

Docket No. TMC-5, Sub 1

Star Telephone Membership Corporation petitions the Authority, pursuant to 47 U.S.C. § 251(f)(2), for suspension or modification of the application to its telephone exchange service facilities of all requirements of Section 251(b) and (c) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (“the Act”),¹ implicated by the request for interconnection arrangements from Time Warner Cable Information Services (North Carolina), LLC.

PARTIES

1. Star Telephone Membership Corporation (“Star TMC”) is a North Carolina telephone membership corporation organized and existing pursuant to Article 4 of Chapter 117

of the North Carolina General Statutes.² Star TMC provides local exchange telecommunications and exchange access services in its service territory pursuant to the laws of the State of North Carolina and subject to the jurisdiction of the North Carolina Rural Electrification Authority ("Authority"). Star TMC is an incumbent local exchange carrier ("ILEC") as that term is defined in Section 251(h) of the Act. Star TMC is also a rural telephone company as that term is defined in Section 153(37) of the Act.

2. Star TMC is designated by the Authority as an Eligible Telecommunications Carrier ("ETC") pursuant to 47 U.S.C. § 214(e), and as such is obligated to provide to subscribers in its service territory the elements of universal telephone service established in Section 254 of the Act. Star TMC is thus the "carrier of last resort" for telecommunications services in its service territory.

3. Star TMC offers service through its telephone exchange service facilities in ten rural exchanges spread over parts of five counties in Southeastern North Carolina. Star TMC exists today because in the 1950's no investor-owned telephone company could build a business case for installing facilities and offering service in the areas that became Star TMC's service territory, because of the remoteness and the corresponding lack of potential customer density in those areas. Star TMC's service territory covers 1,458 square miles (an area of land larger than the State of Rhode Island) and includes only one incorporated area (the Town of Harrells, which has a population of approximately 200 residents). Even today, Star TMC serves less than [REDACTED] customers per route mile of cable and Star TMC believes it is the most rural of the rural telephone companies in North Carolina. As of December 31, 2011, Star TMC served [REDACTED] [REDACTED] access lines.

¹ 47 U.S.C. §§ 151, *et seq.*

4. Time Warner Cable Information Services (North Carolina), LLC (“TWCIS”) is a Delaware limited liability company, certificated by the North Carolina Utilities Commission (“NCUC”) as a competing local provider offering local exchange and/or exchange access in parts of North Carolina.³

BACKGROUND

5. By letter dated October 5, 2005, which TWCIS describes as its “bona fide” request for interconnection, TWCIS informed Star TMC that it “seeks the following rights under Sections 251(a), (b) and (c) of the Communications Act: interconnection, number portability, dialing parity, access to rights of way, reciprocal compensation, and collocation.” TWCIS later described itself as seeking interconnection pursuant to Section 251(a) and various interconnection arrangements pursuant to Section 251(b).

6. In March 2006, TWCIS petitioned the Authority to terminate Star TMC’s rural exemption pursuant to Section 251(f)(1) of the Act, and to arbitrate an interconnection agreement between TWCIS and Star TMC pursuant to Section 252.

7. In April 2006, Star TMC filed a Motion to Dismiss TWCIS’s Petitions, which Motion was opposed by TWCIS. The Authority granted the Motion to Dismiss as to TWCIS’s Petition for Arbitration in July 2006. A year and a half later, in December 2007, TWCIS moved for reconsideration of the Authority’s Order dismissing that Petition. In March 2008, the Authority denied TWCIS’s request for reconsideration. TWCIS later appealed the Authority’s rulings and in September 2009 the U.S. District Court for the Eastern District of North Carolina remanded the matter to the Authority for further consideration. *Time Warner Cable Information*

² N.C. Gen. Stat. § 117-30.

³ Pursuant to N.C. Gen. Stat. §62-110(f3) the NCUC is not able to authorize TWCIS or any other competing local provider to offer such service in a telephone membership corporation’s service area.

Services (North Carolina), LLC v. Duncan et al., 656 F. Supp. 2d 565 (E.D.N.C. 2009).

8. Subsequent to that remand, by Order issued January 27, 2010, the Authority directed that an arbitrator be appointed and that this docket would proceed in two phases, as follows:

11. Such hearing/arbitration shall be conducted in two phases. The first phase shall be a determination of whether Star TMC's rural exemption should be terminated. After the initial determination of that issue, the hearing/arbitration officer 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 Star's rural exemption.

