeks will serve as enough time to complete negotiations.
- The parties and Commission Staff agreed to hold an Informal Conference on Thursday, August 6, 2009 at 2:00 pm to discuss the result of the negotiations between the parties and any procedural steps that need to be taken by the Commission.

The informal conference then adjourned.

On Remand
from
ED KY
(08-CV-036/08-CV-055)

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NOS. 2006-00215, 2006-00217, 2006-00218, 2006-00220, 2006-00252,
2006-00255, 2006-00288, 2006-00292, 2006-00294, 2006-00296, 2006-00298 &
2006-00300

SIGN IN

July 2, 2009

PERSON	REPRESENTING
Tiffany Bowman	PSC Staff
Jim Stevens	PSC
Allyson Honeker	PSC Staff
Jack Hoyer	Sprint
Nancy Meyer	AT&T Mobility
Bill Macrae	Duo County Telephone
Paul Watters by Phone	AT&T Mobility
Bill Atkinson	Sprint
Holly Wallace	RLEC,
Tip Depp	RLEC,
Steve Watkins	RLEC,
Shayne Ison	RLEC,
Dan Brent	T-mobile, Verizon Wireless
Phil Schenkenberg (phone)	T-Mobile, Verizon Wireless

