

**NORTH CAROLINA  
RURAL ELECTRIFICATION AUTHORITY  
RALEIGH**

**Docket No. TMC-5, Sub 1**

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 Interconnection Agreement with Star )  
Telephone Membership Corporation )

AND )

PROCEDURAL ORDER

Petition of Star Telephone Membership )  
Corporation for Suspension or Modification )  
Pursuant to Section 251(f)(2) of the )  
Communications Act of 1934, as Amended )

1. In its Order issued April 2, 2013, in this docket, the North Carolina Rural Electrification Authority (NCREA) directed that the Arbitrator determine matters in two phases relating to Star Telephone Membership Corporation's (TMC's) Petition for suspension or modification pursuant to Section 251(f)(2) of certain obligations under 47 USC §251(b) of the Act.

2. In that Order the NCREA directed that in the first phase proceeding the Arbitrator shall determine whether a suspension or modification of any of Star's 47 USC §251(b) obligations is necessary to avoid a significant adverse economic impact on users of Star's telecommunications services; or if the suspension is necessary to avoid imposing requirements on Star that are unduly economically burdensome; and, is consistent with the public interest, convenience, and necessity. After this initial determination in the first phase, the Arbitrator shall submit a recommended decision to the Authority. The Authority will then allow the parties to file exceptions to that recommendation and will provide a time for oral argument to the Authority. After the exceptions are filed and oral argument is held, the Authority will make a final determination regarding whether suspension or modification of any of Star's 47 USC §251(b) obligations is necessary.

3. TWCIS (NC) shall file its Answer to Star's Petition by May 8, 2013.

4. The first phase hearing will commence on October 2, 2013, at 9:30 a.m. in the North Carolina Utilities Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, or at such other location as the NCREA shall later direct. Attorneys for the parties shall gather on such date at the hearing location at 9:00 a.m. to discuss any outstanding procedural issues with the Arbitrator.

5. Star TMC shall prefile its first phase direct testimony no later than June 21, 2013, and

TWCIS (NC) shall prefile its first phase direct testimony no later than August 9, 2013.

6. Star TMC shall file rebuttal testimony, which shall be confined to those matters addressed in TWCIS (NC)'s first phase direct testimony, no later than September 20, 2013.

7. The parties shall file a final joint first phase issues matrix identifying specific issues relating to Star TMC's request for suspension or modification by no later than September 25, 2013.

8. The parties shall file their estimated cross-examination times and preferred order of witnesses as to the first phase hearing by no later than September 25, 2013.

9. Discovery shall be conducted according to the following provisions:

- a. Discovery shall begin on the date of this Order. No new data requests shall be propounded after August 20, 2013.
- b. No party shall direct more than an overall total of 75 data requests (in one or more sets) to any other party, except upon leave of the Arbitrator for good cause shown or by agreement with the other party. Parts and subparts shall be counted as separate data requests.
- c. Parties shall file all data requests, objections, and responses with the REA, with a separate copy provided to the Arbitrator by e-mail. The filing party shall e-mail these data requests to the receiving party at the same time the data requests are filed with the NCREA.
- d. After a data request is filed with the NCREA, copied to the Arbitrator and served on a party via e-mail, the party receiving the data request shall have ten calendar days to file objections to it on an item-by-item basis; *provided, however*, that in the case of data requests propounded by Star TMC following the filing of TWCIS (NC)'s first phase direct testimony, TWCIS (NC) shall have six calendar days, by August 26, 2013, to file objections to such data requests on an item-by-item basis. The party objecting to discovery shall e-mail copies of its objections to the party seeking discovery contemporaneously with such filing.
- e. If the party seeking discovery intends to pursue requests which are the subject of an objection, it must file responses to the objections on an item-by-item basis within seven calendar days after the time the responding party files its objections. The party seeking discovery shall e-mail copies of its responses to the party objecting to the data requests contemporaneously with such filing.
- f. Parties receiving data requests shall serve answers to data requests to which they have not objected on the party seeking the discovery within 21 calendar days of the filing of such data requests; *provided, however*, that in the case of data requests propounded by Star TMC following the filing of TWCIS (NC)'s first phase direct testimony, TWCIS (NC) shall have 20 calendar days of the filing of

such data requests, by September 9, 2013, to serve answers to data requests to which it has not objected.

- g. If the Arbitrator orders a party to answer data requests to which it has objected, the party shall have ten calendar days from the date of the Arbitrator's order requiring responses to serve answers to such data requests; *provided, however*, that in the case of data requests propounded by Star TMC following the filing of TWCIS (NC)'s first phase direct testimony, TWCIS (NC) shall have seven calendar days to serve answers to such data requests. If as of the date five calendar days before Star TMC is to file its rebuttal testimony, objections as to data requests propounded by Star TMC following the filing of TWCIS (NC)'s first phase direct testimony have not been ruled upon, or if such objections have been ruled upon but TWCIS (NC) has not yet served its answers to any such data requests as directed by the Arbitrator, then the date for Star TMC's filing of rebuttal testimony shall be extended to the date five calendar days after TWCIS (NC) answers all such data requests as directed by the Arbitrator.
- h. Depositions are allowed upon at least ten-days' written notice; *provided*, that any deposition as to the rebuttal testimony of Star's rebuttal witness shall be allowed on five calendar days' written notice.

10. The parties shall negotiate and enter into any necessary protective agreements as soon as practicable.

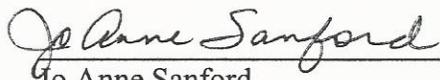
11. Parties may make an opening statement not to exceed ten minutes in length. Witnesses shall provide written summaries of their testimony to the other parties and to the Arbitrator prior to testifying.

12. If the Authority's final determination is that suspension or modification of any of the Section 251(b) interconnection arrangements requested by TWCIS (NC) is not necessary, then a second phase procedural schedule mutually developed by the parties as approved by the Arbitrator will establish the supplemental discovery schedule and related arbitration hearing date regarding the establishment of an interconnection agreement between TWCIS (NC) and Star.

13. The original and five copies of all filings for this proceeding shall be filed with the NCREA. Any and all filing and other administrative requirements set forth in this matter by the Authority, through its Administrator, are incorporated herein by reference and shall be binding on the parties.

ISSUED BY ORDER OF THE ARBITRATOR

This the 2<sup>d</sup> day of May, 2013.

  
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Jo Anne Sanford  
Arbitrator Presiding