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May 26, 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:

Consistent with the October 25, 2005, *Order Suspending Procedural Schedule* (the "*Order*")¹ in the above-captioned matter, the CMRS Providers submitted their letter of May 16, 2006. In said letter, the CMRS Providers respectfully requested the Arbitration Panel to convene and move this matter forward consistent with both its previous directives and the Federal Telecommunications Act of 1996. The Rural Coalition submitted a response on May 23, 2006.

The purpose of this concise filing is to ensure the maintenance of a clear record and to request adherence to well-established due process, fairness and procedural principles. In sum, the Rural Coalition's May 23, 2006, letter is, at a minimum, inappropriate for the followings reasons: (1) its represents an untimely and procedurally infirm attack on the Authority's January 12, 2006, *Order of Arbitration Award*; (2) it contains an untimely and procedurally infirm request for reconsideration on the interim rate; (3) it inappropriately, and prejudicially, characterizes, if not discloses, confidential settlement discussions; and (4) it offers an incomplete, if not inaccurate, account regarding the implementation, or lack thereof, of the interim rate(s).²

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 (Oct. 25, 2005).

² The Rural Coalition's letter provides, at page 2, as follows: "In most instances, the CMRS Providers are not even paying the extremely low interim rate that the Authority established in the Arbitration Order." Intentionally or not, this characterization may be read to suggest that the CMRS Providers have affirmatively refused to pay the interim rate(s), which is not accurate. To date, no CMRS Provider has refused to pay the TRA-ordered interim rate(s). Moreover, the CMRS Providers have sought time and again, to no avail, to place the interim rate(s) in effect with the

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As demonstrated in the CMRS Providers' May 16, 2006, letter, based upon the plain language of the *Order*, it is both necessary and appropriate for the Arbitration Panel to convene and either (1) consider the parties' respective September 28 and October 18, 2005, filings regarding cost methodologies and make a determination on whether any of the ICOs' proposed methodologies/models are TELRIC-compliant, or (2) direct the Rural Coalition, consistent with the January 12, 2006, *Order of Arbitration Award*, to timely submit TELRIC-compliant cost studies subject to a full evidentiary hearing. The CMRS Providers' May 16th request to move this matter forward is both consistent with the *Order* and the Arbitration Panel's September 7, 2005, directives.

Along with one (1) original and thirteen (13) copies for filing, 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.

Respectfully submitted,


Melvin J. Malone

cc: TRA Directors Kyle and Miller
Parties of Record

individual members of the Rural Coalition and have long advised the Authority of their inability to have the interim rate(s) become effective. 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, pp. 3-8 (June 14, 2005, Status Conference) (Hearing Officer asked: "Is everyone paying and receiving interim rates that we adopted." The parties responded, with the CMRS Providers stating "No."). See also, e.g., *CMRS Providers' Status Report and Request Regarding Post-Arbitration Matters*, TRA Consolidated Docket No. 03-00585 (June 1, 2005) (advising that interim rate not implemented). Hence, the Rural Coalition's representation, at page 5 of their May 23rd letter, that "the CMRS Providers are receiving . . . the transport and termination of their traffic . . . at an interim rate" is not accurate. Finally, the "rationale" offered in the Rural Coalition's letter (p. 3, n. 2) for the submission of invoices at rates in excess of the interim rate (i.e., the invoices were submitted with the expectation that they would be disputed in large part) is completely inconsistent with the *Order of Arbitration Award*.