

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION BY SOUTHEAST TELEPHONE, INC.,)
FOR ARBITRATION OF CERTAIN TERMS AND)
CONDITIONS OF A PROPOSED AGREEMENT) CASE NO. 2001-045
WITH BELL SOUTH TELECOMMUNICATIONS INC.)
PURSUANT TO 47 U.S.C. § 252)

O R D E R

SouthEast Telephone, Inc. ("SouthEast") has requested arbitration of unresolved issues related to renegotiation and renewal of its current interconnection agreement with BellSouth Telecommunications, Inc. ("BellSouth"). Pursuant to 47 U.S.C. § 252, the Commission must render a decision in this case no later than June 14, 2001.

The Telecom Act of 1996 imposes strict deadlines upon this proceeding. Brevity and clarity of expression as to position 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.

The parties have advised the Commission, in the Petition and Response, respectively, 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.

When the parties have essentially agreed as to a particular issue, but have been unable to agree as to the precise language to express the agreement, the Commission will not hear argument on the issue in this proceeding. Reduction of the proposed agreement to writing is the responsibility of the parties. Each party may submit its proposed version of the contract terms in its best and final offer, which shall be submitted no later than April 20, 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 shall be prefiled. All testimony at the formal hearing shall be offered pursuant to cross-examination or redirect examination, provided, however, that rebuttal testimony will be permitted.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter is scheduled for May 3, 2001 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
2. On or before April 6, 2001, BellSouth shall file cost support, relevant cost studies, including workpapers, and all other documents and information for each service which is subject to arbitration.
3. Prefiled testimony shall be filed by April 20, 2001, and hearing testimony shall be limited to cross-examination or redirect examination and rebuttal testimony.

4. Any party filing testimony shall file the original and at least three copies of the testimony 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 April 20, 2001.

6. Each party shall submit in contract form its best and final offer on each disputed issue no later than April 20, 2001.

7. An informal conference is scheduled for April 10, 2001 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 26th day of March, 2001.

By the Commission

ATTEST:

W. H. Bowen
Deputy Executive Director