

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 7, 2008

IN RE:

PETITION OF FRONTIER COMMUNICATIONS OF
AMERICA, INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY

DOCKET NO.
07-00155

ORDER SETTING PROCEDURAL SCHEDULE

This matter came before the Hearing Officer upon notice that the parties had reached agreement regarding a proposed procedural schedule and a request that the docket proceed forward to resolution before the Tennessee Regulatory Authority ("Authority" or "TRA").

RELEVANT PROCEDURAL BACKGROUND

At a Status Conference noticed on November 20, 2007 and convened on December 5, 2007, the Hearing Officer granted petitions to intervene in the *Petition of Frontier Communications of America, Inc ("Frontier") to Amend Its Certificate of Convenience and Necessity ("Petition")* filed by Ben Lomand Rural Telephone Cooperative, Inc. ("Ben Lomand") and the Intervening Cooperatives.¹ Additionally, the parties presented oral argument concerning the merits of the Intervening Cooperatives' *Motion to Hold Case in Abeyance ("Abeyance Motion")* filed on December 3, 2007. Further, the parties agreed upon a timeframe for

¹ Highland Telephone Cooperative, Inc. ("Highland"), Bledsoe Telephone Cooperative Corporation, Inc. ("Bledsoe"), West Kentucky Rural Telephone Cooperative Corporation, Inc. ("West Kentucky"), DTC Communications ("DTC"), North Central Telephone Cooperative, Inc. ("North Central"), and Twin Lakes Telephone Cooperative Corporation ("Twin Lakes") are herein identified collectively as the "Intervening Cooperatives."

submitting an agreed proposed schedule following the rendering of a decision on the *Abeyance Motion* by the Hearing Officer.

On December 6, 2007, the Hearing Officer issued an *Order Granting Petitions to Intervene, Setting Deadline for Receipt of Proposed Procedural Schedule and Addressing Other Preliminary Matters* memorializing decisions made by the Hearing Officer at the Status Conference. Additionally therein, the Hearing Officer stated that a separate order rendering a decision on the *Abeyance Motion* would be later issued.

On December 20, 2007, the Hearing Officer issued an *Order Declining to Hold Case in Abeyance Subject to Condition Precedent*. In the Order, the Hearing Officer denied the *Abeyance Motion* and advised the parties that the docket would not proceed forward until a notice of the filing of the *Petition* and Frontier's request that the Authority proceed on its *Petition* was filed with the Federal Communications Commission ("FCC") in FCC Docket WC-06-6. The Hearing Officer further ruled that upon the filing of a copy of such a notice with the TRA, the parties shall submit an agreed procedural schedule proposing a timeline for moving the docket forward to a resolution on the merits.

On January 14, 2008, a copy of a letter notifying the FCC of Frontier's *Petition* and its request to the TRA to proceed with action on the *Petition* was received by the Authority. On February 22, 2008, a *Petition of Comcast Phone of Tennessee, LLC ("Comcast Phone") for Leave to Intervene* was filed with the Authority. Without objection, Comcast's petition to intervene was granted by Order of the Hearing Officer issued on March 6, 2008. On March 5, 2008, the Hearing Officer received an electronic communication from the parties advising of their agreement regarding a proposed procedural schedule and a request that the docket proceed to resolution before the Authority.

PROCEDURAL SCHEDULE

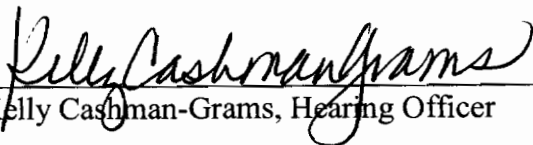
The parties have advised the Hearing Officer that no material facts are in dispute and that the issues presented in this docket are purely legal in nature. Therefore, the goals of the procedural schedule are to efficiently move this docket forward with a focus on the issues raised by the parties and to prepare for Oral Argument/Hearing on April 21, 2008. As agreed by the parties, the Hearing Officer adopts and sets forth the following Procedural Schedule:

- Briefs shall be filed no later than 2:00 p.m. on **Thursday, March 27, 2008;**
- Reply Briefs shall be filed no later than 2:00 p.m. on **Thursday, April 10, 2008;**
- Oral Arguments before the panel shall occur during the Authority Conference on **Monday, April 21, 2008;** and,
- Deliberations shall occur as determined by the panel.

As with any schedule, the effectiveness of this Procedural Schedule is directly dependent upon the extent of cooperation or delay on the part of the parties in meeting the individual benchmark dates. The Hearing Officer encourages the parties to continue to work amicably to resolve disputes, should any arise, and also to bring any such matters to the immediate attention of the Hearing Officer.

IT IS THEREFORE ORDERED THAT:

The Procedural Schedule set forth herein is hereby adopted and in full force and effect.



Kelly Cashman-Grams, Hearing Officer