

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 6, 2007

IN RE:	)	
	)	
COMPLAINT OF BEN LOMAND RURAL	)	DOCKET NO.
TELEPHONE COOPERATIVE, INC. AGAINST	)	07-00073
CITIZENS COMMUNICATIONS COMPANY OF	)	
TENNESSEE, LLC D/B/A FRONTIER	)	
COMMUNICATIONS OF TENNESSEE	)	

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ORDER SETTING DEADLINE  
FOR RECEIPT OF PROPOSED PROCEDURAL SCHEDULE

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This matter is before the Hearing Officer upon the filings of the parties to consider preliminary matters and to establish a procedural schedule.

**BACKGROUND**

On March 22, 2007, Ben Lomand Rural Telephone Cooperative, Inc. ("Ben Lomand") filed its *Complaint* against Citizens Communications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee ("Frontier") pursuant to Tenn. Code Ann. §§ 65-4-101, 65-4-117(1), 65-4-125, 65-5-208(c), 65-4-202, 65-29-102, and 47 U.S.C. 258. Specifically, Ben Lomand alleges that "Frontier wrongfully 'highjacked a customer' (as the term is used in the industry) of Ben Lomand by providing service to a Ben Lomand customer when such customer did not request such service from Frontier, but did request such service from Ben Lomand."<sup>1</sup> On April 16, 2007, Frontier filed its *Answer of Citizens Communications Company of Tennessee d/b/a Frontier Communications of Tennessee*.

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<sup>1</sup> *Complaint*, p. 2 (March 22, 2007).

At a regularly scheduled Authority Conference held on May 15, 2007, the voting panel of the Tennessee Regulatory Authority (“Authority” or “TRA”) assigned to this docket, voted unanimously to convene a contested case proceeding and to appoint General Counsel or his designee as Hearing Officer for the purpose of hearing preliminary matters, setting a procedural schedule to completion and preparing this matter for hearing before the panel.

On December 3, 2007, at the request of Ben Lomand, the Hearing Officer issued a *Notice of Status Conference* setting a Status Conference on December 5, 2007 for the convenience of the parties. The notice stated that the establishment of a procedural schedule and any other pre-hearing issues would be matters for discussion during the Status Conference.

#### **STATUS CONFERENCE**

The Status Conference was convened at approximately 11:30 a.m. on December 5, 2007, following the completion of hearings in certain other matters. In attendance at the Status Conference were the following parties, represented by counsel:

Frontier Communications of America – **Guilford F. Thornton, Jr., Esq.**, and **Charles W. Cook III, Esq.**, Adams and Reese LLP, 424 Church Street, Suite 200, Nashville, TN 37219; and

Ben Lomand Rural Telephone Cooperative – **H. LaDon Baltimore, Esq.**, Farrar & Bates LLP, 211 Seventh Avenue North, Suite 420, Nashville, TN 37219.

#### ***Procedural Schedule***

In voting to convene a contested case proceeding, the panel assigned to this docket instructed the Hearing Officer to establish a procedural schedule to completion in preparation of a hearing on the merits. During the Status Conference, the parties stated that they believed that a factual stipulation could be negotiated between them, thereby alleviating the need for discovery and pre-filed testimony in this docket. Therefore, as agreed to by the parties, the Hearing Officer orders that the parties submit an *Agreed Proposed Procedural Schedule* not later than **January**

**11, 2008** setting forth the status of their negotiations pertaining to stipulations of fact and proposing a procedural schedule to completion.

**IT IS THEREFORE ORDERED THAT:**

The parties shall file an *Agreed Proposed Procedural Schedule* not later than **January 11, 2008** that sets forth the status of negotiations pertaining to stipulations of fact and proposes a procedural schedule to completion of the docket to a hearing on the merits.

  
Kelly Cashman-Grams, Hearing Officer