

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

BY THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY

("the Authority"):

On May 16, 2016, Time Warner Cable Information Services (North Carolina), LLC ("TWCIS (NC)") and Star Telephone Membership Corporation ("Star TMC") jointly moved the Authority to suspend the above-referenced proceeding, subject to certain agreed-upon conditions and stipulations. The Authority addresses the parties' Joint Request as follows:

BACKGROUND

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 the interconnection arrangements requested by TWCIS (NC) under Section 251(b) of the Communications Act of 1934, as amended (the "Act").

2. The Authority subsequently appointed an Arbitrator for the proceeding, and on May 2, 2013, the presiding Arbitrator issued a Procedural Order in this proceeding. On May 15, 2013, Star TMC served its First Data Requests on TWCIS (NC), which later filed objections as to certain of those data requests. The Arbitrator subsequently heard and resolved

some of those objections and the parties have endeavored since then to resolve other issues and objections relating to Star TMC's data requests to TWCIS (NC) by negotiation.

3. 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 data 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

4. Given the present circumstances, and to avoid inefficient use of the resources of the parties and the Authority, TWCIS (NC) and Star TMC stipulated 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

¹ That interconnection agreement was 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 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.

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 dated February 29, 2012, *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 the Authority of Its intent to resume the proceedings in this docket.

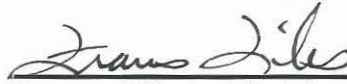
- (c) The parties acknowledge that, as of this date, certain objections and disputes concerning pending Star TMC's discovery requests to TWCIS (NC) remain unresolved. In the event that this proceeding is reactivated by Star TMC, the parties agree (i) that any discovery exchanged prior to the suspension of the proceeding may be used by either party, subject to further ruling of the Arbitrator or the 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 event this proceeding is resumed later than one year from the date of this Joint Request, and (iii) the Authority will issue a new procedural order governing the resumption of the proceeding, including the conduct and completion of discovery by both parties.

IT IS THEREFORE ORDERED that the above-captioned proceeding is hereby suspended subject to the stipulations of the parties set forth above.

ISSUED BY THE ORDER OF THE AUTHORITY.

This the 14th day of June, 2016.

The North Carolina Rural
Electrification Authority



Frances Liles - Administrator