

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 4, 2004

IN RE:

PETITION OF CITIZENS TELECOMMUNICATIONS
COMPANY OF TENNESSEE, LLC FOR EXEMPTION UNDER
TENN. CODE ANN. § 65-5-208(c)

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DOCKET NO.
03-00211

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On March 19, 2003, Citizens Telecommunications Company of Tennessee, LLC (“Citizens”) filed a *Petition for Exemption under T.C.A. § 65-5-208(c)* (“*Petition for Exemption*”) seeking to exempt Citizens’ rates for tariffed services offered in McMinnville and Sparta, Tennessee from the price floor set forth in Tenn. Code Ann. § 65-5-208(c).¹ On April 10, 2003, Ben Lomand Communications, Inc. (“Ben Lomand”) filed its *Petition to Intervene and/or Response and Motion to Dismiss of Ben Lomand Communications, Inc.* (“*Petition to Intervene*”). Citizens filed the *Response of Citizens Telecommunications Company of Tennessee, LLC to Motion Filed by Ben Lomand Communications, Inc. to Intervene and/or Dismiss the Petition for Exemption under T C A § 65-5-208(c)* (“*Response*”) on May 8, 2003 and Ben Lomand subsequently filed *Ben Lomand Communications, Inc.’s Motion for Leave to File a Reply to Citizens’ Response* (“*Motion for Leave to File a Reply*”) on May 12, 2003.

During a regularly scheduled Authority Conference held on July 7, 2003, the voting panel assigned to this docket voted unanimously to hold this proceeding in abeyance pending the

¹ This statute is now codified at Tenn. Code Ann § 65-5-108(c) (2004).

resolution of TRA Docket No. 02-01221, in which Ben Lomand filed a complaint against Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and similar issues were involved.² On May 25, 2004, Ben Lomand filed a motion to withdraw its complaint against Citizens. The Hearing Officer in TRA Docket No. 02-01221 approved the withdrawal and dismissed the complaint with prejudice on June 2, 2004.³

On September 15, 2004, Citizens filed the *Petitioner's Motion to Revive Docket, Appoint Hearing Officer and Schedule a Status Conference* in this docket. During the September 27, 2004 Authority Conference, the panel voted unanimously to reactivate the docket, convene a contested case to consider Citizens' *Petition for Exemption*, grant Ben Lomand's *Petition to Intervene*, deny Ben Lomand's motion to dismiss advocated in its *Petition to Intervene*, deny Ben Lomand's *Motion for Leave to File a Reply*, and appoint a Hearing Officer to hear preliminary matters prior to the hearing on the merits of the *Petition for Exemption* and to set a procedural schedule to completion.⁴

At a Status Conference held on November 3, 2004, the parties presented the Hearing Officer with a proposed procedural schedule. The parties indicated that they may request oral argument rather than an evidentiary hearing if there is a stipulation of facts in this docket, but that the parties will not determine if a stipulation of facts will occur until after the completion of the discovery process. In addition, the proposed procedural schedule contained an option for either pre-hearing or post-hearing briefs. Based upon the procedural schedule proposed by the parties and the uncertainty of the need for an evidentiary hearing until after discovery is

² See *Order Holding Docket in Abeyance* (October 21, 2003), *In re Complaint of Ben Lomand Communications, Inc Against Citizens Communications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee*, Docket No 02-01221, *Complaint* (November 12, 2003)

³ See *In re Complaint of Ben Lomand Communications, Inc Against Citizens Communications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee*, Docket No 02-01221, *Order Granting Motion of Ben Lomand Communications, Inc for Approval of Withdrawal of Complaint and Dismissal with Prejudice* (June 2, 2004)

⁴ See Transcript of Authority Conference, pp 32-33 (September 27, 2004)

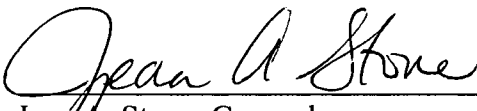
completed, the Hearing Officer establishes the following procedural schedule in this docket:

November 17, 2004	All Discovery Requests Served (one copy filed with the Authority)
December 8, 2004	Responses or Objections to Discovery Due (one copy of responses filed with the Authority)
December 13, 2004	Motions to Compel Due (if any)
December 15, 2004	Status Conference on Discovery at 2:00 p.m. (if needed)
December 22, 2004	Supplemental Discovery Responses (if needed)
January 12, 2005	Direct Testimony Due
January 26, 2005	Rebuttal Testimony Due
February 9, 2005	Status Conference at 2:00 p.m. to discuss establishment of the remainder of the procedural schedule, including a determination of the type of proceeding before the panel, a date for the proceeding and a briefing schedule

All filings are due **no later than 2:00 p.m. (central)** on the dates indicated.

IT IS THEREFORE ORDERED THAT:

The Procedural Schedule is established as stated herein.


Jean A. Stone, Counsel
as Hearing Officer