

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INQUIRY OF BONA FIDE REQUEST)	
OF CAVE COUNTY NEWSPAPERS, INC.)	
D/B/A CAVE COUNTY COMMUNICATIONS)	
FOR NEGOTIATION OF AN INTERCONNECTION)	CASE NO. 2000-142
AGREEMENT WITH SOUTH CENTRAL RURAL)	
TELEPHONE COOPERATIVE CORPORATION,)	
INC. PURSUANT TO THE TELECOMMUNICATIONS))	
ACT OF 1996)	

O R D E R

By letter dated February 18, 2000, Cave County Newspapers, Inc. d/b/a Cave County Communications ("Cave County") notified, pursuant to 47 U.S.C. §§ 251 and 252, South Central Rural Telephone Cooperative Corporation, Inc. ("South Central RTCC"), a rural telephone company, that it is making a bona fide request for negotiation of an agreement for interconnection, services, or network elements.

The Telecommunications Act of 1996 ("Act") provides that the Public Service Commission shall conduct an inquiry for the purposes of determining whether to terminate the exemption provided in the Act for rural telephone companies such as South Central RTCC. The inquiry will determine whether the request by Cave County is not unduly economically burdensome to South Central RTCC, it is technically feasible, and is consistent with § 254 of the Act.

Accordingly, it is necessary to establish guidelines and a procedural schedule that shall apply to this proceeding. Pursuant to the Act, the Commission shall issue a final Order in this matter on or before June 20, 2000.

Pursuant to 47 C.F.R. 51.405, the rural local exchange carrier (“LEC”) has the burden of proving, pursuant to 47 U.S.C. § 251(f)(1)(B), that complying with Cave County’s request would be unduly economically burdensome, technically infeasible, and inconsistent with § 254 which provides for the preservation and advancement of universal service (quality service at just, reasonable, and affordable rates).

The Commission recognizes eleven specific obligations or duties applicable to rural incumbent LECs pursuant to §§ 251(b) and (c) as follows:

- (1) To prohibit unreasonable or discriminatory conditions on resale services,
- (2) To provide number portability,
- (3) To provide dialing parity,
- (4) To afford access to rights-of-way,
- (5) To establish reciprocal compensation terms,
- (6) To address interconnection negotiations in good faith,
- (7) To provide interconnection facilities and equipment,
- (8) To provide network elements on an unbundled basis,
- (9) To offer resale at wholesale rates and to prohibit discriminatory conditions,
- (10) To provide reasonable public notice of charges in formation or protocol necessary for providing service, and
- (11) To provide appropriate physical collocation of proper equipment.

The Commission’s decision in this proceeding will be consistent with the public interest, convenience and necessity.¹

Therefore, although the Commission is not bound by the technical rules of evidence, KRS 278.310, the parties hereto are hereby put on notice that cumulative, repetitive, and irrelevant evidence will not be heard in the formal hearing in this matter.

¹ Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service, and the Non-Traffic Sensitive Access Rate.

As in other time-sensitive proceedings pursuant to the Act, time is of the essence here. Unless special leave is granted, opening and closing statements will not be permitted. In addition, unless special leave is granted, all direct testimony shall be prefiled. However, in light of time constraints, rebuttal testimony will be permitted at the hearing. The Commission expects the parties hereto to cooperate in expediting this proceeding by fully sharing all relevant information.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. A formal public hearing in this matter is scheduled for May 8 and 9, 2000 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. An investigative proceeding is initiated and the case is established pursuant to § 251(f) of the Act to determine whether the request of Cave County is unduly economically burdensome to South Central RTCC, is technically feasible, and is consistent with the applicable subsections of § 254 of the Act.

3. All studies, including workpapers, and any other documents and information necessary to make the determination in Paragraph 2 above, shall be filed by April 3, 2000.

4. Prefiled direct testimony shall be filed by April 13, 2000, and hearing testimony is limited to cross-examination or redirect examination.

5. By April 21, 2000, the parties shall prefile any rebuttal testimony. At hearing, testimony is limited to cross-examination and redirect examination, with rebuttal testimony as necessary.

6. Any party filing testimony shall file an original and 12 copies. The original and at least three copies of the testimony shall be filed as follows:

- a. Together with cover letter listing each person presenting testimony.
- b. Bound in 3-ring binders or any other fastener which readily opens and closes to facilitate easy copying.
- c. Tabbed according to witness.
- d. Together with every exhibit to each witness's testimony, each of which shall be appropriately marked.

7. An informal conference is scheduled to be conducted on May 1, 2000, at 10:00 a.m., Eastern Daylight Time, in Conference Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 27th day of March, 2000.

By the Commission

ATTEST:



Executive Director