12. Should the Authority determine that Star TMC's rural exemption should not be terminated no further proceeding will be necessary regarding the Petition for Arbitration.

(Order p. 5).

9. The parties thereafter designated, and the Authority approved the appointment of Jo Anne Sanford to serve as Arbitrator in this docket.

10. By Order issued January 31, 2012, the Authority terminated Phase I of this proceeding, as recommended by the Arbitrator, pursuant to the Declaratory Ruling issued by the FCC in *In the Matter of Petition of CRC Communications of Maine, Inc. and Time Warner Cable Inc. for Preemption Pursuant to Section 253 of the Communications Act, as Amended*, 26 FCC Record 8259, FCC 11-83 WC Docket No. 10-143 (2011) ("the CRC Declaratory Ruling").

SUSPENSION OR MODIFICATION UNDER SECTION 251(f)(2).

11. TWCIS seeks interconnection with Star TMC in order to facilitate the efforts of TWCIS's affiliate, TWC Digital Phone, LLC d/b/a Time Warner Cable, to offer its "Digital Home Phone" and "Business Class Phone" service to residences and businesses located in those

areas of Star TMC's service territory where Time Warner Cable has deployed cable television facilities.

12. The issue before the Authority in this docket up until January 31, 2012, was whether Star TMC's rural exemption should be terminated as provided for in Section 251(f)(1). That issue was resolved by the Authority's Order issued on that date, which was based on the CRC Declaratory Ruling.

13. In the CRC Declaratory Ruling, the FCC recognized that a rural telephone company retains its right to petition for relief from Section 251(b) and (c) obligations pursuant to Section 251(f)(2) of the Act. *See* 26 FCC Record at 8267, n. 49.

14. Section 251(f)(2) of the Act provides as follows:

A local exchange carrier with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide may petition a State commission for a suspension or modification of the application of a requirement or requirements of subsection (b) or (c) of this section to telephone exchange service facilities specified in such petition. The State commission shall grant such petition to the extent that, and for such duration as, the State commission determines that such suspension or modification -

(A) is necessary -

- (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
- (ii) to avoid imposing a requirement that is unduly economically burdensome; or
- (iii) to avoid imposing a requirement that is technically infeasible; and

(B) is consistent with the public interest, convenience, and necessity.

The State commission shall act upon any petition filed under this paragraph within 180 days after receiving such petition. Pending such action, the State commission may suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers.

Star TMC serves "fewer than 2 percent of the Nation's subscriber lines," and thus it is

eligible to petition the Authority for suspension or modification under Section 251(f)(2) of the Act.

15. In including Section 251(f) in the Act, Congress recognized that the duties generally imposed on ILECs by Section 251(b) and (c) could be inappropriate for some smaller ILECs because of either significant adverse economic impact on users, undue economic burden on the carrier, or issues of technical feasibility. In recognition of such potential situations, Congress provided that a rural telephone company such as Star TMC would be exempt from many of the duties imposed by Section 251 until a state commission makes certain requisite findings. *See* Section 251(f)(1)(B). In addition, Section 251 further provides that the duties imposed on rural telephone companies can be modified, or suspended entirely. *See* Section 251(f)(2). Congress recognized that while the imposition of certain duties might not be unduly burdensome for larger ILECs, they could under some circumstances be unduly burdensome for smaller rural ILECs, such as Star TMC.

16. Star TMC's economic health, its ability to continue to meet its universal service obligations, and its continued ability to provide excellent service at reasonable rates, are continually challenged by competition from other telecommunications providers, which presently consist largely of inter-modal providers such as commercial mobile radio service providers offering wireless service, and nomadic Voice over Internet Protocol ("VoIP") service providers (such as Vonage, MagicJack, etc.). Star TMC has [REDACTED] access lines since 2002.

