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MAR 23 2012

REA

March 23, 2012

VIA HAND DELIVERY

Ms. Frances Liles  
Administrator  
North Carolina Rural Electrification Authority  
4321 Mail Service Center  
Raleigh, NC 27699-4321

Re: *TWCIS (NC) Motion to Dismiss Petition for Suspension or Modification  
Docket No. TMC 5, Sub 1*

Dear Administrator Liles:

Enclosed for filing in the above-referenced proceeding are the original and 10 copies of Time Warner Cable Information Services (North Carolina), LLC's Motion to Dismiss Petition for Suspension or Modification. I would note that this Motion cites to and relies on a number of decisions from other state commissions. While LEXIS cites to these cases are provided, I would be happy to supply copies of the cases should that be helpful to the Authority.

If any questions should arise in connection with this filing, please do not hesitate to contact me.

Very truly yours,



Marcus W. Trathen

cc: Daniel C. Higgins (via email)  
Jo Anne Sanford, Arbitrator (via email)  
Melissa Taylor (via email)

NORTH CAROLINA  
RURAL ELECTRIFICATION AUTHORITY  
RALEIGH

RECEIVED

Docket No. TMC-5, Sub 1

MAR 23 2012

In the Matter of )  
Petition of Time Warner Cable Information )  
Services (North Carolina), LLC for Arbitration )  
Pursuant to § 252(b) of the )  
Communications Act of 1934, as Amended, to )  
Establish Interconnection Agreement with Star )  
Telephone Membership Corporation )

AND )

Petition of Time Warner Cable Information )  
Services (North Carolina), LLC to Terminate )  
Star Telephone Membership Corporation's )  
Rural Telephone Company Exemption )  
Pursuant to § 251(f)(1) of the )  
Communications Act of 1934, as Amended )

REA  
TIME WARNER CABLE  
INFORMATION SERVICES  
(NORTH CAROLINA), LLC  
MOTION TO DISMISS  
PETITION FOR SUSPENSION  
OR MODIFICATION

**MOTION TO DISMISS PETITION FOR SUSPENSION OR MODIFICATION**

Time Warner Cable Information Services (North Carolina), LLC ("TWCIS (NC)"), hereby moves the North Carolina Rural Electrification Authority ("NCREA" or "Authority") to dismiss the Petition of Star Telephone Membership Corporation Pursuant to 47 U.S.C. § 251(f)(2) ("Petition"), filed February 29, 2012 in the above-captioned proceeding. The NCREA should dismiss the Petition filed by Star Telephone Membership Corporation ("Star") because it is defective on its face. Star has engaged in a strategy of systematic delay for more than six years to avoid compliance with its statutory duties to interconnect and exchange traffic with TWCIS (NC) pursuant to Sections 251(a) and (b) of the Communications Act of 1934, as amended (the "Act"). This delay has been highly prejudicial to TWCIS (NC) and to consumers, who have been deprived of the benefits of choice and competition. Because its Petition fails to

