

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION BY MCI FOR ARBITRATION OF)
CERTAIN TERMS AND CONDITIONS OF A)
PROPOSED AGREEMENT WITH GTE SOUTH) CASE NO. 96-440
INCORPORATED CONCERNING)
INTERCONNECTION AND RESALE UNDER THE)
TELECOMMUNICATIONS ACT OF 1996)

O R D E R

The Telecom Act of 1996 imposes strict deadlines upon this proceeding. Brevity, as well as clarity of expression and position, are 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. The broad framework for implementation of local competition in Kentucky was established in Administrative Case 355,¹ and issues decided therein shall not be reconsidered here. In addition, the legality of the Federal Communications Commission orders issued pursuant to the Act is currently in litigation in the Eighth Circuit Court of Appeals. This Commission will, of course, abide by orders issued by that Court. It will not hear argument on those issues in its arbitration proceedings under the Act.

¹ Administrative Case No. 355, An Inquiry Into Local Competition, Universal Service and the Non-Traffic Sensitive Access Rate.

The parties are also hereby notified that, when they essentially have agreed as to a particular issue, but they have not been able 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 term in its best and final offer, which shall be submitted not later than 10 days after the hearing.

Finally, although the Commission is not bound by the technical rules of legal evidence, KRS 278.310, 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. Opening and closing statements, if any, shall be brief and precise. 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.

The Commission being sufficiently advised, IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter is scheduled for 9 a.m., November 11, 1996, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort Kentucky.
2. Relevant cost studies, including workpapers, and any other documents and information necessary to resolve outstanding issues shall be filed by October 25, 1996.
3. Prefiled testimony shall be filed by November 1, 1996.
4. Any agreed-upon portions of the parties' contract which have not already been filed shall be filed by November 4, 1996.

5. Not later than 10 days after the adjournment of the hearing, each party shall submit, in contract form, its best and final offers on each disputed issue. Any accompanying written explanation of continuing disagreement on a specific issue shall be as concise as possible.

Done at Frankfort, Kentucky, this 18th day of October, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION BY MCI FOR ARBITRATION OF)
CERTAIN TERMS AND CONDITIONS OF A)
PROPOSED AGREEMENT WITH GTE SOUTH,) CASE NO.
INC. CONCERNING INTERCONNECTION AND) 96-440
RESALE UNDER THE TELECOMMUNICATIONS)
ACT OF 1996)

O R D E R

This matter arising upon the motion of the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("Attorney General"), filed October 15, 1996, pursuant to KRS 367.150(8) for full intervention as a party, such intervention being authorized by statute, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the motion is granted and the Attorney General is hereby made a party to these proceedings.

Done at Frankfort, Kentucky, this 18th day of October, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director