

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 27, 2005

IN RE:

PETITION OF FRONTIER COMMUNICATIONS, INC.  
FOR A DECLARATORY RULING

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DOCKET NO.  
04-00379

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ORDER ESTABLISHING BRIEFING SCHEDULE

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This matter is before the Hearing Officer to establish a procedural schedule in this matter.

**BACKGROUND**

On October 26, 2004, Frontier Communications, Inc. ("Frontier") filed the *Petition of Frontier Communications, Inc. for Declaratory Ruling That It Can Provide Competing Services in Territory Currently Served by Ben Lomand Rural Telephone Cooperative, Inc.* ("Petition"). On December 8, 2004, Ben Lomand Rural Telephone Cooperative, Inc. ("Ben Lomand") filed the *Answer and Motion to Dismiss of Ben Lomand Rural Telephone Cooperative, Inc.* ("Motion to Dismiss"). At a regularly scheduled Authority Conference held on December 13, 2004, the panel assigned to this docket voted unanimously to convene a contested case to determine the issues set forth in the *Petition* and to appoint General Counsel or his designee to prepare the case for a hearing before the panel.<sup>1</sup> On December 29, 2004, Twin Lakes Telephone Cooperative Corporation filed a petition for intervention in this proceeding, which was subsequently granted

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<sup>1</sup> See *Order Convening a Contested Case Proceeding and Appointing a Hearing Officer* (February 16, 2005).

on January 12, 2005.<sup>2</sup> On January 5, 2005, North Central Telephone Cooperative, Inc. ("North Central") filed a *Petition to Intervene*, which was subsequently granted on January 13, 2005.<sup>3</sup>

**APRIL 27, 2005 STATUS CONFERENCE**

At a status conference held on April 27, 2005, the Hearing Officer found that the panel had not addressed the issues contained in the *Motion to Dismiss*.<sup>4</sup> After a lengthy discussion, it was determined that the parties would first file briefs addressing the threshold issues contained in the *Motion to Dismiss* for the panel's consideration.<sup>5</sup> The remainder of the procedural schedule will depend upon the decision by the panel regarding those threshold issues. As a result, the following briefing schedule was established:

**June 8, 2005**

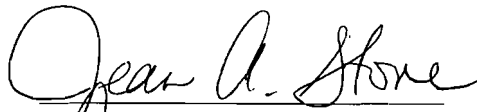
**Initial briefs shall be filed by the parties no later than 2:00 p.m.**

**June 15, 2005**

**Reply briefs will be filed by the parties no later than 2:00 p.m.**

**IT IS THEREFORE ORDERED THAT:**

A briefing schedule is established as set forth herein.

  
Jean A. Stone, Hearing Officer

<sup>2</sup> See *Order Granting Petition to Intervene* (January 12, 2005)

<sup>3</sup> See *Order Granting Petition to Intervene* (January 13, 2005)

<sup>4</sup> Frontier did not agree with this finding. See Transcript of Proceedings, pp. 3-4 (April 27, 2005)

<sup>5</sup> The Hearing Officer agreed to recommend that the panel consider this matter at the scheduled June 27, 2005 Authority Conference.