When such competition selectively serves customers with a lower cost to serve (regardless of whether this is done as an intentional business strategy or as a consequence of the topography of the competitor, or both), the adverse impact on a rural telephone company's ability

to continue to provide universal service at reasonable and comparable rates causes harm to the public interest. Star TMC submits that the evidence to be adduced as to this Petition will demonstrate that the introduction of Time Warner Cable's "Digital Home Phone" and "Business Class Phone" service, which would be facilitated by the interconnection arrangements requested by TWCIS, would cause an undue economic burden as well as dramatic and irreparable harm to both Star TMC and the public interest in universal service.

The extent of the undue economic burden that would result from requiring provision of interconnection arrangements requested by TWCIS must be evaluated in the context of Star TMC's circumstances. In addition to access line losses and declining access revenues, recent regulatory developments further imperil Star TMC's ability to cover its operational costs. Specifically, the *In re Connect America Fund*, 2011 WL 5844975, released on November 18, 2011 ("CAF Order"),⁴ the FCC undertook to reform existing federal support mechanisms for universal service. In addition, the FCC also decreed that the default reciprocal compensation arrangement for intraMTA CRMS-ILEC traffic would be "bill and keep" effective as of July 1, 2012. Star TMC's current and preliminary estimate of the consequence of just these two changes is that its revenues will [REDACTED] per year.

**GROUND FOR SUSPENSION OR MODIFICATION OF ANY REQUIREMENT TO
PROVIDE 251(b) OR (c) ARRANGEMENTS TO TWCIS.**

17. Star TMC alleges that establishment of arrangements for number portability pursuant to Section 251(b)(2), dialing parity pursuant to Section 251(b)(3), access to rights of way pursuant to Section 251(b)(4) and/or reciprocal compensation pursuant to Section 251(b)(5),

⁴ In the Matter of Connect America Fund, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011). The CAF Order was amended by an Errata Order issued December 9, 2011, and an Order on Reconsideration released December 23, 2011.

in order to facilitate the offering of Time Warner Cable's "Digital Home Phone" and "Business Class Phone" service in Star TMC's service area would, individually and collectively, impose a significant adverse economic impact on users of Star TMC's telecommunications services generally, would impose requirements on Star TMC that are unduly economically burdensome and would be inconsistent with the public interest, convenience and necessity.

18. The majority of Star TMC's customers are residential. Most of Star TMC's business customers are located in peripheral areas outside municipal areas served by CenturyLink f/k/a Embarq. These relatively more populous areas of Star TMC's service territory are (1) the fringe areas closest to the towns in the region and (2) comprise the relatively limited footprint where Time Warner Cable has chosen to install cable television facilities.

In terms of adverse economic impact on users of Star TMC's telecommunications services generally and the public interest, and in terms of imposing a requirement on Star TMC that is unduly economically burdensome; this means that as a consequence of the various interconnection arrangements sought by TWCIS, Star TMC would be at an increased risk of losing its largest and most profitable customers (its business customers), because those customers are not evenly distributed over Star TMC's entire service territory, but are concentrated in the areas where Time Warner Cable has facilities. This reality only serves to elevate the risk of severe economic losses to Star TMC that would result from establishment of the interconnection arrangements for number portability, dialing parity, access to rights of way and/or reciprocal compensation which TWCIS seeks to establish.

In terms of the public interest, convenience and necessity, if Star TMC is required to provide the interconnection arrangements requested by TWCIS, then Star TMC would bear the economic losses resulting from Time Warner Cable being allowed to selectively offer service

only to those customers adjacent to Time Warner Cable's facilities, while leaving Star TMC to provide service to the harder to serve customers located in the sparsely populated majority of Star TMC's service area. As customers and revenues are lost, Star TMC's ability to bear the costs of continuing to offer advanced services to 100% of its customers, especially DSL service, will be put at increased risk. This is not an illusory problem or concern, as the risk to rural ILECs of "cream skimming"⁵ has been recognized by the FCC.⁶ As noted above, the FCC recently undertook to redefine universal service to require provision of broadband internet access. ILECs will thus be required to have reliable, predictable and sufficient financial resources to upgrade facilities to comply with a revised definition of universal service. Loss of substantial revenues as a consequence of the interconnection requested by TWCIS would impair Star TMC's ability to perform its universal service obligations in its entire service area, which includes all those rural areas outside the locations where Time Warner Cable has facilities. These areas where Time Warner Cable does not have facilities are the most rural portions of Star TMC's service territory, meaning that Star TMC's costs to serve are highest in those areas where Time Warner Cable has no facilities and would not offer service.

