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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO LIMITATIONS )  
OF USE FOR TARIFFED SERVICES ) CASE NO. 2005-00186  
DESIGNATED OR OTHERWISE )  
REFERRED TO AS UNLIMITED )

O R D E R

On June 2, 2006, the Attorney General ("AG") filed with the Commission a request for a hearing in this case. The AG requested that a formal hearing be held "at a date to be set in the near future by means of a supplemental order."<sup>1</sup> As grounds for his motion, the AG stated that scheduling a hearing without a specific date would "give the Attorney General the time necessary to determine whether settlement can be reached with any parties in this matter."<sup>2</sup>

The Commission granted the AG's motion in part and denied it in part. The Commission granted the AG's request that a hearing be scheduled, but did not grant the AG's request that the date for the hearing remain undetermined. The Commission scheduled a hearing for December 19, 2006.

On December 11, 2006, the AG filed a motion with the Commission requesting that the hearing be canceled and that the Commission allow parties to file final written

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<sup>1</sup> AG's Motion to Request a Hearing Date at 1.

<sup>2</sup> Id.

comments. The AG attached to his motion his written comments.<sup>3</sup> As grounds for his motion, the AG stated, "it now appears that taking evidence would only introduce redundant information into the record, thus making the hearing superfluous and indeed unnecessary."<sup>4</sup> In lieu of the hearing the AG, "believes that allowing parties to tender final written comments would be in the best interests of the Commission and all parties of record."<sup>5</sup>

The Commission agrees. It appears that the AG has received adequate responses to his interrogatories. Additionally, because of earlier Commission Staff data requests, the record contains sufficient information for the Commission to reach a conclusion in this case. However, before the case is submitted to the Commission for a decision, the Commission finds that written comments, and reply comments, should be allowed to be filed with the Commission.

IT IS THEREFORE ORDERED that:

1. The hearing scheduled for December 19, 2006 is cancelled.
2. Within 30 days of the date of this Order, all telecommunications providers on the service list of this case may file with the Commission, if they deem it necessary, written comments relating to this case.

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<sup>3</sup> The AG served the motion and comments on only 17 telecommunications providers, whereas several hundred telecommunications providers are on the service list for this case. Rather than requiring the AG to serve all utilities on the service list, the Commission directs the utilities to:  
[http://psc.ky.gov/pscscf/2005-00186/AG\\_Motion\\_121106.pdf](http://psc.ky.gov/pscscf/2005-00186/AG_Motion_121106.pdf) if they desire to view the AG's motion and comments.

<sup>4</sup> AG's Motion to Cancel Hearing and For Leave to Tender Written Comments in Lieu of a Hearing at 2.

<sup>5</sup> Id.

3. Within 10 days after the last comments are filed, any telecommunications provider on the service list of this case may submit to the Commission comments replying to the previously filed comments.


4. The comments and reply comments need to be served on only the AG and the Commission.

5. Upon the expiration of the time in which to file reply comments, the case will stand submitted to the Commission for a decision.

Done at Frankfort, Kentucky, this 15th day of December, 2006.

By the Commission

ATTEST:

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned over the text 'Executive Director'.

Executive Director