

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REVIEW OF FEDERAL COMMUNICATIONS )  
COMMISSION'S TRIENNIAL REVIEW ORDER ) CASE NO.  
REGARDING LOCAL CIRCUIT SWITCHING ) 2003-00347  
FOR DS1 ENTERPRISE CUSTOMERS )

O R D E R

On September 17, 2003, the Commission established this proceeding to determine whether it should petition the Federal Communications Commission ("FCC") for a waiver of the "no impairment finding" regarding local circuit switching for enterprise customers. On October 2, 2003, SouthEast Telephone, Inc. ("SouthEast") filed a petition requesting the Commission to seek such a waiver from the FCC. SouthEast argues that it will be impaired without access to local circuit switching for its enterprise market. Rural competitive local exchange carriers, according to SouthEast, are particularly disadvantaged due to the sparsely populated regions in their operating areas. SouthEast, BellSouth Telecommunications, Inc., Kentucky ALLTEL, Inc., Cincinnati Bell Telephone Company, and Competitive Carriers of the South, Inc. have notified the Commission of their intent to participate as parties to this proceeding.

The Commission will require the service of all filings on the Attorney General and on the Kentucky Cable Telephone Association. In addition, the Commission establishes the following procedural schedule in order to analyze economic and operational criteria

specified by the FCC for a proceeding of this nature.<sup>1</sup> This case will be processed on an electronic basis. Directions for electronic filings are attached hereto and incorporated herein as Appendix A.

IT IS THEREFORE ORDERED that:

1. Data requests shall be filed by October 27, 2003, with responses due November 10, 2003.
2. Prefiled testimony of SouthEast and others shall be filed no later than November 14, 2003.
3. A public hearing in this matter is scheduled for November 25, 2003, beginning at 9:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. A written transcript of this hearing shall be completed on an expedited basis.
4. Parties shall comply with the requirements for electronic filings as contained in Appendix A.

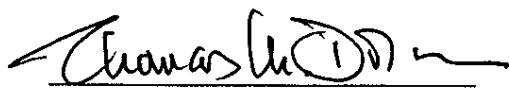
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<sup>1</sup> The United States Court of Appeals for the Second Circuit granted a stay of the portion of the FCC's Order establishing the procedures for enterprise customer switching inquires on a temporary basis, until motions could be heard and ruled upon by that Court. We will proceed with this docket because of the uncertain nature and length of this stay. Should the stay be made permanent, we will reconsider.

Done at Frankfort, Kentucky, this 21st day of October, 2003.

By the Commission

ATTEST:



Executive Director

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2003-00347 DATED October 21, 2003.

The Commission finds that the use of electronic procedures will assist in a thorough and efficient review of the application and should be instituted for this proceeding, but that procedures should also exist to accommodate full participation by any persons who are entitled to intervene but who object to electronic participation.

1. a. When filing any pleading or other document in this proceeding, the applicant and any other party participating in this case through electronic means shall, except as otherwise required by the Commission, file an original and four copies in paper medium and one copy in electronic medium.

b. When the applicant or any other party participating in this case through electronic means is unable to file a document electronically (e.g., materials that are too large or bulky to transfer to electronic medium), it shall contact the office of the Executive Director of the Commission for guidance.

2. Testimony filed by the applicant or any other party participating in this case through electronic means shall be filed with a cover letter listing each person presenting testimony.

3. The electronic copy of any pleading or document shall be filed by uploading the files comprising that copy via the Commission's "Electronic Filing Web Portal" available on the Commission's home page at <http://psc.ky.gov>.

4. All electronic filings shall be made in the following manner:

a. All documents and exhibits, including spreadsheets, shall be submitted in portable document format (“PDF”) and be capable of viewing with Adobe Acrobat Reader®. PDF documents should be searchable.

b. Documents requiring spreadsheet functionality must be submitted in Microsoft® Excel format; however, spreadsheets must be self-contained and not contain linked references to or macro commands involving external files.

c. All documents shall follow the naming conventions as described herein.

d. The filing shall include an introductory document in PDF format that is named “Read1st” and that contains a general description of the filing, a list of all materials not included in the electronic filing and a statement attesting that the electronically filed documents are a true representation of the original documents. The “Read1st.pdf” document and any other document that normally contains a signature shall include a signature in electronic format.

e. Each filing shall also contain a document in PDF format that is named “Index” and that contains a listing of each file transmitted and a brief description of its contents. The listing shall follow the format example set forth below:

<u>File Name</u>	<u>Description</u>
KAW_APP_041100.pdf	Kentucky-American Initial Application – Case 2000-120
KAW_R_PSCDR1_042200.pdf	Kentucky-American Water Company’s Response to the Commission’s First Information Request
AGKY_RT_BFP_042300.pdf	Rebuttal Testimony of Attorney General Witness Benjamin F. Pierce

f. If the electronic filing does not include all documents contained in the paper version (e.g., materials that are too large or bulky to transfer to electronic

medium), then the absence of these materials shall be noted in the “Read1st” document.

g. The electronic version of each document will be book-marked where appropriate to distinguish sections of the document.

h. Parties should refer to the Commission’s Web site at <http://psc.ky.gov> for detailed instructions on conducting electronic document submission.

