

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

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September 24, 1996

**TN REGULATORY AUTHORITY
UTILITY RATE DIVISION**

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

Docket No. 96-01331

AGREED ORDER

A Status Conference was held in the above-captioned matter on Wednesday, August 28, 1996, in Nashville, Tennessee before Penelope W. Register, Hearing Officer. The following appearances were entered:

APPEARANCES:

DAVID W. YATES, Associate Consumer Advocate, 1504 Parkway Tower, 404 James Robinson Parkway, Nashville, Tennessee 37243-0500, appearing on behalf of the Consumer Advocate Division, Office of the Attorney General (Fax Number 615/741-8724).

GUY M. HICKS, General Counsel-Tennessee, BellSouth Telecommunications, Inc., 333 Commerce Street, Suite 2101, Nashville, Tennessee 37201-3300, appearing on behalf of BellSouth Telecommunications, Inc. (Fax Number 615/214-7406).

FRED MCCALLUM, JR. and THOMAS B. ALEXANDER, General Attorneys, 675 West Peachtree Street, N. E., Suite 4300 BellSouth Center, Atlanta, Georgia 30375, appearing on behalf of BellSouth Telecommunications, Inc. (Fax Number for Mr. McCallum 770/391-2812; Fax Number for Mr. Alexander 404/658-9022).

VAL SANFORD, Gullett, Sanford, Robinson & Martin, 230 Fourth Avenue, N., 3rd Floor, P. O. Box 198888, Nashville, Tennessee 37219-8888, appearing on behalf of AT&T of the South Central States, Inc. (Fax Number 615/256-6339).

ROGER A. BRINEY, Esquire, 1200 Peachtree Street, Room 4068, Atlanta, Georgia 30309, appearing on behalf of AT&T Communications of the South Central States, Inc. (Fax Number 404/810-5906).

JON E. HASTINGS, Esquire, Suite 1600, 414 Union Street, Nashville, Tennessee 37219, appearing on behalf of MCI Telecommunications Corporation (Fax Number 615/252-2380).

MICKEY HENRY, Senior Counsel, 780 Johnson Ferry Road, Suite 700, Atlanta, Georgia 30342, appearing on behalf of MCI Telecommunications Corporation (Fax Number 404-250-5992).

KENNETH M. BRYANT, Trabue, Sturdivant & DeWitt, 511 Union Street, 25th Fl., Nashville, Tennessee 37219, appearing on behalf of GTE Mobilnet Sales Corp. (Fax Number 615-256-8197)

CHARLES B. WELCH, JR., Esquire, Farris, Mathews, Gilman, Brannan & Hellen, 511 Union Street, Suite 2400, Nashville, Tennessee 37219, appearing on behalf of Time Warner AXS of Tennessee, L.P. (Fax Number 615/726-1776).

JAMES B. WRIGHT, Senior Attorney, United Telephone-Southeast, Inc., 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900, appearing on behalf of United (Fax Number 919-554-7913).

T. G. PAPPAS, Esquire, 2084 First American Center, Nashville, Tennessee 37238, appearing on behalf of a Coalition of Small Telephone Companies (Fax Number 615/742-6292).

DANA SHAFFER, Esquire, 105 Malloy Street, #300, Nashville, Tennessee 37201, appearing on behalf of NEXTLINK of Tennessee, LLC (Fax Number 615/742-1003).

JAMES FALVEY, Esquire, American Communications Services, Inc., 131 National Business Parkway, #100, Annapolis Junction, Maryland 20701, appearing on behalf of American Communications Services, Inc. (Fax Number 301/617-4277).

THOMAS MCPHERSON, Esquire, Benham-Leake, 6000 Poplar Avenue, Suite 401, Memphis, Tennessee 38119, appearing on behalf of ATS of Tennessee, LLC (Fax Number 901/767-5555).

