

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 10, 2008

IN RE:

**CITIZENS TELECOMMUNICATIONS
COMPANY OF TENNESSEE, LLC D/B/A
FRONTIER COMMUNICATIONS OF
TENNESSEE, LLC TO ESTABLISH
DIRECTORY ASSISTANCE RATES**

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**DOCKET NO.
08-00021**

**ORDER GRANTING PETITION FOR INTERVENTION, ESTABLISHING
PROCEDURAL SCHEDULE, AND RE-SUSPENDING TARIFF**

This matter came before the Hearing Officer upon the filing of the *Complaint and Petition to Intervene* ("Petition") on February 5, 2008 by the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate").

BACKGROUND

On January 16, 2008, Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee, LLC ("Citizens") filed a tariff to add language to its local directory assistance call tariff. While Citizens currently provides unlimited directory assistance ("DA") to its customers, the proposed tariff would establish a DA rate of 95 cents per call. Residential customers would receive two free DA calls per month, and physically or visually impaired customers would continue to receive unlimited free DA calls. Business customers would be subject to a 95 cent charge for all DA calls.

During a regularly scheduled Authority Conference held on February 25, 2008, Chairman Eddie Roberson, Director Tre Hargett and Director Ron Jones, the voting panel assigned to this

docket, unanimously voted to suspend the portion of the tariff regarding the number of call allowances and a majority of the panel¹ voted to suspend the portion of the tariff regarding the proposed rate, for sixty days pursuant to Tenn. Code Ann. § 65-5-101(c)(3)(iii)(B). The panel also voted to convene a contested case and appoint the General Counsel or his designee to act as Hearing Officer in this proceeding to hear preliminary matters prior to Hearing, to rule on any petition(s) for intervention, to set a procedural schedule to completion and prepare the case for hearing before the panel.² On March 18, 2008, a status conference was noticed for April 7, 2008.

APRIL 7, 2008 STATUS CONFERENCE

A status conference was held on April 7, 2008, at which the following counsel or representatives appeared:

Charlie Cook, Esq.: Citizens; and

Steve Butler and Ryan McGehee, Assistant Attorneys General: Consumer Advocate.

During the status conference, Citizens did not object to the intervention of the Consumer Advocate. Furthermore, because the legal rights and interests of certain citizens of the State of Tennessee (represented by the Consumer Advocate) may be determined in this proceeding, the Consumer Advocate's Petition was timely, and the intervention will not impair the interests of justice or the orderly and prompt conduct of these proceedings, after applying the standards set forth in Tenn. Code Ann. § 4-5-310(a) (2005),³ the Hearing Officer granted the Consumer Advocate's Petition to Intervene.

¹ Director Jones did not vote with the majority concerning suspension of the rate.

² See Order Suspending Tariff and Appointing a Hearing Officer, Docket No. 08-00021 (March 19, 2008).

³ Tenn. Code Ann. § 4-5-310(a) (2005) sets forth the following criteria for granting petitions to intervene: (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if; (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing; (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

During the status conference, the parties proposed the following procedural schedule:

May 2, 2008	First round of discovery requests
May 23, 2008	Response to first round of discovery requests and Objections
May 27, 2008	Motions to compel
May 29, 2008	Responses to Motions to compel
June 3, 2008	1:30 P.M. Status Conference re: discovery disputes (if required)
July 11, 2008	Pre-filed direct testimony of parties
July 18, 2008	Second round of discovery requests
August 1, 2008	Response to second round of discovery requests and Objections
August 5, 2008	Motions to compel
August 7, 2008	Responses to Motions to compel
August 12, 2008	1:30 P.M. Status Conference re: discovery disputes (if required)
August 29, 2008	Rebuttal testimony of parties
September 5, 2008	Exchange and Filing Exhibits
September 9, 2008	1:30 P.M. Pre-Hearing Conference
September 15-16, 2008 (or week thereof)	Proposed Hearing dates suggested by the parties; dates subject to confirmation by the assigned panel of directors

In addition, the parties agreed that if any issues or disputes arise regarding discovery, they will contact the Hearing Officer for resolution. The Hearing Officer accepted and adopted the proposed procedural schedule. After a Hearing date is determined, a Notice of Hearing will be issued.

SUSPENSION OF TARIFF

At the February 25, 2008 Authority Conference, the voting panel suspended the tariff for sixty days, through April 24, 2008. While the Hearing Officer is sympathetic to Citizens desire to institute its DA rate increase as soon as possible, the public interest dictates that the number of call allowances proposed by the tariff be fully reviewed through a contested case hearing. Therefore, in light of the foregoing, this Hearing Officer re-suspends the tariff until a hearing on the merits is held or the Authority takes further action.

IT IS THEREFORE ORDERED THAT:

1. The *Complaint and Petition to Intervene* filed on February 5, 2008 by the Consumer Advocate is granted. The Consumer Advocate may participate in this proceeding as its interests require and receive copies of any notices, orders or other documents filed herein.
2. A procedural schedule is established as stated herein.
3. The tariff is re-suspended until a hearing on the merits or further action by the panel.
4. One copy of all discovery requests, responses, and objections are to be filed with the Authority. All filings are due no later than **2:00 p.m.** on the dates indicated in the procedural schedule.



Gary R. Hotvedt,
Hearing Officer