



John P. Bethel
Director
(501) 682-1794

ARKANSAS
PUBLIC SERVICE COMMISSION
UTILITIES DIVISION
1000 Center
P.O. Box 400
Little Rock, Arkansas 72203-0400
<http://www.Arkansas.gov/psc>

Colette D. Honorable
Chairman
(501) 682-1455

Olan W. Reeves
Commissioner
(501) 682-1453

Elana C. Wills
Commissioner
(501) 682-1451

October 2, 2012

Via Email

Mr. Patrick Ralston
ALC - Litigation Reports Oversight Subcommittee
One Capitol Mall, Room R-501
Little Rock, AR 72201

RE: Arkansas Public Service Commission Reported Cases

Dear Mr. Ralston:

Pursuant to your email of September 28, 2012, attached please find an update for the Arkansas Public Service Commission's Reported cases. Also attached are Transmittal Forms for five Tax Division cases recently appealed from the APSC to the Pulaski County Circuit Court (APSC Docket Nos. 11-071-TD, 11-070-TD, 10-063-TD, 10-062-TD, and 10-061-TD). Please let me know if you need anything further.

Yours truly,

A handwritten signature in cursive script that reads "Valerie F. Boyce".

Valerie F. Boyce
Staff General Counsel
(501) 682-5827

Encl.

UPDATE ON REPORTED CASES – ARKANSAS PUBLIC SERVICE COMMISSION

(October 2, 2012)

Friendship Cable of Arkansas, Inc. v. Arkansas Public Service Commission, Pulaski County Circuit Court, No. 60-CV-12-2507 (APSC Docket No. 11-071-TD)

Friendship filed a Notice of Appeal on May 23, 2012. A briefing schedule has been set. Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-1168.

Cebridge Acquisition, L.P. d/b/a Suddenlink Communications v. Arkansas Public Service Commission, Pulaski County Circuit Court, No. 60-CV-12-2510 (APSC Docket No. 11-070-TD)

Cebridge filed a Notice of Appeal on May 23, 2012. A briefing schedule has been set. Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-1168.

Friendship Cable of Arkansas, Inc. v. Arkansas Public Service Commission, Pulaski County Circuit Court, No. 60-CV-12-2509 (APSC Docket No. 10-063-TD)

Friendship filed a Notice of Appeal on May 23, 2012. Motion to Transfer to Third Division is pending. Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-1168.

Cebridge Acquisition, L.P. d/b/a Suddenlink Communications v. Arkansas Public Service Commission, Pulaski County Circuit Court, No. 60-CV-12-2508 (APSC Docket No. 10-062-TD)

Cebridge filed a Notice of Appeal on May 23, 2012. Motion to Transfer to Third Division is pending. Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-1168.

Falcon Cable Media, L.P.; Falcon Telecable, L.P.; and Interlink Communications Partners, LLC d/b/a Charter Communications v. Arkansas Public Service Commission, Pulaski County Circuit Court, No. 60-CV-12-2511 (APSC Docket No. 10-061-TD)

Falcon filed a Notice of Appeal on May 23, 2012. A briefing schedule has been set. Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-1168.

Falcon Cable Media LP, et al. v. Arkansas Public Service Commission, Arkansas Supreme Court No. CA 11-1168; Pulaski County Circuit Court, No. 60-CV-10-5798; APSC Docket No. 09-113-TD)

Falcon filed a Notice of Appeal to the Arkansas Supreme Court on August 26, 2011. Case assigned to Court of Appeals. Appellants' and Appellee's Briefs filed. Case transferred to Arkansas Supreme Court. Pending Motion to Strike by Appellees.

Entergy Arkansas, Inc. v. Arkansas Public Service Commission and Arkansas Tech University, Supreme Court No. 11-662 (Court of Appeals No. CA 10-878, APSC Docket No. 09-089-C)

The Court of Appeals affirmed the Commission on June 22, 2011. Entergy Arkansas filed a Petition for Review in the Arkansas Supreme Court on June 30, 2011, which was denied on 12/8/2011.

Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc. v. Arkansas Public Service Commission, Arkansas Supreme Court No. 12-368 (Arkansas Court of Appeals No. CA 11-496; APSC Docket No. 08-137-U)

Decision affirmed by Court of Appeals on April 18, 2012. Petition for Rehearing filed at Court of Appeals on May 7, 2012; denied May 30, 2012. Petition for Review filed at Arkansas Supreme Court on May 7, 2012; denied August 14, 2012.

Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc. v. Arkansas Public Service Commission, Arkansas Court of Appeals No. CA 11-861 (APSC Docket No. 06-004-R)

Notice of Appeal filed August 26, 2011. Held in abeyance on January 4, 2012, pending the decision in CA 11-496. Motion to Dismiss granted August 30, 2012.

Arkansas Electric Energy Consumers, Inc. and Arkansas Gas Consumers, Inc. v. Arkansas Public Service Commission, Arkansas Court of Appeals No. CA 11-1132 (APSC Docket Nos. 07-081-TF and 07-085-TF)

Notice of Appeal filed November 15, 2011. Held in abeyance on January 4, 2012, pending the decision in CA 11-496. Motion to Dismiss granted August 30, 2012.

Entergy Arkansas, Inc. v. Arkansas Public Service Commission, Collette Honorable, Olan Reeves, and Elena Wills, US District Court, Eastern District of Arkansas, Western Division Case No. 4:11-cv-00655-SWW

Arkansas Public Service Commission's September 15, 2011 *Motion to Dismiss For Lack of Jurisdiction and Motion to Hold Further Proceedings in Abeyance* was granted on June 6, 2012 and the case dismissed without prejudice.

TRANSMITTAL FORM FOR REPORTING UNDER ARK. CODE ANN. §10-3-312

TO: Arkansas Legislative Council FROM: Valerie F. Boyce
Attn: David Ferguson Arkansas Public Service Commission
State Capitol, Room 315 P.O. Box 400
Little Rock, AR 72201 Little Rock, AR 72203-0400

SUMMARY OF LITIGATION

Plaintiff: Friendship Cable of Arkansas, INC.

(Attorney) Eric S. Tresh, Sutherland Asbill & Brennan LLP.

Defendant: Arkansas Public Service Commission

(Attorney) Dallas W. Heltz

State Agency Represented: Arkansas Public Service Commission

Court/District/Division: Circuit Court of Pulaski County, Arkansas -Third Division

Docket No: 60CV-12-2509

Date Filed: May 23, 2012

Constitution/Code/Act: Ark. Code Ann. § 26-24-103, § 26-26-1601 et seq.

Brief Description of Issues Involved: Whether, as a matter of Arkansas law, the *ad valorem* assessment of a cable television company includes intangible property.

Relief Sought: Declaration that the Tax Division of the APSC's is barred by state law to assess the intangible value of cable television company.

Case Status: Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-01168.

If the case involves employment issues, not action taken against supervisor, if any: N/A

TRANSMITTAL FORM FOR REPORTING UNDER ARK. CODE ANN. §10-3-312

TO: Arkansas Legislative Council FROM: Valerie F. Boyce
Attn: David Ferguson Arkansas Public Service Commission
State Capitol, Room 315 P.O. Box 400
Little Rock, AR 72201 Little Rock, AR 72203-0400

SUMMARY OF LITIGATION

Plaintiff: Cebridge Acquisition, L.P.

(Attorney) Eric S. Tresh, Sutherland Asbill & Brennan LLP

Defendant: Arkansas Public Service Commission

(Attorney) Dallas W. Heltz

State Agency Represented: Arkansas Public Service Commission

Court/District/Division: Circuit Court of Pulaski County, Arkansas -Third Division

Docket No: 60CV-12-2510

Date Filed: May 23, 2012

Constitution/Code/Act: Ark. Code Ann. § 26-24-103, § 26-26-1601 et seq.

Brief Description of Issues Involved: Whether, as a matter of Arkansas law, the *ad valorem* assessment of a cable television company includes intangible property.

Relief Sought: Declaration that the Tax Division of the APSC's is barred by state law to assess the intangible value of cable television company.

Case Status: Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-01168.