19. In terms of the public interest, convenience and necessity, this proceeding will also determine whether all of Star TMC's customers continue to enjoy access to the advanced telecommunications services at reasonable prices that they have come to expect. Star TMC serves very rural territory, which includes only one incorporated area. TWCIS, in conjunction

⁵ "Cream skimming" refers to the practice of targeting only the customers that are the least expensive to serve, thereby undercutting the ILEC's ability to provide service throughout the area." *Banister, Virginia and Highland Cellular Framework: The FCC Establishes a Framework for Eligible Telecommunications Carrier Designation in Rural Study Areas*. 57 Fed. Comm. LJ 511, 531 (2004-2005).

⁶ In the Matter of Virginia Cellular, LLC, Petition for Designation as an Eligible Telecommunications Carrier, CC Docket 96-45, Memorandum Opinion and Order (January 22, 2004) ("Virginia Cellular Order"), Note 18, ¶32, Note 102. See also, In the Matter of Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications, Memorandum Opinion and Order (April 12, 2004), Note 28, ¶26.

with Time Warner Cable, seeks to provide competitive service only to the easiest-to-serve customers, who are located where Time Warner Cable has existing cable television facilities. Star TMC is a small company with a limited service territory and a limited customer base. In recent years Star TMC has struggled to maintain profitability and it is a serious and ongoing challenge to do so while continuing to deploy the equipment necessary to keep its customers connected with the latest telecommunications services and to keep rates affordable. Being a smaller ILEC, Star TMC does not have the economies of scale enjoyed by larger incumbents and every access line lost has a direct impact on Star TMC's financial well-being and ultimate survival.

20. Time Warner Cable does not offer cable television service in the most rural and insular areas of Star TMC's service territory. By limiting its cable television services to the more densely populated areas of Star TMC's service territory, Time Warner Cable would only compete for the customers that are easiest (and most profitable) to serve, as the cost of providing service directly correlates to customer density and customer access to a provider's existing facilities.

21. This is not the first time the Authority has addressed the question of the extent of the economic impact and burden that provision of interconnection arrangements would impose on Star TMC if another carrier was to interconnect with it to facilitate Time Warner Cable's offering of its "Digital Home Phone" and "Business Class Phone" products in Star TMC's service territory. For the same reason that TWCIS filed its Petitions in this docket (to facilitate Time Warner Cable's effort to offer its "Digital Home Phone" and "Business Class Phone" services to residences and businesses located in Star TMC's service area), in February 2009 Sprint Communications Company L.P. also petitioned the Authority to terminate Star TMC's

rural exemption and to arbitrate an interconnection agreement between Sprint and Star TMC.

See Sprint Communications Company L.P. v. Star TMC, Docket TMC-5, Sub 2 (“*Sprint v. Star TMC*”). Because that docket commenced at a time when TWCIS’s appeal of the Authority’s dismissal was pending, proceedings in *Sprint v. Star TMC* moved forward prior to such proceedings in the instant docket.

22. By Order issued May 20, 2009, in *Sprint v. Star TMC*, the Authority established bifurcated proceedings to address the issues raised by Sprint’s Petition. Just as it later did in this docket, the Authority ordered that the first phase of that proceeding would be confined to determining whether Star TMC’s Section 251(f)(1) rural exemption should be terminated as requested by Sprint. The Authority ruled there that if it determined Star TMC’s rural exemption should be terminated as to Sprint’s request for interconnection, then the second phase of that proceeding would resolve by arbitration any open issues necessary for formation of an interconnection agreement between Sprint and Star TMC.

23. The Authority thereafter approved appointment of Hullihen Moore, a retired judge of the Virginia Corporation Commission experienced in utility matters, as arbitrator in *Sprint v. Star TMC*. Judge Moore thereafter conducted two separate hearings over the course of twelve months, and required numerous filings of supplemental information and data by Star TMC in that docket. On April 13, 2011, Judge Moore issued a Recommended Decision in that docket. In his Recommended Decision, after conducting an extensive analysis of the evidence as to economic burden to Star TMC and the detriments to the goals of universal service, Judge Moore ruled that Sprint had not meet its burden of establishing that its requested interconnection would not impose an undue economic burden on Star TMC, which was one of the criteria required under Section 251(f)(1) for termination of Star TMC’s rural exemption.

