

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION FOR ARBITRATION OF ITC^DELTA COM )	
COMMUNICATIONS, INC. WITH BELL SOUTH )	CASE NO.
TELECOMMUNICATIONS, INC. PURSUANT TO )	2003-00050
THE TELECOMMUNICATIONS ACT OF 1996 )	

O R D E R

ITC^DeltaCom Communications, Inc. ( ITC^DeltaCom ) has petitioned for arbitration seeking resolution of certain issues between itself and BellSouth Telecommunications, Inc. ( BellSouth ). The Commission must make a decision in this case by no later than May 31, 2003. ITC^DeltaCom seeks arbitration of 71 issues.

The Telecom Act of 1996 imposes strict deadlines upon this proceeding. Brevity, as well as clarity of expression and position, is of the essence. It is imperative that the Commission receive appropriate information in a timely manner. Accordingly, the following guidelines and procedural schedule shall apply to this proceeding. The purpose of this proceeding is to explore specific arbitration issues, not to engage in tangential or philosophical debate.

Reduction of the proposed agreement to writing is the responsibility of the parties. Each party may submit its proposed version of the contract term in its best and final offer, which shall be submitted no later than March 17, 2003.

Although the Commission is not, pursuant to KRS 278.310, bound by the technical rules of legal evidence, 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. 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 in light of the time constraint, rebuttal testimony will be permitted.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. A formal hearing in this matter is scheduled for April 15, 2003, at 9:00 a.m., Eastern Daylight 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 March 17, 2003.

3. Prefiled testimony shall be filed by April 4, 2003 and hearing testimony is limited to cross-examination or redirect examination and rebuttal testimony.

4. Any party filing testimony shall file an original and 8 copies. The original and at least 3 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 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 17, 2003.

6. Each party shall submit, in contract form, its best and final offer on each disputed issue no later than March 17, 2003.

7. An informal conference is scheduled to be conducted on March 20, 2003 at 10:00 a.m., Eastern Standard Time, in Conference Room 2 of the Commission's offices at the address listed above.

Done at Frankfort, Kentucky, this 4<sup>th</sup> day of March, 2003.

By the Commission

ATTEST:

  
Executive Director