5. Upon receipt of each electronic filing, an automated confirmation e-mail will be returned to the filer and all parties on the service list who have provided a valid e-mail address.

6. Within 10 days of the date of this Order, all persons participating in this proceeding shall notify the Commission and all other parties of record in writing of the e-mail address to which all electronic notices and messages related to this proceeding should be served. In the alternative, a person shall, in writing, notify the Commission and all other parties to the proceedings of any objection to participating in this case through electronic means, and shall inform all parties of the mailing address to which paper copies of pleadings shall be sent.

7. When filing any document with the Commission, the parties participating in this case through electronic means shall certify that:

a. The electronic version of the filing is a true and accurate copy of the document(s) filed in paper medium.

b. The electronic version of the filing has been transmitted to the Commission.

c. The party has sent, in paper medium, a copy of its filing to any intervenor that has objected to participation in this proceeding by electronic means.

8. The Commission's Executive Director shall make all electronic filings available from the Commission's Web site at <http://psc.ky.gov>.

9. A document shall be considered timely filed with the Commission if it has been successfully transmitted in electronic medium to the Commission within the time allowed for filing. The original document and 4 copies, in paper medium, shall be filed at the Commission's offices on the next business day following the electronic filing.

10. Pursuant to KRS 278.380, each party hereto shall file, within 10 days of the date of this Order, a statement as to whether it, or its agent, is capable of receiving electronic transmissions, and whether it waives any right to service of parties' filings and of Commission Orders by United States mail.

### FILE NAMING CONVENTIONS

#### General

Each document shall reflect the name of the sponsoring party, the type of filing, the date of filing, and the document format as shown below:

PartyName\_DocType\_Date of Filing.Format

#### Party Name

AGKY – Attorney General of Kentucky

OCWD -- Ohio County Water District

PSC – Public Service Commission

## Document Type

APP – Application

APX – Appendix

B – Brief

DR – Data Request

DT – Direct Testimony

EX – Exhibit

INDEX - Index

M – Motion

MM - Memorandum

N – Notice of Filing

R – Response

RB – Reply Brief

READ1ST – Cover/Transmittal Letter

RM – Response/Reply to Motion

RT – Rebuttal Testimony

SCH – Schedule

UR – Updated Response (amended or supplemental responses to data requests)

1. Application

a. If the application is composed of several files, each representing a different exhibit or schedule, then the document type indicator should indicate the schedule or exhibit's number or letter. An underscore (    ) should separate the schedule or exhibit from the application symbol.



Example: The document type indicator for Exhibit A of the Application is: APP\_EXA.

Example: The document type indicator for Schedule 1 of Exhibit A of the Application is: APP\_EXA\_SCH1.

b. Although testimony may be considered as an exhibit to an application, files comprising a witness's testimony for file naming purposes should not be listed as part of the application. The file naming conventions for testimony, which are listed immediately below, should be used.

## 2. Testimony

a. The document type indicator should show the initials of the witness.

An underscore (\_) should separate the testimony symbol from the initials.

Example: The document type indicator for the direct testimony of witness Franklin Delano Roosevelt is: DT\_FDR.

Example: The document type indicator for the rebuttal testimony of witness Ulysses S. Grant is RT\_USG.

b. If a witness's testimony is comprised of several files that reflect schedules, exhibits or appendices to his or her testimony, then the document type indicator should indicate the schedule or exhibit's number or letter. An underscore (\_) should separate the schedule or exhibit from the testimony symbol and the witness's initials.

Example: The document type indicator for Exhibit A of the direct testimony of witness James A. Garfield is DT\_JAG\_EXA.

Example: The document type indicator for Schedule 4 of Exhibit A of the direct testimony of witness Chester B. Arthur is DT\_CBA\_EXA\_SCH4.

c. If a witness's testimony or an exhibit or schedule thereto is subsequently amended or revised, the document type indicator should reflect the revisions with the addition of the Update symbol (U) in front of the testimony symbol.

