

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COMPETITIVE)	
CARRIERS OF THE SOUTH, INC. FOR)	
A DECLARATORY ORDER AFFIRMING)	CASE NO.
THAT THE INTERCONNECTION REGIMES)	2015-00283
UNDER KRS 278.530 AND 47 U.S.C. § 251)	
ARE TECHNOLOGY NEUTRAL)	

ORDER

On June 23, 2016 the Commission issued an Order establishing a procedural schedule in this case. On July 7, 2016 BellSouth Telecommunications, LLC d/b/a AT&T Kentucky (“AT&T Kentucky”) filed a motion with the Commission to modify the procedural schedule to provide for briefs and possible request for oral argument.

In its motion, AT&T Kentucky argues that the issues presented in the proceeding are predominantly legal, and, because of this, the parties should be permitted to file legal briefs in order present their arguments to the Commission. AT&T Kentucky also argues that it may be appropriate for the Commission to conduct oral arguments. AT&T Kentucky proposes to modify the existing procedural schedule to allow for two rounds of briefs followed by a date by which the parties may request oral argument. MCI Communications Services, Inc. d/b/a Verizon Business Services, in response to AT&T Kentucky’s motion, states that it joins in AT&T Kentucky’s motion.

On July 13, 2016, Competitive Carriers of the South, Inc. (“CompSouth”) filed its opposition to AT&T Kentucky’s motion. CompSouth argues that AT&T Kentucky’s motion is premature and unnecessary because the Commission regularly addresses the

question of whether or not briefing is necessary at the conclusion of an evidentiary hearing. CompSouth states that AT&T Kentucky would have the opportunity to request the right to file briefs at the conclusion of the existing procedural schedule. CompSouth also asserts that the Commission is capable of understanding the legal issues without two rounds of briefs and that it is likely that the Commission will only find that one rounds of briefs would be necessary.

On July 13, 2016, AT&T Kentucky replied to CompSouth's response. In its reply AT&T Kentucky argues that because the issues are predominantly legal, it will need to present its legal arguments at some time, but, under the current schedule, will not know when that opportunity may be. AT&T Kentucky asserts that it needs to know before the filing of testimony is due whether it will later be allowed to file briefs because that will determine how AT&T Kentucky presents its case. AT&T Kentucky argues that if legal briefs are allowed, it can focus its testimony on factual matters and leave legal arguments to the briefs. If there is not an opportunity for briefs, AT&T Kentucky claims that it will have to attempt to address its legal arguments in its testimony. AT&T Kentucky also argues that, as a matter of due process, it has a right to present its legal arguments.

The Commission finds that AT&T Kentucky's motion should be granted in part and denied in part. The motion should be granted to allow for an initial filing of briefs as well as to allow for the opportunity to request oral arguments. The Commission, however, will not currently schedule a second round of briefs. The Commission will also schedule a hearing in this case, and, depending upon the result of discovery and

briefing, reserve the option of amending the hearing to include oral arguments. Additionally, the Commission may allow for a second round of briefs after the hearing.

The Commission, upon its own motion, HEREBY ORDERS that:

1. AT&T Kentucky's motion to modify the Commission's procedural schedule is granted in part and denied in part.

2. The procedural schedule set forth in the Appendix to this Order shall be followed.

3. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with an original and six copies in paper medium and an electronic version to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Any party filing testimony shall comply with the electronic filing procedures set forth in 807 KAR 5:001, Section 8, and shall file with the Commission an original and six copies in paper medium and an electronic copy.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

4. A hearing in this matter shall be held on Tuesday, January 31, 2017, at 9:00 a.m. Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

5. The official record of these proceedings shall be by video only.

6. Any request to cancel or postpone this hearing shall be made by motion filed with the Commission at least one week before the hearing is scheduled to commence.

7. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

8. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission

ENTERED
AUG 09 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2015-00283

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2015-00283 DATED **AUG 09 2016**

Competitive Carriers of the South ("CompSouth") shall file testimony in verified prepared form no later than	8/04/2016
Initial requests for information to CompSouth shall be filed no later than	8/18/2016
CompSouth shall file responses to initial requests for information no later than	9/09/2016
Supplemental requests for information to CompSouth shall be filed no later than	9/26/2016
CompSouth shall file responses to supplemental requests for information no later than.....	10/07/2016
Intervenor testimony, if any, in verified prepared form shall be filed no later than	10/26/2016
Requests for information to Intervenors shall be filed no later than	11/09/2016
Intervenors shall file responses to requests for information no later than	11/23/2016
Rebuttal testimony, if any, in verified prepared form shall be filed filed no later than	12/07/2016
Initial briefs, filed simultaneously	12/28/2016
A public hearing to be held in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, beginning at 9:00 a.m. Eastern Standard Time.....	1/31/2017

*L Allyson Honaker
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*J. Tyson Covey
Mayer Brown LLP
71 South Wacker Drive
Chicago, ILLINOIS 60606

*Tony Taylor
BellSouth Telecommunications, LLC dba AT&T
601 W Chestnut Street
4th Floor East
Louisville, KY 40203

*Carolyn Ridley
Senior Director of State Public Policy
Level 3 Communications
2078 Quail Run Drive
Bowling Green, KENTUCKY 42104

*XO Communications Services, LLC
13865 Sunrise Valley Drive
Herndon, VA 20171

*Windstream Communications, LLC
4001 N Rodney Parham Road
Little Rock, AR 72212

*Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KENTUCKY 40243

*Luke Morgan
McBrayer, McGinnis, Leslie and Kirkland, PLLC
201 East Main Street
Suite 1000
Lexington, KENTUCKY 40507

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Level 3 Communications, LLC
1025 Eldorado Blvd
Broomfield, CO 80021

*Dennis G Friedman
Mayer Brown LLP
71 South Wacker Drive
Chicago, ILLINOIS 60606

*EarthLink Business, LLC
2851 Charlevoix Drive SE, Suite 209
Grand Rapids, MI 49546

*Douglas E Hart
441 Vine Street, Suite 4192
Cincinnati, OHIO 45202

*Ted Heckman
Managing Director, Regulatory & Government
Cincinnati Bell Telephone Company
221 E Fourth Street, Room 103-1170
Cincinnati, OH 45202

*Birch Communications, Inc.
3060 Peachtree Road, Suite 1065
Atlanta, GA 30305

*Thomas M Payne, III
BellSouth Telecommunications, LLC dba AT&T
601 W Chestnut Street
4th Floor East
Louisville, KY 40203