ELLIS : LAWHORNE

John J. Pringle, Jr.
Direct dial: 803/343-1270
jpringle@ellislawhorne.com

June 30, 2006

FILED ELECTRONICALLY AND ORIGINAL VIA HAND-DELIVERY
The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
101 Executive Center Dr., Suite 100
Columbia, SC 29210

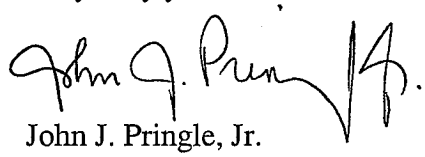
RE: Petitions of Charter Fiberlink SC – CCO, LLC
Docket Nos. 2006-137-C, 2006-138-C, 2006-139-C and 2006-142-C

Dear Mr. Terreni:

Enclosed is the **Motion to Amend Arbitration Plan and Procedural Schedule** filed on behalf of Charter Fiberlink SC – CCO, LLC in the above-referenced Dockets.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it via the bearer of these documents. If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,



John J. Pringle, Jr.

cc: Lessie Hammonds, Esquire, Shannon Hudson, Esquire, Margaret Fox, Esquire
Carrie L. Cox, Esquire, Charles A. Hudak, Esquire
Enclosure

THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

In Re: Petition of Charter Fiberlink SC – CCO, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Chesnee Telephone Company, Inc. Concerning Interconnection under the Communications Act of 1934, as amended by the Telecommunications Act of 1996	)))))))))	Docket No. 2006-137-C
In Re: Petition of Charter Fiberlink SC – CCO, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with West Carolina Rural Telephone Cooperative Concerning Interconnection under the Communications Act of 1934, as amended by the Telecommunications Act of 1996	)))))))))	Docket No. 2006-138-C
In Re: Petition of Charter Fiberlink SC – CCO, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Lockhart Telephone Company Concerning Interconnection under the Communications Act of 1934, as amended by the Telecommunications Act of 1996	)))))))))	Docket No. 2006-139-C
In Re: Petition of Charter Fiberlink SC – CCO, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Piedmont Rural Telephone Cooperative, Inc. Concerning Interconnection under the Communications Act of 1934, as amended by the Telecommunications Act of 1996	)))))))))	Docket No. 2006-142-C

MOTION TO AMEND ARBITRATION PLAN AND PROCEDURAL SCHEDULE

Charter Fiberlink SC – CCO, LLC, ("Charter Fiberlink") by its attorneys, and with the consent and support of Chesnee Telephone Company, Inc., West Carolina Rural Telephone Cooperative, Lockhart Telephone Company, Piedmont Rural Telephone Cooperative, Inc., (collectively, the "ILECs") and the Office of Regulatory Staff ("ORS") respectfully request that the Commission amend the procedure and arbitration plan established by the Commission in the above-referenced Dockets as follows:

BACKGROUND

1. Charter Fiberlink filed the above-captioned Petitions for Arbitration of an interconnection agreement with the ILECs pursuant to Section 252(b) of the Communications Act.

2. The commencement of negotiations for the arbitrations that are currently the subject of Docket Numbers 2006-137 through 139 (the "Consolidated Dockets") began on December 5, 2005.

3. The commencement of negotiations for the arbitration encompassed by Docket No. 2006-142-C (the "Piedmont Docket") began on December 9, 2005.

4. Section 252(a)(4)(C) of the Act provides that the Commission must resolve each issue set forth in the Petitions (as well as those raised in the ILECs' responses) within nine months of the request for commencement of negotiations. Given the December 5, 2005 and December 9, 2005 commencement dates, the statutory deadline under Section 252(a)(4)(C) would be on or about September 5, 2006 and September 9, 2006.

THE PARTIES REQUEST THAT THE "DEADLINE" BE EXTENDED

5. The parties request that the deadlines for resolution of the unresolved issues contained in both the Consolidated Dockets and the Piedmont Docket be extended until on or about December 9, 2006. The extended deadline will give the parties the opportunity to receive the transcript and to submit post-hearing briefs and/or proposed orders to the Commission. Further, the Commission will have adequate time to consider and rule upon the issues before it.

6. Several points support the Commission's granting of an extension in this case. Because the only "penalty" or "sanction" for failing to act within the nine-month window is a party's ability to go to the FCC for resolution, the timeframe established in the Act exists for the benefit of the parties.

7. Second, it is clear as a practical matter that Section 252(a)(4)(C) of the Act does not bar this Commission from granting this Joint Motion, based upon the Commission's previous practice. The Commission has previously agreed to extend the statutory deadline in a number of arbitration Dockets pending before the Commission, including but not limited to Docket No. 2005-57-C and Docket No. 2005-276-C.

