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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

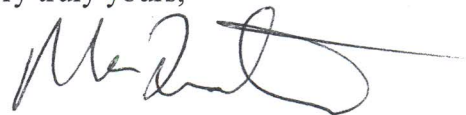
Re: *TWCIS (NC) Motion to Dismiss Petition for Suspension or Modification
Docket No. TMC 5, Sub 1*

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

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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