24. The Recommended Decision in *Sprint v. Star TMC* reflects a finding that the effects of the interconnection arrangements sought by Sprint there (which are effectively the same as what is sought by TWCIS here) will dramatically reduce the revenues, net income and return on investment of Star TMC, to the detriment of its ability to continue to make the investments and expenditures necessary to provide the quality service it currently provides and to maintain the benefits of universal service in its service territory. This evidences the fact that requiring the interconnection arrangements ought in order to facilitate Time Warner Cable's offering of its services in Star TMC's service territory would impose an economic burden on Star TMC and be inconsistent with the public interest. This finding also supports a finding here that the interconnection sought by TWCIS would cause "a significant adverse economic impact on users of telecommunications services generally." *See* Section 251(f)(2)(A)(i). The detrimental effects on Star TMC recognized in that Recommended Decision would cause a significant adverse economic effect on Star TMC's customers, who will face higher rates for services, thereby increasing the market price for services, and customers in the more remote portions of Star TMC's service territory would be at risk for even higher costs, service reductions or loss of service.

25. Based on the finding that Sprint did not establish that its proposed interconnection would not impose an undue economic burden on Star TMC, and other evidence to be adduced at the hearing on this Petition, Star TMC requests that the Authority suspend or modify the application to Star TMC of any requirement to provide the requested interconnection arrangements specified in Section 251(b) or (c) of the Act.

26. Section 251(f)(2) authorizes the Authority to suspend or modify the application of the requirements of Section 251(b) and (c) to Star TMC. Star TMC submits that the Authority should grant this Petition, as such suspension or modification is necessary to avoid a significant

adverse economic impact on users of its telecommunications services generally, to avoid imposing a requirement on Star TMC that is unduly economically burdensome, and that such suspension is consistent with the public interest, convenience, and necessity. Star TMC requests that the Authority exercise its power under Section 251(f)(2) because the facts and circumstances relevant to TWCIS's request for interconnection arrangements with Star TMC satisfy the significant adverse economic impact, the economic burden and the public interest criteria set forth in Section 251(f)(2).

27. In the CRC Declaratory Ruling the FCC left to the Authority the decision as to whether to protect the customers of a rural carrier such as Star TMC from this harm by acting pursuant to Section 251(f)(2). Significantly, three of the FCC Commissioners filed separate Statements in the CRC Declaratory Ruling, all clearly recognizing that a state commission has the right to exercise its jurisdiction as to a Petition such as the one filed herein by Star TMC.⁷

28. This Petition is entirely consistent with the FCC's findings in the CRC Declaratory Ruling. In that ruling, the FCC made clear that a state commission such as the Authority has primary jurisdiction and responsibility to resolve any petition under Section 251(f)(2): "We recognize that the state commissions have the responsibility in the first instance for determining whether, and the extent to which, the provisions in section 251(f) apply in a

⁷ See, Statements of Chairman Julius Genachowski ("Congress gave the state commissions primary responsibility for determining when a carrier should be exempt from specific interconnection obligations, and today's ruling does not alter that authority." p. 19); Commissioner Michael J. Copps ("The narrow legal question before us requires this result but good policy outcome pulls us in another direction. I'm concerned about the unintended consequences of today's decision on consumers in Maine who rely on these rural phone companies for service. I believe the Maine PUC is best equipped to balance the interests of Maine consumers and carrier responsibilities." p. 20); and, Commissioner Mignon L. Clyburn ("Congress clearly contemplated a role for state regulators in determining whether local competition serves the public interest and universal service goals pursuant to Section 251 (f) with respect to areas served by rural local exchange carriers. Moreover, I believe the findings that the Maine PUC already made are germane to the issues raised in the Time Warner Petition. As such, I would have preferred more acknowledgment in the Declaratory Ruling of the tension this decision is creating in Maine, as a result of our findings. Nonetheless, to the extent that the rural local exchange carriers and the Maine PUC believe that the PUC's conclusions remain applicable, Section 251(f)(2) provides an avenue for relief from the Section 251(b) interconnection obligations." p. 21).

particular context."⁸ "Further, under the Act, it is the state commission that has the authority to suspend or modify the requirements of section 251(b) in appropriate circumstances."⁹

29. Suspension or modification under Section 251(f)(2) is to be consistent with the public interest, convenience and necessity. The paramount public interest concern at stake in any proceeding under Section 251(f)(2) is the protection of universal service, which is synonymous with the public interest. As shown by Section 254 of the Act, one aspect of the public interest analysis under Section 251 is ensuring the preservation of a carrier of last resort in rural service areas and that quality telecommunications and informational services are available to all areas, including rural, insular, or high cost areas, at reasonable comparable rates.