8. As these instances demonstrate, waiver is appropriate in circumstances where no party opposes its application. After all, the nine-month deadline exists for the benefit of the parties to the arbitration – to provide assurance that the arbitration will be decided within a definite time frame. Where, as in this case, the parties are willing to extend such a deadline, no party would be prejudiced by grant of a waiver, and in light of the circumstances described below, waiver is clearly in the public interest.

9. Similarly, state and federal law gives parties the right to agree to waive any number of procedural and substantial rights. For example, parties may agree to waive their right

to a jury trial. Parties may also enter into an agreement to toll a particular statute of limitations. In this case, waiver will take no substantial rights away from the parties. The Commission will still hear and decide the issues, just within an extended time frame.

10. Further, current circumstances affecting all parties, as well as the Commission and the ORS, demonstrate that a grant of the proposed waiver would be in the best interest of all parties, and this Commission, as it would ensure that adequate resources could be devoted to the list of issues set for resolution by the Commission without the undue time pressures associated with the nine month deadline.

11. Charter Fiberlink, the ILECs and the ORS agree that they will waive 1) their right to petition the FCC under Section 252(e)(5) for a failure to act by the Commission within the statutory deadline and 2) their right to raise the failure to act within the statutory deadline on any appeal, if the Motion is granted.

THE PARTIES REQUEST THAT THE COMMISSION CONSOLIDATE CERTAIN ARBITRATION ISSUES FOR HEARING AND DECISION

12. There are ten unresolved issues in the Piedmont Docket that are identical to issues that are before the Commission in the Consolidated Dockets.

13. These issues (the "Common Issues") are designated in Charter's Arbitration Petition in the Piedmont Docket as Issue Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14 and 31. The same issues are designated in Charter's Arbitration Petitions in the Consolidated Dockets as Issue Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 26.

14. The testimony provided by Charter and the ILECs with respect to these issues will be provided by the same witnesses.

15. As a result, having these issues presented in one proceeding will be a great deal more efficient for both the parties and the Commission.

16. The parties request that these Common Issues be considered by the Commission in the hearing scheduled in the Consolidated Dockets.

THE COMMISSION SHOULD HEAR CERTAIN ISSUES SEPARATELY

17. The Piedmont Docket contains three (3) issues that are specific only to Piedmont, and not the other ILECs taking part in the Consolidated Dockets. These issues (the "Piedmont-specific Issues") are designated in Charter's Arbitration Petition in the Piedmont Docket as Issue Nos. 3, 4, and 5.

18. Furthermore, the Consolidated Dockets contain one issue that does not involve Piedmont ("Issue No. 28").

19. Accordingly, the parties agree that the Commission should consider the Piedmont-specific Issues and Issue No. 28 separate and apart from the issues that the respective dockets and parties have in common. The parties agree that Docket No. 2006-142-C should be consolidated for hearing purposes with the other Consolidated Dockets with respect to the common issues only, and that the three Piedmont-specific Issues should be bifurcated and heard in a separate proceeding held in Docket No. 2006-142-C. Also, Issue No. 28 should be considered and decided separately from the Common Issues and the Piedmont-specific Issues.

THE PARTIES REQUEST THAT THE PROCEDURAL SCHEDULE BE AMENDED

20. The parties request that the prefiling deadlines set for the Consolidated Dockets be amended to the prefiling deadlines currently set for the Piedmont Docket.

21. The parties further request that the hearing dates set for both the Consolidated Dockets (August 7, 2006) and the Piedmont Docket (August 17, 2006) be modified as follows:

a. The hearing on the Common Issues in the Consolidated Dockets be set to begin on August 17, 2006 at 10:30am, with August 18th available should the parties require more than one day for hearing;

b. The hearing to consider Issue No. 28 be set to begin immediately following the close of the hearing on the Common Issues in the Consolidated Dockets;

c. The hearing to consider the specific issues remaining in the Piedmont Docket be set to begin immediately following the close of the hearing on Issue No. 28 in the Consolidated Dockets.

WHEREFORE, Charter Fiberlink, with the consent and support of the ILECs and the ORS respectfully request that the Commission issue an order granting this Motion, issue an order extending the timeframe for resolving the unresolved issues in the above-captioned proceedings for three months, until on or about December 9, 2006, consolidating issues for hearing as set out herein, modifying the procedural schedule as set forth herein, and granting such other relief as is just and proper.

Respectfully submitted,

By: _____

John J. Pringle, Jr.
ELLIS, LAWHORNE & SIMS, P.A.
1501 Main Street, Fifth Floor, P.O. Box 2285
Columbia, SC 29202
Tel. 803-254-4190/803-343-1270 (direct)

Charles A. Hudak, Esq.
Norman B. Gerry, Esq.
Charles V. Gerkin, Jr., Esq.

FRIEND, HUDAK & HARRIS, LLP
Three Ravinia Drive, Suite 1450
Atlanta, Georgia 30346-2131
(770) 399-9500

Attorneys for Charter Fiberlink SC – CCO, LLC

Columbia, South Carolina
June 30, 2006