

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTHEAST TELEPHONE, INC.)	
FOR ABRITRATION OF CERTAIN TERMS AND)	
CONDITIONS OF THE PROPOSED AGREEMENT)	CASE NO.
WITH KENTUCKY ALLTEL, INC., PURSUANT TO)	2003-00115
THE COMMUNICATIONS ACT OF 1934, AS AMENDED)	
BY THE TELECOMMUNICATIONS ACT OF 1996)	

O R D E R

SouthEast Telephone, Inc. (SouthEast Telephone) petitioned for arbitration seeking resolution of 20 issues between itself and Kentucky ALLTEL, Inc. (ALLTEL). The Petition was filed August 7, 2003. ALLTEL filed a response on September 2, 2003, including a Petition for Suspension or Modification based on the fewer than 2 percent rural carrier status pursuant to 47 U.S.C. § 251(f)(2). On September 23, 2003, SouthEast Telephone filed its response to ALLTEL s petition. On October 15, 2003, parties and Staff held an informal conference. Many issues have been resolved, but major ones remain. The Commission must make a decision in this case by no later than December 1, 2003.

The Telecommunications Act of 1996 imposes strict deadlines upon this proceeding. Reduction of the proposed agreement to writing is the responsibility of the parties. Each party must submit its proposed version of the contract terms in its best and final offer, which shall be submitted no later than November 5, 2003.

Although the Commission is not, pursuant to KRS 278.310, bound by the technical rules of legal evidence, 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. Unless special leave is granted, opening and closing statements will not be permitted. 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, provided, however, that in light of the time constraint, rebuttal testimony will be permitted.

This matter will be submitted to the Commission on the date of the filing of an expedited transcript following the hearing. No additional material, including legal briefs, will be received if filed after the date of the transcript. These time constraints must be followed due to the statutory mandate for a decision by December 1, 2003.

The Commission, being sufficiently advised, HEREBY ORDERS that:

1. A formal hearing in this matter is scheduled for November 13, 2003, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
2. Prefiled testimony shall be filed by November 5, 2003, and hearing testimony is limited to cross-examination or redirect examination and rebuttal testimony.
3. Any party filing testimony shall file an original and 5 copies.
4. Any agreed-upon portions of the parties' contract that have not already been filed shall be filed by November 5, 2003.
5. Each party shall submit, in contract form, its best and final offer on each disputed issue no later than November 5, 2003.

Done at Frankfort, Kentucky, this 27th day of October, 2003.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas H. (T) [unclear]", written over a horizontal line.

Executive Director