

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

February 24, 2004

IN RE:	)	
	)	
GENERIC DOCKET ADDRESSING	)	DOCKET NO.
RURAL UNIVERSAL SERVICE	)	00-00523

ORDER ON FEBRUARY 17, 2004 TELEPHONIC STATUS CONFERENCE

This docket came before the Hearing Officer for a telephonic status conference on February 17, 2004. The conference was set by *Notice of Telephonic Status Conference* issued on February 2, 2004. The noticed purpose of the status conference was to discuss the current status of this docket and its future progress. The parties in attendance were.

BellSouth Telecommunications, Inc. ("BellSouth") – Joelle Phillips, Esq., 333 Commerce Street, Suite 2101, Nashville, Tennessee 37201;

Tennessee Rural Independent Coalition¹ ("Coalition") – William T Ramsey, Esq., Neal and Harwell, PLC, Suite 2000, One Nashville Place, 150 4th Avenue North, Nashville, TN 37219-2498 and Stephen G Kraskin, Esq., Kraskin, Lesse & Cosson, LLP, 2120 L Street NW, Suite 520, Washington, D.C. 20037,²

Sprint Communications Company, L.P. and Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint") – James Wright, Esq , 14111 Capital Boulevard, Wake Forest, North Carolina 27587,

¹ The Coalition includes the following companies Ardmore Telephone Company, Inc , Ben Lomand Rural Telephone Cooperative, Inc , Beldsoe Telephone Cooperative, CenturyTel of Adamsville, Inc , CenturyTel of Claiborne, Inc , CenturyTel of Ooltewah-Collegedale, Inc , Concord Telephone Exchange, Inc , Crockett Telephone Company, Inc , Dekalb Telephone Cooperative, Inc , Highland Telephone Cooperative, Inc , Humphreys County Telephone Company, Loretto Telephone Company, Inc , Millington Telephone Company, North Central Telephone Cooperative, Inc , Peoples Telephone Company, Tellico Telephone Company, Inc , Tennessee Telephone Company, Twin Lakes Telephone Cooperative Corporation, United Telephone Company, West Tennessee Telephone Company, Inc , and Yorkville Telephone Cooperative

² Individual members of the Coalition were represented on the telephonic status conference as follows Herb Bivens represented United Telephone Company, Steve Arms and Kellie Kidd represented Highland Telephone Cooperative, Inc , Johnny McClanahan and Wendy Morrison represented North Central Telephone Cooperative, Inc , Vinnie Neal represented Dekalb Telephone Cooperative, Inc , Ellen Forkum represented Twin Lakes Telephone Cooperative Corporation, David Dickey represented CenturyTel of Adamsville, Inc , CenturyTel of Claiborne, Inc , and CenturyTel of Ooltewah-Collegedale, Inc , Desda Passarella Hutchins represented Loretto Telephone Company, Inc , Levoy Knowles and Gail Woodley represented Ben Lomand Rural Telephone Cooperative, Inc , and Bruce Mottern represented the TDS Companies

Verizon Wireless, Inc. ("Verizon") – J. Gray Sasser, Esq., Miller & Martin LLP, 150 Fourth Ave. N #1200, Nashville, Tennessee 37219-2433,

AT&T Communications of the South Central States, Inc. ("AT&T") – Henry Walker, Esq., Boulton, Cummings, Conners & Berry, PLC, 414 Union Street, Suite 1600, Nashville, Tennessee 37219; and

AT&T Wireless PCS, LLC ("AT&T PCS") – Henry Walker, Esq., Boulton, Cummings, Conners & Berry, PLC, 414 Union Street, Suite 1600, Nashville, Tennessee 37219 and Suzanne Toller, Esq., Davis Wright Tremaine LLP, One Embarcadero Center, Suite 600, San Francisco, California 94111-3611.

On November 3, 2003, the Hearing Officer issued an order finding that the parties were actively negotiating and concluding that no action would be taken before January 5, 2004 on the *Petition for Emergency Relief and Request for Standstill Order By the Tennessee Rural Independent Coalition* filed on April 3, 2003, BellSouth Telecommunications, Inc.'s counterclaim filed on April 15, 2003, and *BellSouth Telecommunications Inc 's Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* filed on July 15, 2002. The Hearing Officer further directed BellSouth and the Coalition to file by January 2, 2004 an update on the status of their negotiations ³

On January 9, 2004, BellSouth filed a letter stating that it had not been able to prepare a joint update as it had done in the past as a result of the holidays. BellSouth explained that the parties were scheduled to meet on January 14, 2004 and that a further update would follow that meeting. Having received no update by February 2, 2004, the Hearing Officer issued the *Notice of Telephonic Status Conference* scheduling a conference for February 17, 2004

At the outset of the conference, the Hearing Officer asked BellSouth, which had previously prepared and filed updates on behalf of BellSouth and the Coalition, to explain the current status of the

³ See *Order Continuing Stay and Abeyance*, 3-4 (Nov 3, 2003), modified, *Erratum November 3, 2003 Order Continuing Stay and Abeyance* (Nov 3, 2003)

parties' negotiations. BellSouth explained and the Coalition later agreed that negotiations had reached an impasse and that the Hearing Officer should establish a schedule for the future progress of the docket. After hearing comments from all represented parties, the Hearing Officer determined that the most efficient manner in which to proceed is to have the parties file briefs addressing the outstanding pleadings and issues. With the parties' agreement, the Hearing Officer found that initial briefs should be filed on February 27, 2004 and reply briefs should be filed on March 8, 2004.

IT IS THEREFORE ORDERED THAT:

1) By **Friday, February 27, 2004 at 2:00 p.m.**, parties shall file briefs providing their current positions on the *Petition for Emergency Relief and Request for Standstill Order By the Tennessee Rural Independent Coalition*, BellSouth Telecommunications, Inc.'s counterclaim, and *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000*. The briefs shall also discuss which issues remain outstanding, the parties' positions on those issues, and how the Hearing Officer should proceed to prepare the issues for a hearing before the panel.

2) By **Monday, March 8, 2004 at 2:00 p.m.**, parties shall file reply briefs



Ron Jones, Director
As Hearing Officer⁴

⁴ See *Order Accepting Petition for Appeal and Appointing Hearing Officer*, 3 (Sept. 17, 2002) (appointing Director Jones "for the purpose of preparing this matter for consideration by the Directors")