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2007 MAY 13 PM 4:05

TRA DOCKET 06-00228 **Melvin J. Malone**

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May 8, 2007

Honorable Pat Miller, Hearing Officer  
c/o Sharla Dillon, Docket & Records Manager  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

**RE: In the Matter of: Tennessee Rural Independent Coalition Petition for  
Suspension and Modification Pursuant to 47 U.S.C. Section 251(f)(2)  
TRA Docket No. 06-00228**

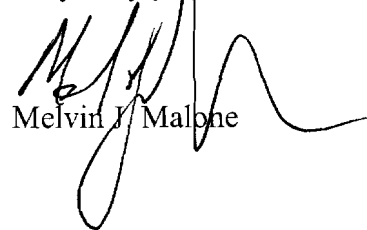
Dear Hearing Officer Miller:

Enclosed for filing please find the original and thirteen (13) copies the *CMRS Providers' Motion to Modify Procedural Schedule*.

An additional copy of this filing is enclosed to be "File Stamped" for our records.

If you have any questions or require additional information, please let me know.

Very truly yours,



Melvin J. Malone

cc: Parties of Record

**BEFORE THE  
TENNESSEE REGULATORY AUTHORITY**

*Original*

**In the Matter of:**

**Tennessee Rural Independent  
Coalition Petition for Suspension  
and Modification Pursuant to 47  
U.S.C. Section 251(f)(2)**

**Docket No. 06-00228**

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**CMRS PROVIDERS' MOTION TO MODIFY PROCEDURAL SCHEDULE**

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Verizon Wireless, New Cingular Wireless PCS, LLC d/b/a Cingular Wireless;<sup>1</sup> Sprint Spectrum L.P. d/b/a Sprint PCS; and T-Mobile USA, Inc., (collectively referred to herein as “the CMRS Providers”) respectfully submit this Motion to Modify Procedural Schedule. For the reasons set forth below, the CMRS Providers ask the Tennessee Regulatory Authority (“Authority” or “TRA”) to grant this request.

**I.**

**INTRODUCTION AND BACKGROUND**

On February 26, 2007, the TRA established a Procedural Schedule in this docket to determine the merits of the Coalition’s Petition. Pursuant to the Procedural Schedule, the CMRS Providers served interrogatories and requests for production of documents upon the Coalition on March 12, 2007. On March 23, 2007, the Coalition members submitted their responses to discovery, along with several objections. Consistent with the Procedural Schedule, the CMRS Providers submitted a Motion to Compel, which was granted in part and denied in part by the

Hearing Officer on April 23, 2006.<sup>2</sup> The Hearing Officer ordered the Coalition to submit the required supplemental discovery, as set forth in the *Order*, no later than April 30, 2007.<sup>3</sup>

On April 27, 2007, the Coalition filed a *Petition for Reconsideration of Order Granting, In Part, CMRS Providers' Motion to Compel Issued April 23, 2007, and Addendum Thereto* (the "*Petition for Reconsideration*") and did not submit the ordered supplemental discovery. In the *Petition for Reconsideration*, the Coalition requested that the Hearing Officer either deny the CMRS Providers' Motion to Compel in the entirety or, in the alternative, extend the date for compliance with the *Order* from April 30, 2007, until May 4, 2007. By letter dated April 30, 2007, the CMRS Providers advised both the Coalition and the Hearing Officer that the CMRS Providers, in the spirit of cooperation, would agree to an extension up to and including May 4, 2007, 2:00 p.m.

Although the Coalition had agreed to submit the ordered supplemental discovery by 2:00 p.m. on May 4, if not before,<sup>4</sup> most of the supplemental discovery was contained on a diskette that was received by the out-of-town CMRS Providers' representatives on Monday, May 7, 2007.

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<sup>1</sup> New Cingular Wireless PCS, LLC is a subsidiary of AT&T Mobility LLC.

<sup>2</sup> *Order Granting, In Part, CMRS Providers' Motion to Compel*, TRA Docket No. 06-00228 (April 23, 2007) (the "*Order*").

