

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 8, 2012

IN RE:

**PETITION TO ELIMINATE STATE
LIFELINE CREDIT**

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**DOCKET NO.
12-00035**

ORDER ON AUGUST 7, 2012 STATUS CONFERENCE

This matter came before the Hearing Officer of the Tennessee Regulatory Authority (“TRA” or the “Authority”) during a Status Conference held with the parties on August 7, 2012, the Industry Coalition, which is comprised of BellSouth Telecommunications, LLC d/b/a AT&T Tennessee, the CenturyLink Companies, Frontier Communications Co. of Tennessee/Volunteer and Frontier Communications of America, TDS Telecom, Tennessee Telephone Association, Level 3 Communications, LLC and tw telecom of tennessee, llc (jointly, the “Industry Coalition”), and the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) to discuss the progression of the docket and establish a procedural schedule.

AUGUST 7, 2012 STATUS CONFERENCE

The Status Conference was convened, as previously noticed on August 2, 2012, at approximately 10:30 a.m. in the Hearing Room on the Ground Floor of the Tennessee Regulatory Authority at 460 James Robertson Parkway, Nashville, Tennessee. The parties appearing were as follows:

For Industry Coalition:

Joelle Phillips, Esq., BellSouth Telecommunications d/b/a AT&T Tennessee, 333 Commerce Street, Suite 2101, Nashville, Tennessee 37201; **Charles B. Welch, Jr., Esq.**, Farris Mathews Bobango, PLC, 618 Church Street, Suite 300, Nashville, Tennessee 37219; and by telephone: **Bruce Mottern**, Manager- State External Relations Government & Regulatory Affairs, TDS Telecom, 10025 Investment Drive, Knoxville, Tennessee 37932; **Larry Drake**, Executive Director, Tennessee Telecommunications Association, 150 Fourth Avenue North, Suite 480, Nashville, Tennessee; **Scott Seab, Esq.**, Corporate Counsel, Level 3 Communications, LLC, 1025 Eldorado Blvd., Broomfield, CO 80021; **Sue Benedek, Esq.**, CenturyLink, 240 North Third Street, Suite 300, Harrisburg, Pennsylvania, 17101; and,

For the Consumer Advocate:

Ryan McGehee, Esq., Office of the Attorney General, Consumer Advocate and Protection Division, P.O. Box 20207, Nashville, Tennessee, 37202.

During the Status Conference, the Hearing Officer discussed with the parties the entry of a protective order and establishment of a timeline for procedural deadlines as follows:

Protective Order

In accordance with the directions of the panel given during the June 7, 2012 Authority Conference, the Industry Coalition filed its proposed protective order in the docket file on June 18, 2012. On August 6, 2012, the Consumer Advocate filed its proposed protective order in the docket file. The parties informed the Hearing Officer that they had not come to an agreement as to which proposed protective order should be entered in the docket file; instead, each prefer the one it proposed.

Ms. Phillips, on behalf of the Industry Coalition, stated that there were two primary differences between the proposed protective orders: 1) the description of the confidential information and 2) certain sections relating to the Attorney General's role and legal requirements as to its disclosure of confidential information, which was included in the Consumer Advocate's proposed protective order. The Industry Coalition objected to the inclusion of the sections relating specifically to the Attorney General as beyond the scope and unnecessary to the matters

for consideration in the docket. Nevertheless, the Industry Coalition indicated a desire to move forward in the docket and requested that one or the other of the proposed order be entered as soon as possible. The Consumer Advocate asserted that its proposed protective order was utilized previously by the Authority in Docket No. 08-00192, *In re Petition of AT&T Tennessee for Regulatory Exemption Pursuant to T.C.A. § 65-5-108(B) to Increase Regulatory Parity and Modernization*, and noted that it had no objection to the description of confidential information in the Industry Coalition's proposed protective order, which it stated contained relatively minor differences from its own proposed protective order.

After reviewing the proposed protective orders filed by both the Industry Coalition and the Consumer Advocate, and finding that each has certain advantages, the Hearing Officer concludes that the proposed protective order filed by the Consumer Advocate, which contains language commonly utilized by the agency in previous dockets, shall be utilized for the purposes of this docket. The Hearing Officer will enter a Protective Order, substantially identical to that proposed by the Consumer Advocate, contemporaneously with this order.

Procedural Schedule

After discussing the anticipated progression of the docket, the following deadlines were agreed to by the parties:

August 24, 2012: Consumer Advocate will provide draft of anticipated discovery requests to Industry Coalition to assist in ascertaining necessary components of procedural schedule.

Interim: Parties will engage in discussions to prepare an agreed procedural schedule for the consideration of the Hearing Officer and come to agreement as to other issues/stipulations, if possible.

September 7, 2012: Proposed Agreed Procedural Schedule shall be filed for the consideration of the Hearing Officer.

IT IS THEREFORE ORDERED THAT:

1. A Protective Order, substantially identical to that proposed by the Consumer Advocate and Protection Division of the Office of the Attorney General, shall be entered contemporaneously with this order, and upon such entry, shall be in full force and effect.

2. The partial Procedural Schedule set forth herein above is adopted and is in full force and effect.



Kelly Cashman-Grams, Hearing Officer