

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

Petition of Celco Partnership d/b/a Verizon Wireless	:	Filed electronically in
For Arbitration under the Telecommunications Act;	:	TRA Docket Room
Petition for Arbitration of Bell South Mobility, LLC,	:	04/04/2014
Bell South Personal Communications, LLC and	:	
Chattanooga MSA Limited Partnership, collectively	:	Docket No. 03-00585
d/b/a Cingular Wireless; Petition for Arbitration of	:	
A T & T Wireless PCS, LLC d/b/a AT&T Wireless;	:	
Petition for Arbitration of T-Mobile, USA Inc.,	:	
Petition for Arbitration of Sprint Spectrum LP	:	
d/b/a Sprint PCS	:	

**BRIEF OF THE TENNESSEE RURAL COALITION  
RE AT&T MOBILITY MOTION FOR CLARIFICATION**

Ardmore Telephone Company  
Concord Telephone Exchange, Inc.  
Crockett Telephone Company, Inc.  
DeKalb Telephone Cooperative  
Humphreys County Telephone Company  
Loretto Telephone Company, Inc.  
North Central Telephone Cooperative  
Peoples Telephone Company  
Tellico Telephone Company  
Tennessee Telephone Company, Inc.  
United Telephone Company  
West Tennessee Telephone Company, Inc.  
Yorkville Telephone Cooperative, Inc.

H. LaDon Baltimore, BPR #003836  
FARRIS BOBANGO PLC  
618 Church Street, Suite 300  
Nashville, TN 37219

Norman J. Kennard, Pa. ID No. 29921  
Patricia Armstrong, Pa. ID No. 23725  
THOMAS, LONG, NIESEN & KENNARD  
212 Locust Street, Suite 500  
Harrisburg, PA 17101

Date: April 4, 2014

## **I. COALITION POSITION**

Pursuant to the “Order Granting Motion for Clarification” issued by the Tennessee Regulatory Authority (“TRA” or “Authority”) on March 21, 2014, the Tennessee Rural Coalition (“Coalition” or “RLECs”)<sup>1</sup> files this Brief.

Over an eight year period (2004-2012), Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T Mobility”) has sent almost one half billion minutes of its customers’ voice traffic to the thirteen Coalition RLECs for delivery to their called customers. For this privilege of using the RLECs’ networks, AT&T Mobility owes fair and reasonable compensation to the RLECs but, unlike all of the other CMRS carriers, it is has paid nothing.

The Authority issued a Final Award in this docket on February 13, 2014 finding that reciprocal compensation rates of \$0.012 (1.2¢) per minute should apply to traffic exchanged on an indirect basis and \$0.008 (0.8¢) per minute for direct interconnection traffic exchanged during the Historical Period (defined as October 2004 through June 2012). After June 2012, the TRA found that bill and keep should apply. On February 26, 2014, AT&T Mobility submitted a purported Motion for Clarification to which the Coalition replied on March 6, 2014.

As set forth in the Coalition’s Response, which is incorporated into this Brief by reference:

- The Motion is wholly unnecessary as AT&T Mobility and the Coalition have already negotiated a complete interconnection agreement, and only failed to agree upon the Historic Period rates. During the period of August 2012 through March

---

<sup>1</sup> The Tennessee Rural Coalition includes the following rural incumbent local exchange carrier (“RLEC”) members: Ardmore Telephone Company, DeKalb Telephone Cooperative, Loretto Telephone Company, Inc., North Central Telephone Cooperative, Yorkville Telephone Cooperative, Inc. and United Telephone Company; TDS Telecom Companies consisting of Concord Telephone Exchange, Inc., Humphreys County Telephone Company, Tellico Telephone Company and Tennessee Telephone Company, Inc.; and the TEC Companies consisting of Crockett Telephone Company, Inc., Peoples Telephone Company, and West Tennessee Telephone Company, Inc.

2013, the RLECs and AT&T Mobility held various conference calls and exchanged numerous drafts to and mutually agreed that the Historic Period rate issue was “the last remaining unresolved issue” between them. As AT&T Mobility itself explained to the TRA: “The sole remaining arbitrated issue for the TRA to decide in this proceeding is the permanent reciprocal compensation rate for intraMTA traffic exchanged between the parties...”<sup>2</sup>

- The Coalition then formally submitted this essentially finalized interconnection agreement in which it redlined the sole remaining language needed to accurately reflect the TRA’s resolution of the Historic Period rate issue, once on April 22, 2013 as an attachment to its Final Brief and, most recently, on March 6, 2014 along with its Response to AT&T Mobility’s Motion for Clarification. The Rural Coalition has also made numerous less formal overtures, all of which have also been ignored, just as AT&T Mobility has refused to address the interconnection agreement when it was attached to Coalition pleadings and just as it has ignored bills for the use of the RLEC’s network.
- There is no question that an interconnection agreement must be filed with the TRA for approval, since federal law expressly and unambiguously requires it to be so filed.

The Coalition further agrees that any appeal period commences to run from the date of the TRA approval of the final interconnection agreement by the TRA. This is basic, black letter procedural law.

---

<sup>2</sup> Reply Brief of AT&T Mobility at 3 (emphasis added).

As pointed out by the Coalition, the issue is merely interposed by AT&T for the sole purpose of further deferral of the RLEC's ability to finally be paid. The Coalition cannot countenance the continued delays in finalizing the interconnection agreement consistent with the TRA's Final Award.