<sup>3</sup> *Addendum to Order Granting, In Part, CMRS Providers' Motion to Compel Issued April 23, 2007*, TRA Docket No. 06-00228 (April 25, 2007).

<sup>4</sup> On an April 30, 2007, telephonic conference call with the Hearing Officer, counsel for the CMRS Providers and counsel for the Coalition, counsel for the Coalition agreed to submit the ordered filings on or before 2:00 p.m. on  
(continued...)

## **II.**

### **DISCUSSION & REQUEST**

While the generous Procedural Schedule was intended to provide the parties with a reasonable amount of time to prepare and submit pre-filed testimony, as shown above, discovery disputes, and matters related thereto, will, under the current schedule, not provide the CMRS Providers with a sufficient and reasonable amount of time within which to prepare and submit pre-filed testimony. All of the supplemental discovery submitted on May 4, 2007, was not readily available to all of the CMRS Providers until some time on Monday, May 7, 2007. Therefore, the CMRS Providers hereby respectfully request an extension of time within which to file pre-filed testimony from May 11, 2007, to May 15, 2007.

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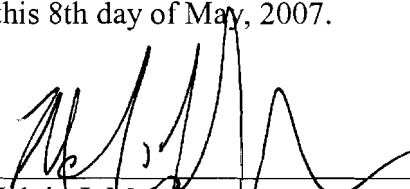
May 4, 2007. In fact, counsel for the Coalition represented on the conference call that the Coalition would submit a lot of the ordered supplemental discovery prior to May 4, 2007.

### III.

#### CONCLUSION

For the foregoing reasons, the CMRS Providers request the Authority to extend the time on which the CMRS Providers must submit pre-filed testimony up to and including Tuesday, May 15, 2007.

Respectfully submitted this 8th day of May, 2007.



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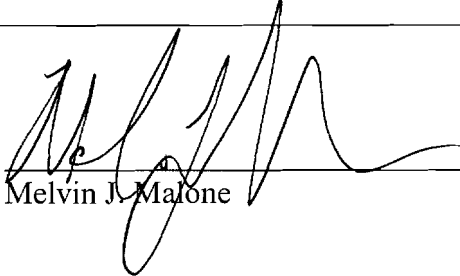
Attorneys for AT&T Mobility LLC

## CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2007, a true and correct copy of the foregoing has been served on the parties of record, via the method indicated:

<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Stephen G. Kraskin Kraskin, Lesse & Cosson, LLC 2120 L Street NW, Suite 520 Washington, D.C. 20037
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	William T. Ramsey Neal & Harwell, PLC 2000 One Nashville Place 150 Fourth Avenue North Nashville, TN 37219
<input checked="" type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input type="checkbox"/> Electronically	Melvin Malone Miller & Martin PLLC 1200 One Nashville Place 150 Fourth Avenue North Nashville, TN 37219
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Bill Atkinson Doug Nelson Sprint Spectrum L.P. d/b/a Sprint PCS 3065 Cumberland Cir., SE Mailstop GAATLD0602 Atlanta, GA 30339
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Elaine D. Critides Verizon Wireless 1300 I Street, NW, Suite 400 West Washington, DC 20005
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Paul Walters, Jr. 15 East First Street Edmond, OK 73034

<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Mark J. Ashby AT&T Mobility LLC 5565 Glennridge Connector, Suite 1700 Atlanta, GA 30342
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Dan Menser, Sr. Corp. Counsel Marin Fettman, Corp. Counsel Reg. Affairs T-Mobile USA, Inc. 12920 Southeast 38 <sup>th</sup> Street Bellevue, WA 98006
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Leon M. Bloomfield Wilson & Bloomfield, LLP 1901 Harrison Street, Suite 1630 Oakland, CA 94612
<input type="checkbox"/> Hand <input type="checkbox"/> Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Overnight <input checked="" type="checkbox"/> Electronically	Joe Chiarelli Spring 6450 Spring Parkway Mailstop: KSOPHN0212-2A671 Overland Park, KS 66251



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