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November 12, 2009

**RECEIVED**

**NOV 13 2009**

**PUBLIC SERVICE  
COMMISSION**

**VIA OVERNIGHT MAIL**

Mr. Jeff Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, KY 40602

Re: Petition of Windstream Kentucky East, LLC, for Arbitration of an  
Interconnection Agreement With New Cingular Wireless PCS, d/b/a AT&T  
Mobility  
KPSC 2009-00246

Dear Mr. Derouen:

Enclosed for filing in the above-referenced case are the original and five (5)  
copies of AT&T Mobility's Motion to Suspend Procedural Schedule and Request for  
Expedited Treatment.

Should you have any questions, please let me know.

Sincerely,

Mary K. Keyer

Enclosures

cc: Party of Record

752293

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	)	2009-00246
NEW CINGULAR WIRELESS PCS,	)	
D/B/A AT&T MOBILITY	)	

**AT&T MOBILITY'S MOTION TO SUSPEND PROCEDURAL  
SCHEDULE AND REQUEST FOR EXPEDITED TREATMENT**

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and its operating affiliates, (collectively, "AT&T Mobility") hereby file their Motion to Suspend Procedural Schedule and Request for Expedited Treatment. In support of its Motion, AT&T Mobility states that it has not received from Windstream Kentucky East, LLC ("Windstream") significant and material information responsive to several data requests propounded on Windstream during the first and second rounds of discovery provided for in the current Procedural Schedule. This information is necessary to AT&T Mobility's preparation of the joint matrix of issues that is due November 18, 2009, and its Direct Testimony that is due November 24, 2009.

AT&T Mobility requests the Kentucky Public Service Commission ("Commission") to suspend the current Procedural Schedule in the captioned matter to allow AT&T Mobility an opportunity to discuss with Windstream and try

to resolve the discovery issues regarding information requested in the First and Second Data Requests without having to file a motion to compel.

Pursuant to the current Procedural Schedule, the Parties are to prepare and file a joint matrix of issues on November 18, 2009, and prepare and file direct testimony on November 24, 2009. There is significant and material information, however, that was requested in the Data Requests that has not yet been produced by Windstream either because it is still trying to obtain the information, such as copies of vendor contracts that purportedly support Windstream's cost study requested in AT&T Mobility's initial data requests filed September 10, 2009, or it has objected to producing the information, such as supporting documentation for Windstream's cost study. Without the requested contracts and other supporting documentation, AT&T Mobility will be unable to properly analyze Windstream's cost study data and prepare appropriate testimony on Windstream's cost study and requested transport and termination rates.

Following is a list of all AT&T Mobility Data Requests that Windstream has either not responded to at all, has only partially responded to, or has objected to:

1. DRs-5 and 6;
2. DR-13;
3. DRs-35 & 36;
4. DR-43;
5. DR-64;
6. DR-65B;

7. DRs-66B & D;
8. DRs 67-81;
9. DRs-82A, C, D, & E-K;
10. DRs-83B, C & E;
11. DR-85B;
12. DRs-86A, B & E;
13. DR-89G;
14. DRs-90-91;
15. DRs-92 E, F & G;
16. DR-93;
17. DR-97;
18. DR-98A;
19. DR-100;
20. DRs-102-103.

The information sought in the above Data Requests is necessary for AT&T Mobility to finalize a joint matrix of issues and to prepare the direct testimony of its witnesses. Because this case includes highly technical and complex cost study issues, without the requested information, AT&T Mobility will be severely prejudiced because it will not be able to prepare a proper analysis of Windstream's cost study. AT&T Mobility would, therefore, like an opportunity to try to resolve these discovery issues with Windstream before involving the Commission by filing a motion to compel.

It is highly unlikely that AT&T Kentucky can meet with Windstream to discuss and try to resolve these discovery disputes by November 18 (when the joint matrix of issues is due) or by November 24, 2009 (when Direct Testimony is due). Moreover, if AT&T Mobility is unable to resolve the disputes, it will have to file a motion to compel discovery.

AT&T Mobility, therefore, requests that the Commission suspend the current Procedural Schedule, including the current November 16, 2009, deadline for the Commission to rule on AT&T Mobility's Motion for Partial Dismissal, to allow the Parties the time and opportunity to try to resolve their discovery disputes. If the Parties are unable to resolve these disputes by December 10, 2009, then AT&T Kentucky would propose that the Commission require the Parties to file motions to compel, if any, by December 18, 2009. AT&T Kentucky further requests that the Commission rule on any motions to compel within 30 days of their being filed. After the Commission rules on such motions, AT&T Mobility proposes that the Commission require the Parties to file a proposed amended Procedural Schedule within 10 business days of the Commission's ruling. If the Parties resolve their differences and do not file motions to compel by December 18, 2009, AT&T Mobility proposes that the Commission require the Parties to file a proposed amended Procedural Schedule by January 8, 2010.

Because of the short time-frames involved, AT&T Mobility requests that this motion be given expedited treatment.

AT&T Mobility has contacted Windstream to discuss this motion, and Windstream has declined to participate in the filing of the motion.

Based on the foregoing, AT&T Mobility respectfully requests that its Motion to Suspend Procedural Schedule and Request for Expedited Treatment be granted expeditiously, and that the current Procedural Schedule in the captioned matter be suspended until such time as an amended Procedural Schedule is approved by this Commission.

Respectfully submitted,

  
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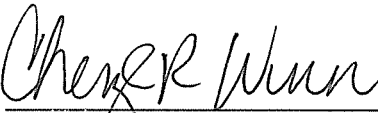
COUNSEL FOR NEW CINGULAR  
WIRELESS PCS, D/B/A AT&T  
MOBILITY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the following individual by overnight mail, this 12th day of November 2009.

Honorable Robert C. Moore  
Attorney At Law  
Hazelrigg & Cox, LLP  
415 West Main Street  
Frankfort, KY 40601

  
for Mary K. Keyer