

**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)	
)	INTERIM
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 April 2, 2013 NCREA Order"), the North Carolina Rural Electrification Authority ("NCREA") directed that the Arbitrator determine matters in two phases relating to the Star Telephone Membership Corporation ("Star" or "TMC") Petition for suspension or modification pursuant to Section 251(f)(2) of certain obligations under 47 USC §251(b) of the Communications Act of 1934, as Amended ("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. Pursuant to the April 2, 2013 NCREA Order, the Arbitrator issued a Procedural Order on May 2, 2013 ("the May 2, 2013 Procedural Order"). According to the May 2, 2013 Procedural Order, 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.
4. The May 2, 2013 Procedural Order also specified that 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. 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. 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. 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.

5. The May 2, 2013 Procedural Order also contained several provisions according to which TWCIS (NC) and Star TMC are to conduct discovery. Those provisions are incorporated into this Order by reference.
6. Since the May 2, 2013 Procedural Order, the parties have filed various discovery requests, which have generated objections and, ultimately, a Motion to Compel. Specifically, Star TMC filed its First Data Requests on May 14, 2013, and TWCIS (NC) filed objections to those data requests on May 24, 2013. Star TMC responded to the objections on May 31, 2013. In that response, Star TMC requested that the Arbitrator modify the current procedural schedule, arguing that the time required for consideration of TWCIS (NC)'s objections, Star TMC's responses, and the rendering of decisions on those objections will necessarily delay the date when TWCIS (NC) actually produces the information Star requests beyond the date when the information would have otherwise been due (which was June 4, 2013). Star TMC argued that the delay in obtaining the requested information and documents would impact its ability to prepare and file its direct testimony. Therefore, Star TMC requested that the Arbitrator revise the procedural schedule to delay the date for Star TMC's filing of its direct testimony. Otherwise, Star TMC argued, TWCIS (NC) would have thwarted

Star TMC's ability to conduct meaningful discovery and make use of the information as it attempts to meet its burden of proof as to the Section 251(f)(2) suspension criteria.

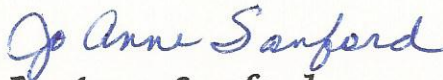
7. TWCIS (NC) responded to those of Star TMC's data requests to which it did not object on June 4, 2013. On June 14, 2013, Star TMC filed a Motion to Compel Full and Complete Responses to Star TMC's First Data Requests and a Reiterated Request for Modification of the Procedural Schedule.
8. On June 18, 2013, the parties and the Arbitrator spoke via telephone conference call. Both Star TMC and TWCIS (NC) stated that they are working to resolve discovery disputes and hope to come to agreement on many of those disputes in the next few days. The parties and the Arbitrator agreed to reconvene via telephone conference call on Friday, June 21, 2013, to discuss what, if any, discovery disputes remain between the parties that the Arbitrator will need to rule upon.
9. In the interim, the Arbitrator agrees that, for good cause shown, the May 2, 2013 shall be modified. Star TMC will not be required to file its direct testimony on June 21, 2013. The Arbitrator will issue a revised procedural schedule sometime after the Friday, June 21 conference call. The Arbitrator, with input from the parties, will craft that schedule to realistically reflect the resolution of the outstanding discovery disputes and to give the parties adequate time to prepare their respective filings. However, the Arbitrator will also craft the schedule with recognition that this proceeding needs to move

forward as expeditiously as possible and with the aim of preserving the previously scheduled hearing date of October 2, 2013 if at all possible.

10. With regard to the Motion to Compel that Star TMC filed on June 14, 2013, the Arbitrator is reserving judgment pending the conference call of Friday, June 21, in hopes that the parties and the Arbitrator can resolve most, if not all, of the discovery disputes at that time. The Arbitrator will not require TWCIS (NC) to respond to the Motion to Compel at this time.

ISSUED BY ORDER OF THE ARBITRATOR

This the 19th day of June, 2013.


Jo Anne Sanford

Jo Anne Sanford

Arbitrator Presiding