

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE**

**RE:**

**Docket No. 19-00099**

**AT&T Tennessee Complaint Against  
Cellular South, Inc. D/B/A C Spire**

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**MOTION AND REPLY TO AT&T'S  
RESPONSE IN OPPOSITION TO MOTION TO  
DISMISS OR SUSPEND THE COMPLAINT**

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Pursuant to T.P.U.C. Rule 1220-01-02-.06(3), Cellular South, Inc., d/b/a C Spire requests leave of the Hearing Officer to file the following reply to the "Response in Opposition to Motion to Dismiss or Suspend the Complaint" filed December 5, 2019 by BellSouth Telecommunications, LLC d/b/a AT&T Tennessee.

AT&T is correct (Response at 3) in that the Tennessee Public Utility Commission has no "legal obligation" to dismiss AT&T's Complaint pending developments at the Mississippi Public Service Commission ("MPSC") in Docket No. 2019-AD-127, a proceeding involving the same billing dispute (not just the same issues but the same dollars) that is now pending in Tennessee. This Commission does, however, have the discretion to suspend these proceedings to await further developments in Mississippi and has done so in the past under similar circumstances. See "In Re: Petition of King's Chapel Capacity, LLC" et seq., Docket No. 04-00335, "Order Granting Motion to Hold Proceedings in Abeyance" (December 17, 2004), holding that it would be "imprudent" for the agency to move forward in a pending docket until the completion of related proceedings before the Tennessee Department of Environment and Conservation and in the Chancery Court of Williamson County.

Moreover, it seems likely that the parties in Tennessee will soon find out how the Mississippi Commission is going to proceed. On November 25, 2019, counsel for C Spire sent to Ms. Donna Chandler, director of Telecommunications at the Mississippi Commission, a copy of C Spire's Motion to Dismiss or Suspend the Tennessee case. Counsel for C Spire pointed out that "C Spire seeks a determination as to the entire disputed amount" [including the amounts claimed in Tennessee] and concluded by saying, "We ask that the Commission proceed with doing so." In response, Ms. Chandler wrote "I have forwarded your email to Sam [Mabry, a MPSC attorney who advises the staff on legal issues] and Frank [Farmer, MPSC General Counsel] to decide our next steps." (Copies of both the email from C Spire and Ms. Chandler's response are attached.)

If, in fact, the MPSC goes ahead with a proceeding to address the entire billing dispute between the parties, it would certainly be "imprudent" for the Tennessee Commission to spend staff time and resources on this matter at this time. But even if the MPSC only addresses the money at issue in that state, a decision by the Mississippi Commission may be a persuasive precedent for the Tennessee Commission to consider and may also result in the resumption of settlement discussions between the parties.

Notably, AT&T's Response does not discuss, much less assert, how a short delay – three months perhaps – could prejudice any party. This billing dispute is limited to a specific period of time (prior to October, 2017) and the amount at issue is not increasing except for the accumulation of interest. To put it another way, this disagreement has been pending for over three years; an additional three months will make no difference to anyone and could well benefit everyone. That is the most prudent course of action for the Hearing Officer to take.

Respectfully submitted,

By: 

Henry Walker (B.P.R. No. 000272)  
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Attorneys for Cellular South, Inc.  
d/b/a C Spire

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of December, 2019, a copy of the foregoing document was served on the parties of record, via electronic email transmission and regular U.S. Mail, postage prepaid, addressed as follows:

Joshua R. Denton  
Frost Brown Todd  
150 3<sup>rd</sup> Avenue South, Suite 1900  
Nashville, TN 37201

  
HENRY WALKER

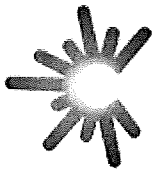
## Walker, Henry

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**From:** Charles L. McBride Jr. <CMcBride@telapexinc.com>  
**Sent:** Monday, December 2, 2019 9:48 AM  
**To:** Walker, Henry  
**Subject:** FW: >>Be Careful of Attachments<< - Update on MPSC Docket # 2019-AD-0127

### [External Email]

Good morning, Henry. Sending this as an FYI.



Chuck McBride  
Senior Vice President – Legal & General Counsel

1018 Highland Colony Parkway | Suite 700 | Ridgeland, MS  
39157  
o. [601.487.5262](tel:601.487.5262) | c. [601.941.6891](tel:601.941.6891) [cspire.com](http://cspire.com)

**From:** Donna.Chandler@mpus.ms.gov <Donna.Chandler@mpus.ms.gov>  
**Sent:** Monday, December 2, 2019 9:33 AM  
**To:** Charles L. McBride Jr. <CMcBride@telapexinc.com>  
**Cc:** krogers <krogers@brunini.com>; Angel.Stenmark@mpus.ms.gov; Sam.Mabry@mpus.ms.gov;  
frank.farmer@psc.ms.gov  
**Subject:** RE: >>Be Careful of Attachments<< - Update on MPSC Docket # 2019-AD-0127

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chuck and Ken,

I have forwarded your email to Sam and Frank to decide our next steps.

Best Regards,

Donna Chandler  
Director-Telecom - MPUS  
601-961-5453

**From:** Charles L. McBride Jr. [<mailto:CMcBride@telapexinc.com>]  
**Sent:** Monday, November 25, 2019 3:32 PM  
**To:** Chandler, Donna <[Donna.Chandler@mpus.ms.gov](mailto:Donna.Chandler@mpus.ms.gov)>  
**Cc:** krogers <[krogers@brunini.com](mailto:krogers@brunini.com)>  
**Subject:** >>Be Careful of Attachments<< - Update on MPSC Docket # 2019-AD-0127

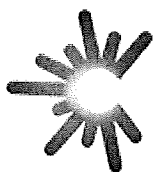
Donna,

Per your request, here is an update on the pending billing dispute between C Spire and AT&T. More than two months after C Spire filed its Petition for arbitration of this dispute by the MPSC, AT&T filed a complaint before the Tennessee PUC seeking to have the TPUC make a determination as to traffic exchanged in TN. Today, we filed the attached Motion to Dismiss or Suspend the Tennessee complaint with the TPUC. As you also know, C Spire seeks a determination as to the entire disputed amount under the agreement by the MPSC in accordance with the arbitration language in the agreement. We ask that the Commission proceed with doing so.

Should you have any further questions, please feel free to contact me.

I hope you have a Happy Thanksgiving.

Best regards,



Chuck McBride  
Senior Vice President – Legal & General Counsel

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