



Steven L. Beshear
Governor

Leonard K. Peters
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

David L. Armstrong
Chairman

James W. Gardner
Vice Chairman

Charles R. Borders
Commissioner

September 12, 2011

PARTIES OF RECORD

Re: Case No. 2011-00199
Ballard Rural Telephone Cooperative Corporation, Inc. et al., v. BellSouth
Telecommunications, LLC., d/b/a AT&T Kentucky, and BellSouth
Telecommunications, LLC., d/b/a AT&T Kentucky v. Halo Wireless

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 five days of receipt of this letter. If you have any questions, please contact Jeb Pinney at 502-564-3940, Extension 427.

Sincerely,

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


Jeff Dereuen
Executive Director

JP/kar

Attachment

INTRA-AGENCY MEMORANDUM
KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File 2011-00199

FROM: J.E.B. Pinney, Staff Attorney 

DATE: September 12, 2011

SUBJECT: Case No. 2011-00199 Ballard Rural Telephone Cooperative Corporation, Inc. et al., v. BellSouth Telecommunications, LLC., d/b/a AT&T Kentucky, and BellSouth Telecommunications, LLC., d/b/a AT&T Kentucky v. Halo Wireless

MEMORANDUM

On August 17, 2011, representatives from numerous rural local exchange carriers ("RLECs"), Bluegrass Telephone and BellSouth Telecommunications, LLC., d/b/a AT&T Kentucky ("AT&T Kentucky") met with Commission Staff at the Commission's offices for an informal conference. The primary purpose of the conference was to discuss the impact that Halo Wireless' filing of bankruptcy would have on the current proceeding.

The RLECs asserted that the automatic bankruptcy stay applied only to Halo Wireless and not to AT&T Kentucky, and that the RLECs case against AT&T Kentucky could proceed.

AT&T Kentucky argued that Halo Wireless was an indispensable party and necessary to resolving the issues raised by the RLECs. AT&T Kentucky asserted that the RLECs and AT&T Kentucky needed information from Halo Wireless and the opportunity to conduct discovery against Halo Wireless.

The parties discussed the nature of Halo Wireless' business model and type of traffic Halo Wireless was sending over AT&T Kentucky's network. AT&T Kentucky asserted that Halo Wireless was sending traffic pursuant to a CMRS agreement.

The parties concluded that it appeared that Halo Wireless was sending interstate interexchange traffic, and not wireless traffic, to the RLECs. The RLECs stated that the traffic was not local to them, that it is toll traffic, and should be routed over interexchange carriers.

The RLECS proposed that the parties submit a proposed procedural schedule that allows for discovery, a hearing, and post-hearing briefs. AT&T

Kentucky restated its objection that Halo Wireless' participation was necessary for any recourse AT&T Kentucky may have against Halo Wireless.

The parties further discussed the nature of Halo Wireless traffic. The RLECs stated that they could determine from where the traffic was coming. The RLECs also stated that a new method for resolving these disputes should be developed, one that does not take six to seven months to resolve.

Commission Staff then recommended that the parties brief the bankruptcy issue and whether the stay would prohibit the Commission from moving forward with the RLECs complaint against AT&T Kentucky. The parties were to file the briefs by September 2, 2011.

Thereafter the conference adjourned.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BALLARD RURAL TELEPHONE)	
COOPERATIVE CORPORATION, INC., ET AL.)	
)	
COMPLAINANTS)	CASE NO.
)	2011-00199
V.)	
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
D/B/A AT&T KENTUCKY)	
)	
DEFENDANT)	

AND

BELLSOUTH TELECOMMUNICATIONS, INC.
D/B/A AT&T KENTUCKY

THIRD PARTY COMPLAINANT

V.

HALO WIRELESS, INC

THIRD PARTY DEFENDANT

SIGN IN SHEET FOR August 17, 2011 INFORMAL CONFERENCE

<u>NAME</u>	<u>PARTY</u>
<u>J.E.B. Pinney</u>	<u>PSC Staff</u>
<u>Tony Taylor</u>	<u>AT&T Kentucky</u>
<u>Mary Keyer</u>	<u>AT&T Kentucky</u>
<u>John Selent</u>	<u>Dinsmore & Shohl PLLC's</u>

Tip Depp

Greg Hale

Randall Beasley

Missie Wilkerson

Johnny McClanahan

Keith Gabbard

Daryl Hamman

Jean Duncan

Steph P. Jones

Ruth Conley

Eric Bowman

Allyson Jonathan

Doug Brent

Allen Gillum

Jim Stevens

Eileen Bodamer (By Phone)

Donnie Bennett (By Phone)

James Campbell

Harlan Parker

Dinsmore & Stahl / RLECS

Logan Telephone Cooperative

Braunenburg Telephone Co.

Brandenburg Tel. Co.

North Central Tel. Coop.

Peoples Rural Telephone Co-op.

Dur Local Telephone

AT&T

Ballard Telephone

Foothills Telephone

PSC

PSC Staff

Stoll Keenon Ogden, Bluegrass Tel. Co.

Mountain Telephone

PSC STAFF

RLECS - consultant

South Central Rurac

Coalfields

Ballard Telephone