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December 12, 2003

**Guy M. Hicks**  
General Counsel

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VIA HAND DELIVERY

Hon. Sara Kyle, Director  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding) (Hot Cuts)*  
Docket No. 03-00526

Dear Director Kyle:

Because the attached letter to Director Miller involves the schedule for all of the TRO dockets, we are filing a copy in the above-referenced docket. Copies of the enclosed have been provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch

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December 12, 2003

Hon. Pat Miller, Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Implementation of the Federal Communications Commission's  
Triennial Review Order (Nine-month Proceeding) (Loop & Transport)*  
Docket No. 03-00527

Dear Director Miller:

BellSouth, the members of CompSouth, the Sprint Companies and the Consumer Advocate and Protection Division respectfully submit the following agreement to allow the hearings for the three TRO dockets to be completed during the week of March 29 through April 2, 2004. The Parties agree as follows:

1. The Hearings in the three Triennial Review dockets (03-00491, *Mass Market Switching*, 03-00526, *Batch Hot Cuts*, 03-00527, *Loop & Transport*) will be completed during the week of March 29 through April 2, 2004. All oral testimony, including cross-examination of witnesses, will be heard during that time frame. Any oral testimony that is not or cannot be presented during that time frame will be knowingly and voluntarily waived by the parties.
2. The cross-examination presented during the week of March 29 through April 2, 2004 will be segregated by individual dockets.
3. The Parties jointly will present the Hearing Officer with an agreed final schedule for the week of March 29 through April 2, 2004, including specific witnesses and time frames for the presentation of testimony in each docket, by March 8, 2004.<sup>1</sup>

The Parties will accomplish Item 1 by:

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<sup>1</sup> In order to assure the Authority that the Parties accept the conditions articulated in the Hearing Officer's *Notice* of November 13, 2003, these three items are taken from the *Notice* issued on November 13, 2003.

1. Limiting each side's opening statement to ten (10) minutes.
2. Filing brief written summaries of pre-filed testimony prior to the hearing in lieu of oral summaries by witnesses. The witnesses' pre-filed written testimony (direct, rebuttal and surrebuttal) will be submitted into the evidentiary record for consideration by the Authority in its deliberations.
3. Dividing the total hearing hours<sup>2</sup> for cross-examination equally between both sides for each of the three dockets. The Sprint Companies and the Consumer Advocate and Protection Division ("CAPD") will each have two hours of cross-examination time. Each side, Sprint and the CAPD will decide, in its discretion, how to distribute its allotted hours of cross-examination between the various issues and witnesses within the three dockets. For any witness presenting pre-filed written testimony in the three Tennessee TRO dockets, the Parties may submit transcripts of cross-examination of those witnesses from prior state TRO hearings into the evidentiary record.
4. Waiving closing arguments and submitting post-hearing briefs in accordance with the procedural schedule.
5. The Parties will begin on Monday, March 29, 2004 with the *Mass Market Switching* docket, proceed to the *Batch Hot Cut* docket and conclude with the *Loop & Transport* docket hearing on Friday, April 2, 2004. (The parties are willing to extend the hearing through Saturday, April 3, 2004 if the Authority wishes to do so.)

The Parties appreciate your willingness to defer a decision on the hearing schedule for the *Loop & Transport* docket during the December 8, 2003 Agenda Conference and respectfully submit the above agreement for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Guy M. Hicks", with a long horizontal flourish extending to the right.

Guy M. Hicks

GMH:ch

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<sup>2</sup> The parties agree that CompSouth and BellSouth will each have fourteen hours of cross-examination in total for the three dockets. This is based on five hearing days with seven hours of hearing time each day. The Parties remain willing to increase the total number of available hours by starting early or remaining late on each hearing day if needed.

## CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand  
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A handwritten signature in black ink, appearing to read "Ken Woods", is written over a horizontal line. The signature is stylized with a large, sweeping loop.