

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FOOTHILLS RURAL TELEPHONE COOPERATIVE	)	
CORPORATION, INC.	)	
_____	)	
	)	CASE NO. 98-593
ALLEGED FAILURE PURSUANT TO 807 KAR 5:041,	)	
SECTION 3, TO COMPLY WITH NATIONAL ELECTRIC	)	
SAFETY CODE, 1990 EDITION, SECTION 42,	)	
RULE 420 H; RULE 421 A; RULE 422 A; AND,	)	
SECTION 43, RULE 431	)	

O R D E R

On December 15, 1998, Foothills Rural Telephone Cooperative Corporation, Inc. ( Foothills RTCC ) filed its Response to the Commission s Order entered on November 24, 1998. Foothills RTCC moves the Commission to dismiss this proceeding based upon the defense of its independent contractor s relationship with Union, Inc. It is on this basis that Foothills RTCC alleges that it is not responsible or liable for the conduct of and injuries to employees of Union, Inc.

In light of the ruling in Jackson County Rural Electric Cooperative Corporation v. Public Service Commission, No. 96-CI-01130 (Franklin Cir. Ct. Ky. August 24, 1998), the Commission, on its own motion, finds that:

1. The issues of law in Jackson County RECC are similar to those presented in this case.
2. Holding this matter in abeyance pending final outcome of any appeals (Motion for Discretionary Review, 98-SC-000918) of the Franklin Circuit Court Judgment in Jackson County RECC will tend to avoid unnecessary cost and proceedings and will

not result in undue delay or prejudice the public interest or the interest of any party in this proceeding.

3. Foothills RTCC and Commission Staff should be permitted to take the deposition of any person for the purpose of perpetrating the person s testimony.

IT IS THEREFORE ORDERED that:

1. Pending further Order of the Commission, this matter shall be held in abeyance.

2. While this matter is in abeyance, Foothills RTCC and Commission Staff may, by agreement, take the deposition of any person for the purpose of perpetuating the person s testimony. If Foothills RTCC and Commission Staff are unable to reach agreement on such depositions, the parties seeking the deposition shall request such deposition by motion.

Done at Frankfort, Kentucky, this 12<sup>th</sup> day of January, 1999.

By the Commission

ATTEST:

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Executive Director