

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION)	
OF IDS TELECOM, LLC,)	
PURSUANT TO SECTION 252(b))	CASE NO. 2001-003
OF THE TELECOMMUNICATIONS)	
ACT OF 1996)	

O R D E R

IDS Telcom, LLC (“IDS”) seeks arbitration of specific issues related to renegotiation of its current interconnection agreement with BellSouth Telecommunications, Inc. (“BellSouth”). Although IDS disputes BellSouth’s contention that renegotiation of the parties’ agreement was scheduled to and apparently did begin on July 30, 2000, it appears that considerable negotiation has occurred and IDS was not clear as to what, if any, benefit the parties would achieve by moving the beginning date to October 17, 2000. The Commission will, therefore, consider July 30, 2000 as the commencement of negotiations unless it is otherwise persuaded. Accordingly, the Commission must render a decision in this case no later than April 30, 2001.

The Telecommunications Act of 1996 imposes strict deadlines upon this proceeding. Brevity and clarity of expression are considered essential. It is also imperative that the Commission receive appropriate information in a timely manner. The purpose of this proceeding is to explore and resolve specific arbitration issues, not to expound on issues extraneous to the unresolved portions of the interconnection

agreement. Accordingly, the following guidelines and procedural schedule shall apply to this proceeding.

In the Petition and Response, the parties have advised the Commission that several issues have been resolved. It is expected that the parties will continue to negotiate in good faith in an attempt to resolve additional matters prior to the formal hearing scheduled herein.

The Commission will not hear argument on issues upon which the parties have essentially agreed, but have not expressed in contract form. Reduction of the proposed agreement to writing is the responsibility of the parties. Each party may submit its proposed version of the contract in its best and final offer, which shall be submitted no later than March 7, 2001.

Although the Commission is not bound by the technical rules of legal evidence pursuant to KRS 278.310, the parties are put on notice that cumulative, repetitive, and irrelevant evidence will not be heard or considered in the formal hearing of this matter. Unless special leave is granted, opening and closing statements will not be permitted. In addition, unless special leave is granted, all direct testimony should be prefiled. All testimony at the formal hearing will be offered pursuant to cross-examination, redirect examination, or rebuttal.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter is scheduled for March 21, 2001 at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

2. Relevant cost studies, including workpapers, and any other documents and information necessary to resolve outstanding issues shall be filed by February 22, 2001.

3. Prefiled testimony shall be filed by March 7, 2001 and hearing testimony is limited to that given pursuant to cross-examination, redirect examination, and rebuttal.

4. An original and at least 3 copies of testimony shall be filed as follows:

a. Together with cover letter listing each person presenting testimony.

b. Bound in 3-ring binders or with any other fastener which readily opens and closes to facilitate easy copying.

c. Each witness's testimony should be tabbed.

d. Every exhibit to each witness's testimony should be appropriately marked.

5. Any agreed-upon portions of the parties' contract, which have not already been filed, shall be filed by March 7, 2001.

6. Each party shall submit in contract form its best and final offer on each disputed issue no later than March 7, 2001.

7. An informal conference is scheduled for March 1, 2001 at 10:00 a.m., Eastern Standard Time, in Conference Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 8th day of February, 2001.

By the Commission

ATTEST:


Executive Director