

**MILLER
& MARTIN**
PLLC
ATTORNEYS AT LAW

1200 ONE NASHVILLE PLACE
150 FOURTH AVENUE, NORTH
NASHVILLE, TENNESSEE 37219-2433
(615) 244-9270
FAX (615) 256-8197 OR (615) 744-8466

Melvin J. Malone
Direct Dial (615) 744-8572
mmalone@millermartin.com

May 16, 2006

HAND DELIVERY

Honorable Ron Jones, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

**RE: In Re: Petition of Celco Partnership d/b/a Verizon Wireless for
Arbitration Under the Telecommunications Act of 1996
TRA Consolidated Docket No. 03-00585**

Dear Chairman Jones:

On October 25, 2005, the Authority issued the *Order Suspending Procedural Schedule* (the “*Order*”) in the above-captioned matter. In the *Order*, the Authority, among other things, declared that the procedural schedule was suspended until the occurrence of two (2) events: “(1) the Authority issues an order memorializing the arbitration panel’s January 12, 2005, deliberations and (2) a determination is made, by agreement of the parties or order of the arbitration panel, concerning the specific methodologies and formulas to be utilized by the Coalition members in performing their cost studies.”¹ The *Order* also provided that “If the parties are unable to reach agreement concerning the specific methodologies and formulas to be utilized by the Coalition members in performing their cost studies, the matter may be placed before the arbitration panel for determination of whether the Coalition members must employ a specific method or model.”²

On January 12, 2006, the Authority issued the *Order of Arbitration Award* in TRA Consolidated Docket No. 03-00585, which memorialized the Arbitration Panel’s January 12, 2005, deliberations in this matter.³ Thus, the above-referenced first event set forth in the *Order*

¹ Order Suspending Procedural Schedule, *In Re: Petition of Celco Partnership d/b/a Verizon Wireless for Arbitration Under the Telecommunications Act of 1996*, TRA Consolidated Docket No. 03-00585, p. 3 (Oct. 25, 2005).

² *Id.*

³ In the *Order of Arbitration Award*, the Arbitration Panel concluded, among other things, that “the rates should be set using the TELRIC pricing methodology” and that the rates proposed by the ICOs, which were based upon their “interstate access rates,” were not TELRIC-compliant. *Order of Arbitration Award* at 40.

has been satisfied. According to the *Order*, however, before a procedural schedule is re-established, there must be a determination concerning the outstanding methodological issues.

As demonstrated by the official record in this matter, it is apparent from various filings submitted in late 2005 that the parties have not resolved the outstanding methodological issues by agreement. Given the current posture of this matter, it is appropriate for the Arbitration Panel to convene and to move this matter forward.

For the foregoing reasons, the CMRS Providers respectfully request that this matter be placed before the Arbitration Panel in a timely manner for consideration of the parties' respective September 28 and October 18, 2005, filings regarding cost methodologies and for a determination on whether any of the ICOs' proposed methodologies/models are TELRIC-compliant.⁴ In the alternative, the CMRS Providers would respectfully request that the Arbitration Panel convene and direct the Coalition, consistent with the January 12, 2006, *Order of Arbitration Award*, to timely submit TELRIC-compliant cost studies subject to a full evidentiary hearing.

This matter has been pending since 2003, and any further delay of the procedural schedule will only perpetuate any remaining uncertainty over the parties' respective rights and obligations to interconnect under the Federal Telecommunications Act of 1996.⁵ The CMRS Providers agree with the Coalition "that the time has long arrived that this matter should move forward[.]"⁶

⁴ See TRA Transcript of Proceedings, *In Re: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Under the Telecommunications Act of 1996*, TRA Consolidated Docket No. 03-00585, pp. 45-50, 53 and 61 (Sept. 7, 2005) (The Panel concluded that the ICOs' August 11th filing did not provide sufficient information for an evaluation of whether the ICOs' proposed methodologies are TELRIC-compliant.).

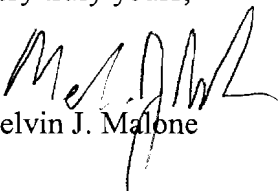
⁵ See, e.g., TRA Transcript of Proceedings, *In Re: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Under the Telecommunications Act of 1996*, TRA Consolidated Docket No. 03-00585, p. 67 (Jan. 12, 2005) ("I think it's incumbent on us to make sure that we establish a permanent price in these matters as expeditiously as we possibly can . . . I am going to push it to a conclusion as quickly as I can.") (Comment of TRA Director/Panel Member). See also, e.g., CMRS Providers' Status Report and Request Regarding Post-Arbitration Matters, *In Re: Cellco Partnership d/b/a Verizon Wireless for Arbitration Under the Telecommunications Act of 1996*, TRA Consolidated Docket No. 03-00585, p. 2 (June 1, 2005) ("It is well known that the Parties to this collective negotiation and arbitration have been operating without interconnection agreements since May of 2003, when these negotiations formally began. Under the circumstances, the continued absence of interconnection agreements materially interferes with both the legitimate business needs of the CMRS Providers and their ability to serve Tennessee's consumers.").

⁶ Comments of the Rural Coalition of Small LECs and Cooperatives, *In Re: Petition of Cellco Partnership d/b/a Verizon Wireless for Arbitration Under the Telecommunications Act of 1996*, TRA Consolidated Docket No. 03-00585, p. 2 (April 13, 2006).

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An additional copy of this letter is enclosed to be "File Stamped" for our records. All parties of record have been served with a copy of this letter. If you have any questions or require additional information, please let me know.

Very truly yours,



Melvin J. Malone

cc: Parties of Record