SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING OFFICER DIRECTIVE

DOCKET NO. 2011-304-C

JANUARY 13, 2012

Hearing Officer: David Butler

DOCKET DESCRIPTION:
Complaint and Petition for Relief of BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Halo Wireless, Incorporated for Breach of the Parties' Interconnection Agreement

MATTER UNDER CONSIDERATION:
Petition to Intervene filed by the South Carolina Telephone Coalition. Opposition filed by Halo Wireless, Inc.

HEARING OFFICER ACTION:
The Petition to Intervene filed by the South Carolina Telephone Coalition is granted. Although both sides provided excellent documents in support of their respective positions, I would note that Halo Wireless, Inc. did not recognize the governing Commission regulation, which is 26 S.C. Code Ann. Regs. 103-825 (A) (3) (Supp. 2011). The regulation lays out three requirements for a Petition to Intervene: a) the facts from which the nature of the petitioner's alleged right or interest can be determined; b) the grounds of the proposed intervention; and c) the position of the petitioner in the proceeding. All three requirements are clearly met by the Coalition's Petition. Although I understand Halo's position is that the complaint shows that the case is a "purely bilateral dispute," it is clear that AT&T's interests and the Coalition's interests are not always precisely the same. The Complaint discusses an allegation that Halo's actions prevent AT&T "and likely other downstream carriers" from being able to properly bill Halo based on where the traffic originated, because neither AT&T "nor likely other downstream carriers" can determine the origin of the call. According to SCTC, its member companies are "downstream carriers" as that term is used by AT&T, because Halo sends traffic to AT&T that is destined for customers in SCTC member companies' areas, and AT&T in turn delivers that traffic to the respective SCTC member companies for termination. I believe that since SCTC represents "other downstream carriers," these carriers have a separate interest from AT&T that cannot be represented by AT&T. Further, the Coalition represents that it is aware of the procedural schedule established for this hearing, and that its participation will not delay the proceeding or prejudice the parties. In summary, Halo's objection and

opposition is overruled, and the Petition to Intervene of the South Carolina Telephone Coalition is hereby granted.