# NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY RALEIGH

#### DOCKET NO. TMC 5, Sub 1

# BEFORE THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY

In the Matter of	
Petition of Time Warner Cable Information	)
Services (North Carolina), LLC for Arbitration	)
Pursuant to Section 252(b) of the Communications	)
Act of 1934, as Amended, to Establish an	)
Interconnection Agreement with	)
Star Telephone Membership Corporation	)
	) NOTICE OF
AND	) ORAL ARGUMENT
	)
Petition of Time Warner Cable Information	)
Services (North Carolina), LLC to Terminate	)
Star Telephone Membership	)
Corporation's Rural Telephone Company	)
Exemption Pursuant to Section 251(f)(1) of the	)
Communications Act of 1934, as Amended	)

BY THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY ("Authority"):

On January 31, 2012, the Authority accepted and adopted the Recommended Order Terminating Phase 1 of Proceeding without modification as the Final Decision of the Authority. The Order adopted by the Authority stated that Phase I of the Proceeding was terminated and that the parties should proceed to Phase II, arbitration.

On February 29, 2012, prior to beginning the Phase II arbitration, Star Telephone Membership Corporation ("Star") filed a petition pursuant to 47 UCS §251(f)(2),("Star's Petition").

On March 23, 2012, Time Warner Cable Information Services (North Carolina) ("TWICS (NC)") filed a Motion to Dismiss Star's Petition.

On March 28, 2012, the Authority issued an Order consolidating TWCIS (NC)'s Petition for Arbitration with Star's Section 251(f)(2) Petition, and TWCIS (NC)'s Motion, before proceeding to Phase II of the Arbitration. That Order further stated that "The hearing/arbitration officer shall submit a recommended decision to the Authority as to Star's Petition, TWCIS (NC)'s Motion to Dismiss, and any response filed and as to whether to proceed to Phase II. The

Authority will then allow the parties to file exceptions to that recommendation and will provide a time for oral argument before the Authority".

On April 23, 2012 Star TMC filed a Response to TWCIS's Motion and TWCIS filed a Reply to Star TMC's Response on May 7, 2012. On August 23, 2012, an oral argument was held which was heard by Arbitrator Jo Anne Sanford.

On October 25, 2012, Arbitrator Sanford issued a Recommended Order "Granting TWCIS (NC)'s Motion to Dismiss".

On October 31, 2012, the REA issued an order which allowed the Parties to file objections, comments and responses to the Recommended Decision filed on October 25, 2012 and this cycle of the arbitration proceeding has completed.

### IT IS, THEREFORE, ORDERED as follows:

- 1. A hearing will be held on Wednesday, February 13, 2013, for the parties to present oral arguments regarding any objections to or comments on the Arbitrator's Recommended Decision.
- 2. The hearing will be held in room 2115 of the Dobbs Building, 430 N. Salisbury Street, Raleigh, NC 27603 and will begin at 1:00 p.m.
- 3. TWCIS (NC) will have thirty (30) minutes to present its comments to the Authority.
- 4. Star TMC will have thirty (30) minutes to present its comments to the Authority.
- 5. A party who wishes to waive its right to present oral comments to the Authority shall make its intention known in writing to be filed with the Authority no later than January 25, 2013.

IT IS SO ORDERED.

ISSUED BY THE ORDER OF THE AUTHORITY.

This the 15<sup>th</sup> day of January, 2013.

The North Carolina Rural Electrification Authority

Frances Liles
Administrator

#### CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing ORDER has been served to all addressees listed below by electronic mail this the 15<sup>th</sup> day of January, 2013.

Marcus W. Trathen Brooks, Pierce, McLendon, Humphrey & Leonard Attorney for Time Warner Cable Information Services (NC) P.O. Box 1800 Raleigh, NC 27602

Daniel C. Higgins Burns, Day & Presnell Attorney for Star Telephone Membership Corporation P.O. Box 10867 Raleigh, NC 27605

Jo Anne Sanford Sanford Law Office PLLC P. O. Box 28085 Raleigh, NC 27611-8085

This 15<sup>th</sup> day of January, 2013.

The North Carolina Rural Electrification Authority

Angela Harrisøn