The Coalition appreciates the directive contained in Chairman Allison's Motion that requires AT&T Mobility to propose specific language for a finalized interconnection agreement in its Brief. The Coalition reserves the right to file a Reply Brief in response to AT&T Mobility.

Respectfully submitted,

A handwritten signature in cursive script, reading "H. LaDon Baltimore".

H. LaDon Baltimore, BPR #003836

FARRIS BOBANGO PLC

618 Church Street, Suite 300

Nashville, TN 37219

Telephone: (615) 726-1200

Facsimile: (615) 726-1776

dbaltimore@farris-law.com

Norman J. Kennard, Pa. ID No. 29921

Patricia Armstrong, Pa. ID No. 23725

THOMAS, LONG, NIESEN & KENNARD

212 Locust Street, Suite 500

Harrisburg, PA 17101

Telephone: (717) 255-7627

Facsimile: (717) 236-8278

nkennard@thomaslonglaw.com

April 4, 2014

## **CERTIFICATE OF SERVICE**

I hereby certify that on this the 4th day of April, 2014, a true and correct copy of the foregoing document was served by U.S. Mail or e-mail to:

Hillary Glassman, Esquire  
Frontier Communications Corp.  
3 High Ridge Park  
Stamford, CT 06905  
[hglassman@ftr.com](mailto:hglassman@ftr.com)

Mark J. Ashby, Esquire  
Cingular Wireless  
5565 Glenridge Connector, #1700  
Atlanta, GA 30342  
[mark.ashby@cingular.com](mailto:mark.ashby@cingular.com)

Dan Williams, Esquire  
T-Mobile, USA, Inc.  
12920 SE 38<sup>th</sup> Street  
Bellevue, WA 98006  
[Dan.williams@t-mobile.com](mailto:Dan.williams@t-mobile.com)

James L. Murphy, III, Esquire  
Bradley, Arrant, et al.  
1600 Division Street #700  
Nashville, TN 37203  
[jmurphy@babc.com](mailto:jmurphy@babc.com)

Henry Walker, Esquire  
Bradley, Arrant, et al.  
1600 Division Street #700  
Nashville, TN 37203  
[hwalker@babc.com](mailto:hwalker@babc.com)

Sue Benedek, Esquire  
CenturyLink  
14111 Capitol Blvd.  
Wake Forest, NC 27587  
[sue.benedek@centurylink.com](mailto:sue.benedek@centurylink.com)

Donald L. Scholes, Esquire  
Bransletter, Kilgore, et al.  
227 Second Ave., N  
Nashville, TN 37219  
[dscholes@bransletterlaw.com](mailto:dscholes@bransletterlaw.com)

Vance Broemel, Esquire  
Office of Tennessee Attorney General  
P. O. Box 20207  
Nashville, TN 37202  
[vance.broemel@ag.tn.gov](mailto:vance.broemel@ag.tn.gov)

Bill Ramsey, Esquire  
Neal & Harwell, PLC  
150 Fourth Avenue North, #2000  
Nashville, TN 37219-4298  
[ramseywt@nealharwell.com](mailto:ramseywt@nealharwell.com)

Norman J. Kennard, Esquire  
Thomas, Long, Niesen & Kennard  
212 Locust Street, Suite 500  
Harrisburg, PA 17101  
[nkennard@thomaslonglaw.com](mailto:nkennard@thomaslonglaw.com)

Melvin Malone, Esquire  
Butler, Snow, et al.  
150 Fourth Ave., N. #1200  
Nashville, TN 37219-4233  
[melvin.malone@butlersnow.com](mailto:melvin.malone@butlersnow.com)

Dulaney O'Roark, Esquire  
Verizon  
5055 North Point Parkway  
Atlanta, GA 30022  
[de.oroark@verizon.com](mailto:de.oroark@verizon.com)

Paul Walters, Jr., Esquire  
15 E. 1<sup>st</sup> Street  
Edmond, OK 73034  
[pwalters@sbcglobal.net](mailto:pwalters@sbcglobal.net)

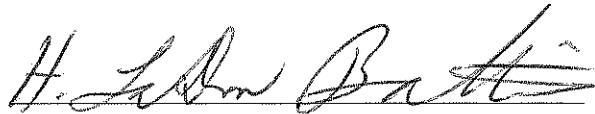
Bill Atkinson, Esquire  
Sprint  
3065 Akers Mill Road, SE  
MailStop GAATLD0704  
Atlanta, GA 30339  
[bill.atkinson@sprint.com](mailto:bill.atkinson@sprint.com)

Mr. Tom Sams  
ClearTalk  
1600 Ute Avenue  
Grand Junction, CO 81501  
[toms@cleartalk.net](mailto:toms@cleartalk.net)

Leon Bloomfield, Esquire  
1901 Harrison Street, Suite 1620  
Oakland, CA 94612  
[lmb@wblaw.net](mailto:lmb@wblaw.net)

Joelle Phillips, Esquire  
AT&T Tennessee  
333 Commerce Street, Suite 2101  
Nashville, TN 37201-1800  
[jp3881@att.com](mailto:jp3881@att.com)

Robert G. Norred, Jr.  
Logan-Thompson, P.C.  
30 2<sup>nd</sup> Street NW  
Cleveland, TN 37311  
[rnorred@loganthompsonlaw.com](mailto:rnorred@loganthompsonlaw.com)



H. LaDon Baltimore