

NORTH CAROLINA
RURAL ELECTRIFICATION AUTHORITY
RALEIGH

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MAY 16 2016
REA

Docket No. TMC-5, Sub 1

In the Matter of)
Petition of Star Telephone Membership) JOINT REQUEST FOR SUSPENSION
Corporation for Suspension or Modification) OF PROCEEDING
Pursuant to Section 251(f)(2) of the)
Communications Act of 1934, as Amended)

Time Warner Cable Information Services (North Carolina), LLC (“TWCIS (NC)”), and Star Telephone Membership Corporation (“Star TMC”) hereby jointly move the North Carolina Rural Electrification Authority (“NCREA” or “Authority”) to suspend the above-referenced proceeding, subject to the conditions and stipulations set forth below.

1. On February 29, 2012, Star TMC filed its Petition of Star Telephone Membership Corporation Pursuant to 47 U.S.C. § 251(f)(2) (“Petition”) in the above-captioned proceeding. The Petition seeks suspension or modification of Star TMC’s obligations as to TWCIS (NC) under Section 251(b) of the Communications Act of 1934, as amended (the “Act”).

2. By letter dated December 17, 2015, Star TMC advised TWCIS (NC) of its intent to seek arbitral resolution of unresolved and outstanding disputes relating to responses to Star TMC’s discovery requests in this docket, in order to resume proceedings on the Petition. TWCIS (NC) questioned the need for such efforts, because it has not sought to “activate” the interconnection agreement between the parties (*i.e.*, it has not undertaken to establish any of the services or arrangements described in that agreement), and states that it has no present intention to do so.¹

¹ That interconnection agreement is a product of proceedings before the Federal Communications Commission (“FCC”) resulting from the Preemption Order issued by the FCC in *In the Matter of Petition of Time Warner Cable* (continued . . .)

3. Given the present circumstances, and to avoid inefficient use of the resources of the parties and the Authority, TWCIS (NC) and Star TMC stipulate to the following in support of their Joint Request for Suspension of Proceeding:

- (a) Suspension of this proceeding is without prejudice to either party's rights, interests, or legal positions, and neither party will assert in any judicial or administrative proceeding, including any proceeding before the Authority, that a party has waived, surrendered or otherwise prejudiced its rights under Section 251(f)(2) of the Act as a result of the suspension of the proceeding or this Joint Request.
- (b) TWCIS (NC) and Star TMC acknowledge that (i) they are parties to an interconnection agreement as approved by action of the Federal Communications Commission in its Order released December 3, 2014 in WC Docket No. 13-204 (DA 14-1746), and (ii) TWCIS (NC) has not yet sought to purchase services or exchange traffic under this agreement. Should TWCIS (NC) seek to implement that agreement or request any of the services or arrangements provided for in the interconnection agreement, TWCIS (NC) will use best efforts to provide Star TMC six months prior written notice before it does so—the intention of the parties being that if TWCIS (NC) plans to activate the interconnection agreement then Star TMC shall have an opportunity to renew its pursuit of the relief requested in the Petition, *i.e.*, suspension or modification of its obligations under the interconnection agreement pursuant to Section 251(f)(2) of the Act from the Authority, prior to the commencement of an obligation to provide services under the interconnection agreement. In such event, Star TMC shall file notice with Authority of the resumption of proceedings in this docket, and without further action of the Authority this proceeding shall thereby resume.
- (c) The parties acknowledge that, as of this date, certain objections and disputes concerning pending Star TMC's discovery requests to TWCIS (NC) remain unresolved. In the event that this proceeding is reactivated by Star TMC, the parties agree (i) that any discovery exchanged prior to the suspension of the proceeding may be used by either party, subject to further ruling of the Arbitrator or Authority concerning admissibility and/or relevance, (ii) that neither party waives its rights with respect to pending objections or discovery requests, but subject to those objections, TWCIS (NC) will update its responses to those Star TMC discovery requests to which it has previously provided responses, in the

Inc., for Preemption of the Jurisdiction of the North Carolina Rural Electrification Authority Regarding Arbitration of an Interconnection Agreement with Star Telephone Membership Corporation, WC Docket 13-204, DA 13-2117.

event this proceeding is resumed later than one year from the date of this Joint Request, and (iii) the Arbitrator will issue a new procedural order governing the resumption of the proceeding, including the conduct and completion of discovery by both parties.

WHEREFORE, the parties jointly seek issuance of an order suspending this proceeding as provided for herein and subject to the parties' stipulations set forth above.

Respectfully submitted,

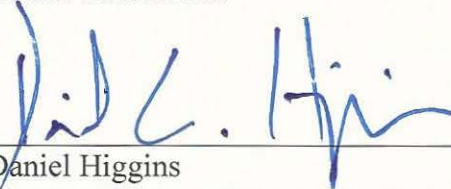
**TIME WARNER CABLE INFORMATION
SERVICES (NORTH CAROLINA), LLC**



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**STAR TELEPHONE MEMBERSHIP
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May 16, 2016

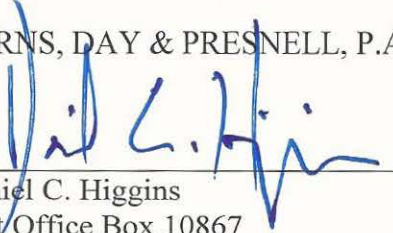
CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing document was served this day by e-mailing same to all counsel of record in this docket.

This the 16th day of May, 2016.

BURNS, DAY & PRESNELL, P.A.

By:



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