

BEFORE THE TENNESSEE REGULATORY AUTHORITY

September 13, 1996

Nashville, Tennessee

**IN RE: THE AVOIDABLE COSTS OF PROVIDING BUNDLED SERVICE FOR RESALE BY
LOCAL EXCHANGE TELEPHONE COMPANIES**

DOCKET NO. 96-01331

ORDER

This matter came to be heard before the Tennessee Regulatory Authority (the "Authority") because certain persons who intend to intervene in and become a part of the above-captioned docket could not reach agreement regarding the extent to which the answers to discovery requests must be delivered. The arguments of the interested persons were heard by all the Directors at a Conference of the Authority held on September 5, 1996 at approximately 1:00 p.m. in the Authority's hearing room at 460 James Robertson Parkway, Nashville, Tennessee.

The position of BellSouth Telecommunications, Inc. was articulated by Thomas Alexander, Esquire and was that the person responding to a discovery request or a set of discovery requests should only have to provide the answers to the "party propounding such discovery" and that others had the means to obtain copies by coming to the Authority and requesting the same. The position of NextLink of Tennessee, LLC, as stated by Dana Brown-Shaffer, Esquire, was that responses to discovery requests must be served on all parties as is generally required in civil litigation. Because this specific issue did not come before the hearing officer at the Status Conference in Docket No. 96-00067 held on August 28, 1996, the hearing officer, Penelope W. Register, Esquire, did not have a recommendation for the Directors in either her Report and Recommendation filed on September 3, 1996 in Docket No. 96-00067, nor was she able to get the parties to come to agreement so that this matter could be a part of the Agreed Order to be filed in this docket.

Upon a motion properly made and seconded, the Authority reached a decision to require that a party must deliver discovery responses to all parties.

IT IS THEREFORE ORDERED:

1. That the responses to discovery must be served on all parties to Docket No. 96-01331, not just to the party propounding such discovery.
2. That any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order;
3. That any party aggrieved with the Authority's decision in this matter has the right of judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from and after the date of this Order.

ATTEST:



INTERIM EXECUTIVE SECRETARY



CHAIRMAN



DIRECTOR



DIRECTOR