

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CRICKET COMMUNICATIONS,	)	
INC. FOR ARBITRATION OF RATES, TERMS	)	CASE NO.
AND CONDITIONS OF INTERCONNECTION	)	2010-00131
WITH BELL SOUTH TELECOMMUNICATIONS,	)	
INC. D/B/A AT&T KENTUCKY	)	

O R D E R

On May 5, 2010, the parties, Cricket Communications, Inc. (“Cricket”) and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky (“AT&T Kentucky”), filed a joint motion for the Commission to consider two threshold issues in this proceeding and to adopt the parties’ proposed briefing and procedural schedule.

In the joint motion, the parties request that the Commission render legal determinations on two threshold issues prior to moving forward with a full procedural schedule. The threshold issues identified by the parties are as follows:

1. Whether the Commission has jurisdiction in this proceeding to adjudicate whether the current term of Cricket’s interconnection agreement (“ICA”) with AT&T Kentucky shall be extended pursuant to Merger Commitment 7.4<sup>1</sup> and, if so, whether the ICA shall be extended pursuant to Merger Commitment 7.4; and

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<sup>1</sup> This refers to the merger commitments issued by the Federal Communications Commission as a condition of approval of the corporate merger of AT&T, Inc. and BellSouth Corporation in 2006.

2. Whether AT&T Kentucky must provide transit traffic service to Cricket for intrastate traffic pursuant to terms and conditions in the ICA arbitrated in this proceeding.

In support of the motion, the parties state that the ICA term-extension issue is appropriately treated as a threshold issue because, if the Commission concludes that the terms of the parties' current ICA shall be extended, all other disputed issues, including the second threshold issue concerning transit traffic, will become moot. However, if the Commission finds that it is without jurisdiction over Merger Commitment 7.4 or that the current ICA will not be extended, then the question of whether terms governing transit traffic service must be included in an ICA developed pursuant to 47 U.S.C. §§ 251 and 252 would be appropriately treated as a threshold issue. The parties submitted a proposed briefing and procedural schedule with the motion that includes dates for the submission of briefs, a date for issuance of the Commission's Order on the threshold issues, and the submission of another joint scheduling proposal.

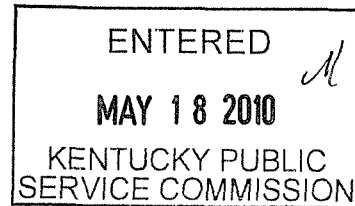
Having reviewed the pleadings, the Commission finds that the motion should be granted and the proposed schedule should be adopted. The proposed schedule is included in the Appendix to this Order.

IT IS HEREBY ORDERED that:

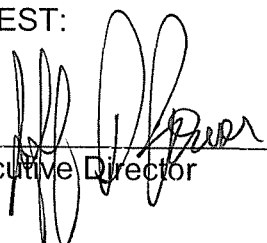
1. The joint motion to consider the threshold issues and the proposed briefing schedule is granted.

2. The parties shall follow the procedural schedule provided in the Appendix to this Order.

By the Commission



ATTEST:

  
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Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2010-00131 DATED **MAY 18 2010**

**EXHIBIT A**

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

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Case No. 2010-00131

**PROPOSED BRIEFING/PROCEDURAL SCHEDULE**

Initial Briefs on Threshold Issues	May 19, 2010
Reply Briefs	June 2, 2010
Initial Decision	June 30, 2010
Joint Scheduling Proposal (as appropriate in light of Initial Decision on threshold issues)	July 9, 2010
Initial Joint Issues Matrix	
First Data Requests <sup>3</sup>	
Responses and Objections to Data Requests	
Ruling on Objections to Data Requests	
Simultaneous Direct Testimony	
Second Data Requests	
Responses and Objections to Second Data Requests	
Ruling on Objections to Data Requests	
Simultaneous Rebuttal Testimony	
Final Joint Issues Matrix	

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<sup>3</sup> The Parties have agreed that each Party may propound a total of no more than 40 data requests, including subparts, in the two rounds of data requests. That Parties have also agreed that data requests will be limited to inquiries into factual matters, and shall not be used to elicit positions or legal or policy grounds for positions.

Hearing

Simultaneous Post-Hearing Briefs

30 days after transcript

Simultaneous Reply Briefs

20 days after initial briefs

Commission Decision

45 days after reply briefs

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