

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 5, 2003

IN RE:

**GENERIC DOCKET ADDRESSING
RURAL UNIVERSAL SERVICE**

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**DOCKET NO.
00-00523**

ORDER CONTINUING ABEYANCE

This docket came before the Pre-Hearing Officer to consider a request from BellSouth Telecommunications, Inc. ("BellSouth") and the Rural Coalition¹ to continue the abeyance originally granted by order entered on September 4, 2002 and continued by orders entered on December 6, 2002 and January 8, 2003.

On July 15, 2002, BellSouth filed *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* ("Motion").² On August 23, 2002,

¹ The Rural 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 BellSouth filed a "substitute version" of its Motion on July 25, 2002. Former Director Melvin J. Malone issued the Initial Order of Hearing Officer on June 28, 2002. Director Malone's term as a director of the Tennessee Regulatory Authority expired on June 30, 2002.

BellSouth filed a letter requesting that the Tennessee Regulatory Authority ("Authority") hold the Motion in abeyance for sixty (60) days.

The Pre-Hearing Officer³ entered an order on September 4, 2002 granting BellSouth's request thereby holding the Motion in abeyance until November 4, 2002. On October 29, 2002, the Pre-Hearing Officer issued a notice scheduling a status conference for November 6, 2002 to hear a report from the parties on the status of their settlement negotiations.

The Pre-Hearing Officer convened the status conference on November 6, 2002. BellSouth requested on behalf of itself and the Rural Coalition that the Pre-Hearing Officer extend the abeyance for an additional sixty (60) days and stated that the parties are "moving forward on numerous issues."⁴ The Rural Coalition agreed with these comments.

After considering the parties' comments, the Pre-Hearing Officer granted the parties' request to extend the abeyance period from November 4, 2002 for an additional sixty (60) days. Also, the Pre-Hearing Officer directed the parties to file at the end of the abeyance period, if unresolved issues remained, a filing notifying the Authority of the status of negotiations and stating whether more time is needed to continue negotiations.⁵

On January 2, 2003, BellSouth and the Rural Coalition sent a letter to the Pre-Hearing Officer requesting a sixty (60) day extension of the abeyance period.⁶ Based on the parties' representations that the "negotiations continue to be in good faith and productive,"⁷ the Pre-Hearing Officer entered an order continuing the abeyance period through March 4, 2003.⁸ In

³ At the July 23, 2002 Authority Conference, the panel assigned to this docket voted to appoint Director Jones as the Pre-Hearing Officer.

⁴ Transcript of Proceedings, Nov. 6, 2002, p. 3 (Status Conference).

⁵ *Order Continuing Abeyance*, p. 4 (Dec. 6, 2002).

⁶ Letter from BellSouth and Rural Coalition to Director Ron Jones, p. 1 (Jan. 2, 2003).

⁷ *Id.*

⁸ *Order Continuing Abeyance*, p. 3 (Jan. 8, 2003)

addition, the Pre-Hearing Officer ordered the parties to file a statement notifying the Authority of the status of negotiations and stating whether more time is needed to continue negotiations if upon conclusion of the abeyance period the parties have failed to enter into a settlement.

On March 4, 2003, BellSouth and the Rural Coalition filed a letter requesting that the abeyance be continued for an additional sixty (60) days. The parties stated that their "discussions continue to be fruitful" and they have a meeting scheduled for March 10, 2003.⁹ Further, the parties notified the Pre-Hearing Officer that they will inform the Authority if they determine that further negotiations will not be fruitful.¹⁰

Based on the parties' representations in the March 4th letter, the Pre-Hearing Officer finds that the abeyance period should be continued for an additional sixty (60) days. Consistent with the parties' representation, the parties shall notify the Authority if the negotiations reach an impasse.

IT IS THEREFORE ORDERED THAT:

1. The parties' request to continue the abeyance period is granted such that the resolution of *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* shall be held in abeyance until **Monday, May 5, 2003**.

2. Upon conclusion of the abeyance period if the parties have failed to enter into a settlement, the parties shall file a statement notifying the Authority of the status of negotiations and stating whether more time is needed to continue negotiations. If the parties reach an

⁹ Letter from BellSouth and Rural Coalition to Director Ron Jones, p. 1 (Mar. 4, 2003).

¹⁰ *Id.* at 2.

agreement prior to expiration of the abeyance period, the parties shall file a written explanation of the settlement for consideration by the Pre-Hearing Officer or the panel, whichever is appropriate. If the parties' negotiations reach an impasse prior to the expiration of the abeyance period, the parties shall notify the Tennessee Regulatory Authority of such circumstances.



Ron Jones, Director
as Pre-Hearing Officer