

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CMN-RUS, INC.)	
)	
)	COMPLAINANT
)	
V.)	CASE NO.
)	2018-00157
)	
WINDSTREAM KENTUCKY EAST, LLC)	
)	
)	DEFENDANT

ORDER

An informal conference was conducted on July 18, 2018, on a motion by Complainant, CMN-RUS, Inc. (CMN), at which CMN proposed a procedural schedule that Defendant, Windstream Kentucky East, LLC, (Windstream), agreed would be appropriate. Having reviewed the record in this matter and being otherwise sufficiently advised:

IT IS HEREBY ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.
2. Service upon an attorney or upon a party by the parties in the case shall be made via hand delivery, pursuant to 807 KAR 5:001, Section 4(8)(d)1, or electronic mail, pursuant to 807 KAR 5:001, Section 4(8)(d)3, to accommodate the expedited procedural schedule.

3. Commission Staff shall contact counsel for CMN and Windstream upon entry of this Order to obtain dates for a hearing to be scheduled in or about the first two weeks of November 2018, subject to the availability of the Commission. The Commission will enter a separate order establishing a hearing date at which witnesses will be subject to cross-examination. The Commission expects the parties to be prepared to proceed with the hearing on the date set unless the parties are able to reach a settlement prior to that date.

4. No later than October 24, 2018, counsel for CMN and Windstream shall each file and serve a concise prehearing brief to assist the Commission as to the factual issues and any unresolved legal issues which may reasonably be anticipated to arise at the hearing, including a statement of the case, a list of witnesses presented with a brief description of their relevant testimony, a list of exhibits that will be presented at the hearing, questions of fact presented, questions of law presented with supporting authority, and a conclusion.

5. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

6. Commission Staff shall contact counsel for CMN and Windstream to obtain dates based on the availability of the parties for an in-person, informal conference to be conducted sometime after September 5, 2018, when testimony is to be filed.. Nothing in this Order should be interpreted as prohibiting CMN and Windstream from engaging in mediation with a third-party mediator, provided that any settlement reached between the parties is subject to the approval of the Commission, pursuant to 807 KAR 5:001, Section 20, and other applicable statutes and regulations.

7. The First Set of Discovery Requests From CMN-RUS, Inc. filed on June 25, 2018, shall be considered part of CMN's First Request for Information to Windstream, and therefore, Windstream shall have up to and including August 27, 2018, to file responses thereto, pursuant to this Order. The Commission is incorporating those discovery requests into CMN's First Request for Information to Windstream because the Commission's procedures and regulations make no provision for a party in a complaint case to serve any form of discovery prior to the entry of a procedural schedule. Nothing in this Order shall be interpreted as prohibiting CMN from filing additional requests as part of its First Request for Information to Windstream, subject to the procedural schedule set forth in the appendix to this Order.

8. a. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to questions related to the information provided, with copies to all parties of record, and the original and six copies 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. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. A 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.

9. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of any hearing.

10. The Commission does not look favorably upon motions for continuance. Accordingly, 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.

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By the Commission

ENTERED
AUG 07 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2018-00157 DATED **AUG 07 2018**

- First Requests for Information upon CMN and Windstream
shall be filed no later than.....08/13/18
- CMN and Windstream shall file responses to any
First Request for Information no later than08/27/18
- CMN and Windstream shall file direct testimony, in verified
form, addressing the claims, denials, and defenses raised
herein, no later than.....09/05/18
- Second Requests for Information upon CMN and/or Windstream
shall be filed no later than.....09/17/18
- CMN and Windstream shall file responses to any
Second Request for Information no later than10/01/18
- CMN and Windstream shall file verified rebuttal testimony,
if any, no later than10/12/18
- CMN and Windstream shall each file a prehearing brief,
as described in the procedural order, no later than10/24/18
- Public Hearing, if any, to be held in Hearing Room 1
of the Commission's offices at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of CMN and Windstream..... To be Scheduled
- Briefing Schedule (whether submitted on record or
following hearing).....To be Set

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