

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 25, 2006

IN RE:

**PETITION FOR ARBITRATION OF CELLCO PARTNERSHIP
D/B/A VERIZON WIRELESS**

**DOCKET NO.
03-00585**

**PETITION FOR ARBITRATION OF BELL SOUTH MOBILITY
LLC; BELL SOUTH PERSONAL COMMUNICATIONS, LLC;
CHATTANOOGA MSA LIMITED PARTNERSHIP;
COLLECTIVELY D/B/A CINGULAR WIRELESS**

**PETITION FOR ARBITRATION OF AT&T WIRELESS PCS, LLC
D/B/A AT&T WIRELESS**

PETITION FOR ARBITRATION OF T-MOBILE USA, INC.

**PETITION FOR ARBITRATION OF SPRINT SPECTRUM L.P.
D/B/A SPRINT PCS**

HEARING OFFICER'S ORDER REQUESTING BRIEFS

The October 25, 2005 *Order Suspending Procedural Schedule* in this Docket suspended the procedural schedule until both (1) the Authority issues an order memorializing the arbitration panel's January 12, 2005 decisions 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 Rural Coalition members in performing their cost studies.¹

The *Order of Arbitration Award* ("Order"), memorializing the arbitration panel's decision was released by the Authority on January 12, 2006. Subsequently, the CMRS Providers

¹ *Order Suspending Procedural Schedule*, p. 3 (October 25, 2005).

filed a *Joint Petition for Reconsideration*,² requesting reconsideration of certain portions of the *Order*. On April 16, 2006, the arbitration panel deliberated the merits reconsideration of this matter.

On May 16, 2006, after deliberations of the *Joint Petition for Reconsideration*, the CMRS providers submitted a letter stating that the first prong of the Hearing Officer's suspension had been met (the *Order* issued) and that it was apparent that the parties would not be able to agree on specific methodologies and formulas. For those reasons, the CMRS Providers requested that this docket be placed before the panel for consideration of the cost methodologies submitted on September 28, 2005³ and October 18, 2005⁴ or, in the alternative the Panel direct the Coalition to file TELRIC compliant cost studies.

Then on June 23, 2006 the Rural Coalition filed a *Petition for Suspension and Modification Pursuant to 47 U.S.C. § 251(f)(2)* ("*Petition*") in this Docket. The *Petition* is basically a request for an interim reciprocal compensation rate based on past experience in the establishment of interconnection rates applicable to the networks of the rural carriers which would be established and utilized "until the FCC's final decision in CC Docket 01-92, *Developing a Unified Intercarrier Compensation Regime* becomes effective or three years if the FCC has not concluded its rulemaking by the time."⁵

² *Joint Petition for Reconsideration of January 12, 2006, Order of Arbitration Award Submitted on Behalf of CMRS Providers* (January 27, 2006).

³ *Proposed Cost Study Methodology and Model Descriptions Filed on Behalf of the Rural Coalition* (January 28, 2005).

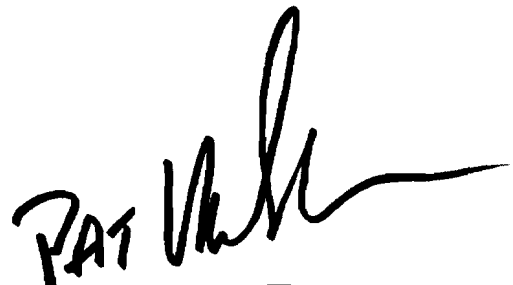
⁴ *Response of CMRS Providers to Cost Study Methodologies and Model Descriptions Proposed by Rural Coalition* (October 18, 2005).

⁵ *Petition*, p.12 (June 23, 2006).

After considering the two outstanding filings (the CMRS Provider's filing of May 16, 2006⁶ and the Rural Coalition's filing of June 23, 2006⁷) the *Order Suspending Procedural Schedule* is hereby lifted. Further, the best course of action to proceed is for the parties to file briefs on the issues of (1) whether this docket should proceed with the consideration of the cost methodologies submitted by the Rural Coalition or (2) whether suspension of the TELRIC requirements should be granted and this docket proceed with a determination on some type of hybrid cost study, based on readily available information, to be used for interim rates until a final decision is made by the FCC in Docket CC 01-92.

IT IS THEREFORE ORDERED THAT:

1. The October 25, 2005 *Order Suspending Procedural Schedule* is hereby lifted.
2. The parties shall file briefs by **Thursday, August 3, 2006** on the issues of (1) whether this docket should proceed with the consideration of the cost methodologies previously submitted by the Rural Coalition or submission of cost studies and (2) whether the request of the Rural Coalition to suspend TELRIC requirements should be granted and proceed to determine an interim rate (to replace the previously established TELRIC interim rate) based on readily available information, to be used until a final decision is made by the FCC in Docket CC 01-92.


Pat Miller, Director
As Hearing Officer

⁶ Letter from CMRS Providers (May 16, 2006).

⁷ Petition (June 23, 2006).