Example: The document type indicator for the amended direct testimony of witness William McKinley is UDT\_WK.

Example: The document type indicator for the amended Exhibit A to the rebuttal testimony of witness William McKinley is URT\_WAK\_EXA.

### 3. Data Requests and Responses

a. If the document is a data request (DR), the document type indicator should indicate the number of the request.

Example: The Commission's first data request to Kentucky-American Water Company is: DR1.

b. If the document is a response (R) to a data request, the document type should indicate the pleading (and the party) to which a response is being made. An underscore (\_) should separate the R from the indicator for the data request.

Example: The document type indicator for Kentucky-American Water Company's Response to the Commission's First Data Request to Kentucky-American Water Company is: R\_PSCDR1.

c. If a party's response to a data request comprises several files, then the document type indicator should indicate the item number of the request to which response is made. A pound sign (#) should separate the item number from the data request symbol.

Example: The document type indicator for Kentucky-American Water Company's Response to Item 23 of the Commission's First Data Request to Kentucky-American Water Company is: R\_PSCDR1#23.

d. If a party's response to an individual item of a data request is also comprised of several files, then the document type indicator should indicate the schedule and the item of the request to which response is made. A pound sign (#) should separate the item number from the data request symbol and an underscore (\_) should separate the item number from the schedule number or letter.

Example: The document type indicator for Schedule 2 of Kentucky-American Water Company's Response to Item 7(a) of the Commission's First Data Request to Kentucky-American Water Company is: R\_PSCDR1#7a\_SCH2.

e. If a party's response to a data request or an exhibit or schedule thereto is subsequently amended or revised, the document type indicator should reflect the revisions with the addition of the Update symbol (U) in front of the response symbol.

Example: The document type indicator for an updated or amended version of Schedule 2 of Kentucky-American Water Company's Response to Item 7(a) of the Commission's First

Data Request to Kentucky-American Water Company is:  
UR\_PSCDR1#7a\_SCH2.

4. Motions

If a party files more than one motion with the Commission on the same day, it should, for file-naming purposes only, number each motion.

Example: On the same day, Kentucky-American Water Company files its Motion to Strike Testimony and its Motion to Postpone Hearing. The document type indicator for the Motion to Strike is M1. The document type indicator for the Motion to Postpone is M2.

5. Responses to Motions

a. If the document is a response to a motion (RM), the document type indicator should indicate the party that made the motion. An underscore (\_) should separate the RM from the indicator for the moving party.

Example: The document type indicator for the Attorney General's Response to Kentucky-American Water Company's Motion to Strike is: RM\_KAW.

b. If the document is a reply to a party's response to a motion, the document type indicator should indicate the party that made the response. An underscore (\_) should separate the RM from the indicator for the moving party.

Example: The document type indicator for Kentucky-American Water Company's Reply to the Attorney General's Response to

Kentucky-American Water Company's Motion to Strike is:  
R\_RM\_AGKY.

6. Read1st

This document contains the transmittal or cover letter that accompanies the paper medium filing.

7. Index

This document contains the name of each electronic file with a brief description of the file's contents.

Date

Parties should indicate the date of filing as a 6-digit number (Month/Day/Year). The date of filing is the date of transfer to the designated FTP Site.

Example: If the Attorney General filed testimony with the Commission on May 2, 2000, the date of filing is: 050200.

Format

.pdf – Portable Document Format (Adobe Acrobat)

.xls – Microsoft Excel '97 Spreadsheet

General Examples:

1. On May 19, 2000, Kentucky-American Water Company files its first data request to the Attorney General. The electronic version should be named: KAW\_DR1\_051900.pdf.

2. On November 22, 2000, the Attorney General files his response to Kentucky-American Water Company's second data request. This request is composed

of several files. The file that represents Schedule A (an Excel spreadsheet) of the response to Item 18(b) is named: AGKY\_R\_KAWDR2#18b\_SCHA\_112200.xls

3. On December 1, 2000, Lexington-Fayette County Urban Government files a response to Kentucky-American Water Company's Motion to Strike. The file is named: LFC\_RM\_KAW\_120100.pdf.

4. On June 1, 2000, Kentucky-American Water Company files its response to the Commission's third data request. The index to its electronic filing is named: KAW\_Index\_060100.pdf. The cover letter to its paper medium filing is named: KAW\_Read1st\_060100.pdf. The file that represents Schedule 3 (an Excel spreadsheet) of Kentucky-American Water Company's Response to Item 12(b)(2) is named: KAW\_R\_PSCDR3#12b2\_SCH3\_060100.xls.