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David L. Armstrong
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Vice Chairman

Charles R. Borders
Commissioner

December 11, 2009

PARTIES OF RECORD

Re: Case No. 2009-00438

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

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

JD/tb

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File
FROM: Tiffany Bowman
Staff Attorney
DATE: December 11, 2009
SUBJECT: Case No. 2009-00438

Petition of Communications Venture Corporation d/b/a INdigital Telecom for Arbitration of Certain Terms and Conditions of Proposed Interconnection Agreement with Bellsouth Telecommunications, Inc. d/b/a AT&T Kentucky Pursuant to the Communications Act of 1934, as amended by the Telecommunications Act of 1996

Informal Conference Memorandum

An informal conference ("IC") was held in this matter on Thursday, December 10, 2009. A copy of the conference attendance list is attached. The purpose of the IC was to discuss the development of a procedural schedule for this arbitration proceeding.

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

- Commission Staff noted that due to the voluminous number of substantive issues in this proceeding, a formal hearing would need to be several months down the road in order to accommodate the time necessary for discovery and responses prior to hearing. Commission Staff noted that holding a formal hearing by March 2010 would neither be feasible nor reasonable.
- Commission Staff stated that the parties would need to develop a joint procedural schedule to submit to the Commission for approval and include potential time frames for formal hearing dates.
- Commission Staff stated the 911/E911 issues and their placement in Section 252 arbitrations serves as a threshold issue in this proceeding. Commission Staff noted that AT&T Kentucky contends that these issues do not belong in interconnection agreements, while INdigital disputes that assertion. Commission Staff asked the parties if they preferred to brief the 911/E911 issue and have the Commission issue a ruling prior to the

parties participating in a procedural schedule. The parties stated that they had not discussed this possibility.

- INdigital raised questions on whether the Staff for the Commission would be amenable to holding a Section 252 Mediation for this proceeding, if requested by the parties. Commission Staff stated that it is amenable to holding mediation. Commission Staff advised that if the parties would like to go forward with mediation, the parties should provide a separate procedural schedule with that request and the specific list of the issues to be addressed in Mediation.
- AT&T Kentucky stated that it believes the parties should have time to set up and submit a joint issues matrix; however, it believes that a request for mediation would be premature at this time.
- The parties stated that they will discuss the potential briefing of the 911/E911 issue and if they determine that they need the Commission to render a substantive decision on whether this issue can be included within an arbitration proceeding and interconnection agreement, they will build time within the proposed procedural schedule for the Commission's ruling.
- The parties agreed to submit a proposed procedural schedule to the Commission by January 15, 2010.
- Commission Staff stated that if they require more time to develop the schedule, the parties should notify Staff with a new date for submission.

The informal conference then adjourned.

PSC Line #: 7099

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CASE NO. 2009-00438

PETITION OF COMMUNICATIONS VENTURE CORPORATION D/B/A
INDIGITAL TELECOM FOR ARBITRATION OF CERTAIN TERMS AND
CONDITIONS OF PROPOSED INTERCONNECTION AGREEMENT WITH
BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A/ AT&T KENTUCKY
PURSUANT TO THE COMMUNICATIONS ACT OF 1934, AS AMENDED BY
THE TELECOMMUNICATIONS ACT OF 1996

SIGN IN

December 10, 2009

PERSON	REPRESENTING
Tiffany Bowman	PSC Staff
Mary Keyer (phone)	AT&T Kentucky - Counsel
Tip Depp (phone)	Counsel - Indigital
Brent Cummings (phone)	Indigital
Jim Tipton (phone)	AT&T
Ty Covey (phone) (outside counsel)	AT&T
Allyson Honaker	PSC Staff
Jim Stevens	PSC Staff

Case No. 2009-~~00438~~
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