

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SAEID SHAFIZADEH)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2003-00400
)	
CINGULAR WIRELESS - KENTUCKY)	
)	
DEFENDANT)	

O R D E R

On March 18, 2004, the Commission entered an Order suspending the procedural schedule in this case to allow time for settlement negotiations. On March 30, 2004, all parties appeared at an informal conference with Commission Staff, but no settlement was reached. Subsequent filings indicate settlement is not likely. The Commission finds that a formal hearing should be held to resolve this matter.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter shall be scheduled by further Commission Order.
2. On or before July 18, 2004, 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 20 days of service. If requests for production of documents and written interrogatories have already been served pursuant to the previous procedural schedule, the party so served must respond by August 12, 2004.

3. On or before August 16, 2004, 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.

4. On or before August 23, 2004, 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.

5. Direct examination of witnesses shall be limited to the authentication and adoption of that written testimony. No summarization of written testimony by the witness shall be permitted.

6. Witnesses who have filed written direct and rebuttal testimony shall present that testimony at the same sitting. Opposing parties may cross-examine such witnesses on both direct and rebuttal testimonies.

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

8. Within 30 days after the hearing, any party may submit a written brief. Briefs shall not exceed 25 pages in length.

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

10. 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.

11. To be timely filed with the Commission, a document must be received by 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 by 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.

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

13. As the Complainant bears the burden of proof in this matter, his failure to appear at the formal hearing and to present proof in support of his complaint may result in the dismissal of his complaint with prejudice.

14. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 8th day of July, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director