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August 25, 2003

VIA TELECOPIER AND ORDINARY MAIL

Mr. Thomas M. Dorman
Executive Director
Public Service Commission of Kentucky
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2002-00456
Informal Conference Minutes

Dear Mr. Dorman:

Cincinnati Bell Telephone Company ("CBT") received on August 21 the memorandum prepared by Ms. Dougherty that contained a summary of some of the issues raised at the informal conference held on August 11 in this case. CBT has reviewed the notes taken by its representatives at the conference and believes that there are several points that should be added to the memorandum to reflect other points made at the meeting.

1. The Staff noted that this case was intended to examine certain policy issues and may not be one that could be settled between the parties alone. According to the Staff, this proceeding will examine the current statutes and regulations regarding the use of contracts and determine the policies to be followed for the future based on that review.
2. CBT expressed concern that its ability to present evidence regarding competition in its service area could be limited without the participation of the CLECs in the case. Further, CBT contended that historical access line loss cannot be viewed as the sole measure of competition because line loss does not take growth into consideration. Competition can also be demonstrated by a comparison of total line growth, including wireless and alternative access providers, compared to CBT's own line count.
3. The Staff contends that all carriers, including both CLECs and ILECs, are required to file any contracts. BellSouth, however, has been allowed to use an abbreviated filing process.
4. The Staff believes that nothing in Administrative Case No. 370 relieves the CLECs from an obligation to file any contracts, but the CLECs have no obligation to file cost studies along with their contracts.
5. While there were some questions raised on the inclusion or exclusion of entities from the original service list, the Staff stated that it had intended to include all carriers authorized to provide service within the Commonwealth and to provide them with notice of the case.

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6. The Staff believes that all parties should have an opportunity to cross-examine parties and witnesses regardless of whether they pre-filed testimony.
7. CBT questioned whether the statements made by some parties, which have decided not to submit pre-filed testimony, will be accepted into the record since such statements are not sworn and will not be subjected to cross-examination. Staff commented that such statements could become part of the record, but CBT contended that the inclusion of such statements would present issues of due process since they would not be subject to cross-examination.
8. CBT proposed that an industry workshop might be helpful in resolving some issues raised in this proceeding, for such workshops have proved beneficial in other jurisdictions. The intended goal of such a workshop would be to develop consensus among the participants and to present the Commission with a proposed solution. The Commission could then accept or reject the proposal from the participating parties. It was suggested that Staff be included in this workshop. Other parties at the informal conference supported this concept.
9. Staff noted that the parties are welcome to file a motion to convene a workshop and/or submit a proposal to the Commission for its consideration.
10. The parties discussed various hearing dates with the understanding the Commissioners themselves maintained their own calendars. CBT's notes indicate that the Staff intended to select two (2) consecutive days for the hearings in order to allow for the expected cross-examination by all participants of the various witnesses. On this basis, the dates of October 29 and 30 were the only two consecutive dates that were identified. Indeed, there is some conflict with the October 23 date that was subsequently identified by the Commission's Order as the date for the hearing.

Thank you for considering these points for inclusion in the final version of the minutes of the meeting. I have sent this letter to all of the participants in the conference.

Very truly yours,

FROST BROWN TODD LLC

By: 
David C. Olson

DCO/mjd

cc: All Participants in the August 11, 2003 Informal Conference

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