If the case involves employment issues, not action taken against supervisor, if any: N/A

TRANSMITTAL FORM FOR REPORTING UNDER ARK. CODE ANN. §10-3-312

TO: Arkansas Legislative Council FROM: Valerie F. Boyce
Attn: David Ferguson Arkansas Public Service Commission
State Capitol, Room 315 P.O. Box 400
Little Rock, AR 72201 Little Rock, AR 72203-0400

SUMMARY OF LITIGATION

Plaintiff: Friendship Cable of Arkansas, INC.

(Attorney) Eric S. Tresh, Sutherland Asbill & Brennan LLP

Defendant: Arkansas Public Service Commission

(Attorney) Dallas W. Heltz

State Agency Represented: Arkansas Public Service Commission

Court/District/Division: Circuit Court of Pulaski County, Arkansas -Third Division

Docket No: 60CV-12-2507

Date Filed: May 23, 2012

Constitution/Code/Act: Ark. Code Ann. § 26-24-103, § 26-26-1601 et seq.

Brief Description of Issues Involved: Whether, as a matter of Arkansas law, the *ad valorem* assessment of a cable television company includes intangible property.

Relief Sought: Declaration that the Tax Division of the APSC's is barred by state law to assess the intangible value of cable television company.

Case Status: Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-01168.

If the case involves employment issues, not action taken against supervisor, if any: N/A

TRANSMITTAL FORM FOR REPORTING UNDER ARK. CODE ANN. §10-3-312

TO: Arkansas Legislative Council FROM: Valerie F. Boyce
Attn: David Ferguson Arkansas Public Service Commission
State Capitol, Room 315 P.O. Box 400
Little Rock, AR 72201 Little Rock, AR 72203-0400

SUMMARY OF LITIGATION

Plaintiff: Cebridge Acquisition, L.P.

(Attorney) Eric S. Tresh, Sutherland Asbill & Brennan LLP

Defendant: Arkansas Public Service Commission

(Attorney) Dallas W. Heltz

State Agency Represented: Arkansas Public Service Commission

Court/District/Division: Circuit Court of Pulaski County, Arkansas -Third Division

Docket No: 60CV-12-2508

Date Filed: May 23, 2012

Constitution/Code/Act: Ark. Code Ann. § 26-24-103, § 26-26-1601 et seq.

Brief Description of Issues Involved: Whether, as a matter of Arkansas law, the *ad valorem* assessment of a cable television company includes intangible property.

Relief Sought: Declaration that the Tax Division of the APSC's is barred by state law to assess the intangible value of cable television company.

Case Status: Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-01168.

If the case involves employment issues, not action taken against supervisor, if any: N/A

TRANSMITTAL FORM FOR REPORTING UNDER ARK. CODE ANN. §10-3-312

TO: Arkansas Legislative Council FROM: Valerie F. Boyce
Attn: David Ferguson Arkansas Public Service Commission
State Capitol, Room 315 P.O. Box 400
Little Rock, AR 72201 Little Rock, AR 72203-0400

SUMMARY OF LITIGATION

Plaintiff: Falcon Cable Media LP, Falcon Telecable LP, and Interlink Communications Partners, LLC

(Attorney) Eric S. Tresh, Sutherland Asbill & Brennan LLP

Defendant: Arkansas Public Service Commission

(Attorney) Dallas W. Heltz

State Agency Represented: Arkansas Public Service Commission

Court/District/Division: Circuit Court of Pulaski County, Arkansas -Third Division

Docket No: 60CV-12-2511

Date Filed: May 23, 2012

Constitution/Code/Act: Ark. Code Ann. § 26-24-103, § 26-26-1601 et seq.

Brief Description of Issues Involved: Whether, as a matter of Arkansas law, the *ad valorem* assessment of a cable television company includes intangible property.

Relief Sought: Declaration that the Tax Division of the APSC's is barred by state law to assess the intangible value of cable television company.

Case Status: Case is held in Abeyance pending outcome of Arkansas Supreme Court Case CA 11-01168.

If the case involves employment issues, not action taken against supervisor, if any: N/A