

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INTER MOUNTAIN CABLE, INC.)	
D/B/A MTS COMMUNICATIONS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2001-206
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

Defendant having answered the complaint, and the Commission finding that issues of fact are in dispute and that a procedural schedule should be established to ensure a prompt resolution of this matter, IT IS HEREBY ORDERED that:

1. A formal hearing in this matter shall be held on April 30, 2002 at 9:00 a.m., Eastern Standard Time, in Hearing Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, and shall continue until completed.

2. If the Complainant wishes to appear at the hearing and present its testimony, it shall, within 10 days of the date of this Order, so notify the Commission in writing, with a copy to the Defendant herein. If no statement of intent to appear at the hearing and to present evidence in support of its complaint is received by that date, the hearing will be cancelled and this matter will be submitted to the Commission for a decision based on the written record or for dismissal without further Orders herein.

3. An informal conference in this matter shall be conducted on March 26, 2002 at 10:00 a.m., Eastern Standard Time, in Conference Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

4. On or before January 29, 2002, each party may serve upon any other party an initial request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

5. On or before February 18, 2002, each party shall file with the Commission in verified form the direct testimony of each witness that it expects to call at the formal hearing or any other evidence which the parties plan to introduce at hearing.

6. On or before March 11, 2002, each party shall file with the Commission in verified form the testimony of each rebuttal witness that it expects to call at the formal hearing.

7. Direct examination of witnesses shall be limited to the authentication and adoption of written testimony. No summarization of written testimony by the witness shall be accepted.

8. No opening statements shall be made at the hearing.

9. Within 15 days of the filing of the hearing transcript herein, any party may submit a written brief. Briefs shall not exceed 25 pages in length.

10. Copies of all documents served upon any party shall be served upon all other parties and filed with the Commission.

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

12. To be timely filed with the Commission, a document must be received by the Secretary of the Commission within the specified time for filing, except that any

document shall be deemed timely filed if it has been transmitted by United States express mail or other recognized mail carriers, with the date the transmitting agency received said document from the sender noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

13. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7) and Kentucky Civil Rule 5.02.

14. The Complainant bears the burden of proof in this matter and failure to give 10 days notification of intent to appear at the hearing and failure to appear and present proof in support of its complaint may result in the Commission's actions hereinabove described. The failure of the Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

15. Inter Mountain Cable, Inc. d/b/a MTS Communications is a duly organized and authorized corporation under the laws of the state of Kentucky. Inter Mountain Cable, Inc. d/b/a MTS Communications can no longer represent itself, but must employ an attorney to take any further actions or file proceedings herein. If an attorney does not file an entry of appearance on behalf of Inter Mountain Cable, Inc. d/b/a MTS Communications within 10 days of the date of this Order, this case will be dismissed without prejudice.

Done at Frankfort, Kentucky, this 10th day of January, 2002.

By the Commission

ATTEST:


Executive Director