

From: "Gif Thornton" <GIF.THORNTON@arlaw.com>
To: "Kelly Grams" <Kelly.Grams@state.tn.us>
Date: 3/5/2008 1:55 PM
Subject: FW: TRA 07-00155

CC: <mmalone@millermartin.com>, <don.baltimore@farrar-bates.com>, <cwelch@fa...
Ms. Grams:

Please see below an email among Melvin Malone, Don Baltimore and myself. Together we represent the parties to the above referenced case. I am including Chuck Welch in this email, as he has filed a petition to intervene on behalf of Comcast. My client has no objection to that intervention.

Messrs. Baltimore, Malone, Welch and I have agreed that this matter can be decided on the law with the filing of briefs and holding oral argument before the panel of Directors. Below is the schedule we had discussed. At this point it may be a bit aggressive. I suggest we bump the briefs to March 20 and the replies to April 3. Two questions for you: (1) are you agreeable to this framework: and (2) is April 14 available for oral argument/hearing? If not, when is the next available date?

Thanks.

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From: Gif Thornton [mailto:GIF.THORNTON@arlaw.com]
Sent: Wednesday, February 13, 2008 4:09 PM
To: Melvin Malone; don.baltimore@farrar-bates.com
Subject: RE: TRA 07-00155

Melvin:

Don Baltimore and I have talked, and we agree that there are no material facts in dispute in this matter. (Don, please intervene if I misrepresent your position anywhere.) This case is, in essence, a dispute over what the law permits or requires. Therefore, we propose that we stipulate as to material facts; that both sides file briefs on the legal issues; and that the Directors' panel schedule oral argument on a day of a regular Directors' conference.

Below are specific dates to which Don and I have agreed:

March 13, 2008 Briefs

March 27, 2008 Reply Briefs

April 14, 2008 Oral Argument

Is this concept and schedule agreeable to you? If so, we can go to the Hearing Office together and request this format.

Please let me know your thoughts. I can be available for a call, if you would like to discuss. Thanks.

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