

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 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 an)
Interconnection Agreement with)
Star Telephone Membership Corporation)

AND

ORDER

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

BY THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY
("Authority"):

On January 31, 2012, the Authority accepted and adopted the Recommended Order Terminating Phase I of Proceeding without modification as the Final Decision of the Authority. The Order adopted by the Authority stated that Phase I of the Proceeding was terminated and that the parties should proceed to Phase II, arbitration.

On February 29, 2012, prior to beginning the Phase II arbitration, Star Telephone Membership Corporation ("Star") filed a petition pursuant to 47 UCS §251(f)(2). ("Star's Petition")

On March 23, 2012, Time Warner Cable Information Services (North Carolina) ("TWICS (NC)") filed a Motion to Dismiss Star's Petition.

The Authority addresses Star's Petition as follows:

DECISION

On March 26, 2012, Star's Petition filed pursuant to 47 U.S.C. § 251(f)(2) and TWCIS (NC's) response came before the Authority for consideration. Authority members in attendance were L. Calvin Duncan, Chairman, Joseph G. Justice, Vice-Chairman and Edith C. Cox. Buddy G. Creed was not in attendance at this meeting and J. Ronnie Alderman recused himself from the proceeding.

Pursuant to N.C. Gen. Stat. §§ 117-2(12) and 117-30, the Authority has the power "[t]o do all other acts and things which may be necessary to aid the rural communities in North Carolina to secure" telephone service.

47 U.S.C. § 252(g) provides that proceedings under 47 U.S.C. §§ 251 and 252 can be consolidated to "reduce administrative burdens on telecommunications carriers, other parties to the proceedings, and the State commission in carrying out its responsibilities under this Act."

The Authority finds that Star's Petition pursuant to 47 U.S.C. § 251(f)(2) should be consolidated with TWCIS (NC's) Petition for Arbitration which is currently pending and being heard/arbitrated by Jo Anne Sanford.

The Authority finds that the resolution of Star's Petition should be completed prior to proceeding to Phase II, arbitration regarding an Interconnection Agreement between TWICS (NC) and Star. Should Star wish to respond to TWCIS (NC)'s Motion to Dismiss, Star must file a response with the Authority within 25 days of this Order. Said response will be forwarded along with the Petition and Motion to Dismiss to the hearing/arbitration officer to make a recommended decision to the Authority. The hearing/arbitration officer shall submit a recommended decision to the Authority as to Star's Petition, TWCIS (NC)'s Motion to Dismiss, and any response filed and as to whether to proceed to Phase II. The Authority will then allow the parties to file exceptions to that recommendation and will provide a time for oral argument before the Authority. After the exceptions are filed and oral argument is held, the Authority will make a final determination regarding Star's Petition and whether the parties are to proceed to Phase II.

If the parties proceed to Phase II, the hearing/arbitration officer will conduct an arbitration regarding an Interconnection Agreement between TWCIS (NC) and Star. The hearing/arbitration officer shall submit a recommended decision to the Authority. The Authority will then allow the parties to file comments or objections to the recommended decision and will provide a time for oral argument before the Authority. After the comments or objections are filed and oral argument is held, the Authority will make a final determination regarding the Petition for Arbitration.

IT IS SO ORDERED.

ISSUED BY THE ORDER OF THE AUTHORITY.

This the 28th day of March, 2012.

The North Carolina Rural
Electrification Authority

A handwritten signature in black ink, appearing to read "Frances Liles", written over a horizontal line.

Frances Liles
Administrator

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing ORDER has been served to all addressees listed below by depositing same, postage prepaid, in the U.S. Mail and via electronic mail this the 28th day of March, 2012.

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This 28th day of March, 2012.

The North Carolina Rural
Electrification Authority



Frances Liles