30. Star TMC submits that based on the facts and circumstances described hereinabove, and the evidence to be adduced at the hearing on this Petition, that the Section 251(b) interconnection arrangements sought by TWCIS here would not be consistent with, and would be significantly harmful to, universal service goals and would be inconsistent with the public interest. Thus, granting the requested suspension or modification "is consistent with the public interest, convenience and necessity."

31. As shown by the evidence adduced in the first phase proceedings in *Sprint v. Star TMC*, the interconnection arrangements requested by TWCIS of Star TMC for the purpose of facilitating Time Warner Cable's offering of its "Digital Home Phone" and "Business Class Phone" services in Star TMC's service territory will have a significant adverse economic impact on users of Star TMC's telecommunications services and/or would impose a requirement that is unduly economically burdensome on Star TMC; and such suspension would be consistent with the public interest, convenience and necessity. Based on the foregoing, Star TMC requests that

⁸ CRC Declaratory Ruling ¶3, 26 F.C.C.R. 8260.

⁹ CRC Declaratory Ruling ¶23, 26 F.C.C.R. 8272.

the Authority suspend or modify the application of Section 251(b) requirements Star TMC's telephone exchange service facilities, until such time as Star TMC relieved of its carrier of last resort obligations in its service territory, or when carrier of last resort obligations are imposed on TWCIS for the entirety of Star TMC's service territory, or until such time as TWCIS meets the requirements for designation as an eligible telecommunications carrier in Star TMC's entire service area - before being permitted to provide service in any portion of that area – as provided for in Section 253(f) of the Act.

32. Pending the Authority's final ruling on Star TMC's foregoing Petition, Star TMC also requests that the Authority, as provided for by Section 251(f)(2)(B), "suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers."

WHEREFORE, Star TMC moves the Authority:

1. To establish a procedural schedule for conducting any discovery relating to Star TMC's Section 251(f)(2) Petition and schedule a hearing with regard to that Petition, prior to moving forward with the "second phase of the hearing/arbitration" as referenced in the Authority's Order of January 27, 2010;

2. Pending a final ruling by the Authority on Star TMC's foregoing Petition, to "suspend enforcement of the requirement or requirements to which the petition applies with respect to" Star TMC, as provided for in Section 251(f)(2)(B);

3. To suspend or modify the application to Star TMC of any requirements of 47 USC § 251(b) and (c) implicated by TWCIS's request for interconnection with Star TMC until such time as Star TMC is relieved of carrier of last resort obligations in its service territory, or when

carrier of last resort obligations are imposed on TWCIS for the entirety of Star TMC's service territory or until such time as TWCIS meets all requirements for designation as an eligible telecommunications carrier in Star TMC's entire service area - before being permitted to provide service in any portion of that area – as provided for in Section 253(f) of the Act; and

4. To provide such other and further relief as is just, proper and consistent with the request for suspension or modification set forth herein.

Respectfully submitted, this the 29th day of February, 2012.

BURNS, DAY & PRESNELL, P.A.

By:



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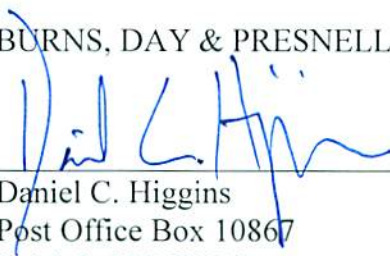
CERTIFICATE OF SERVICE

It is hereby certified that a true and exact copy of the foregoing Petition of Star Telephone Membership Corporation was served this day by e-mailing same to counsel for Time Warner Cable Information Services (North Carolina), LLC.

This the 29th day of February, 2012.

BURNS, DAY & PRESNELL, P.A.

By: _____


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