CAROLYN TATUM-RODDY, Esquire, Sprint Communications Company, L.P., MAILSTOP GAATLN0802, 3100 Cumberland Circle, Atlanta, Georgia 30339, appearing on behalf of Sprint Communications Company, L.P. (Fax Number 404/649-5174).

Pursuant to the Status Conference conducted in this proceeding, the parties hereby stipulate and agree to the following procedural ground rules and schedule for this matter to be conducted before the Tennessee Regulatory Authority:

PROCEDURAL GROUND RULES:

(1) That the Tennessee Regulatory Authority has indicated that it will close Docket No. 96-00067 and will open a new docket to consider this matter, namely, "The Avoidable Cost of Providing Bundled Services for Resale by Local Exchange Telephone Companies". That to the extent that items in the closed docket are relevant and useful, all parties must re-submit and re-file them under the new docket.

(2) That all parties, including those parties who participated in the status conference on August 28, 1996, shall file petitions to intervene by 12:00 noon on September 9, 1996. Such petitions shall contain language indicating that the party agrees to be bound by the Agreed Order and the Protective Order.

(3) That all filings in this docket shall be made by 12:00 noon and all filings pursuant to this Agreed Order shall be served the same day upon parties either by hand-delivery if such parties are in the same location as the serving party or by serving the document by facsimile transmission if the party is not in the same location as the party serving the document, provided,

however, the Authority shall retain the discretion to make service via regular mail.

(4) Any party that files an avoided cost study shall, at a minimum, prepare and submit a cost study or model based upon the definition of "avoided costs" found in the applicable sections and regulations pertaining thereto of the Federal Telecommunications Act of 1996 and may submit a cost study or model based upon the rebuttable presumptions also found in the applicable sections and regulations pertaining thereto of the Federal Telecommunications Act of 1996. In so doing, the submitting party is expected to state the rebuttable presumptions upon which the "alternative" study is based.

(5) The parties to this proceeding, by affixing their signatures hereto, expressly stipulate and agree that they will abide by the procedural ground rules and schedule.

SCHEDULE:

(6) SEPTEMBER 3, 1996 -- On or before 12:00 noon, all motions for Protective Order must be filed.

(7) SEPTEMBER 5, 1996 -- At approximately 12:00 noon, the Tennessee Regulatory Authority will act upon any pending motions for protective order.

(8) SEPTEMBER 9, 1996 -- On or before 12:00 noon, all Petitions to Intervene must be filed.

(9) SEPTEMBER 10, 1996 -- Any party choosing to file direct testimony shall, on or before 12:00 noon, pre-file such direct

testimony. Any party desiring to introduce a cost study in this proceeding should do so as a part of filing their direct testimony and must also include with the cost study workpapers in support thereof.

(10) SEPTEMBER 12, 1996 -- On or before 12:00 noon, all discovery requests must be served upon the other parties. The discovery request shall be limited to fifteen (15) in number per party to the opposing party and shall be reasonable in scope provided, however, the Authority shall not be bound by such limits.

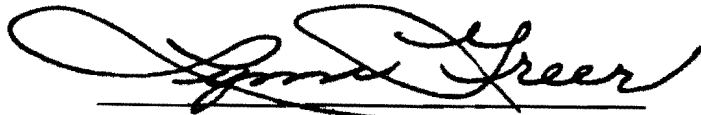
(11) SEPTEMBER 17, 1996 -- On or before 12:00 noon, all responses to discovery filed pursuant hereto shall be served.

Parties may file motions to compel responses to discovery provided such motions (1) state the grounds therefor with specificity and (2) such motions are filed within five (5) days after discovery responses are filed. Parties against whom a motion to compel is filed shall have five (5) days from their receipt of the motion to compel to respond.

(12) SEPTEMBER 20, 1996 -- On or before 12:00 noon, all parties desiring to file rebuttal testimony must do so.

(13) SEPTEMBER 30, 1996 -- Beginning at 9:00 AM, the hearing will take place in this matter and will continue, if necessary, at 9:00 AM on October 1, 1996.

Entered this 24th day of September, 1996.



Chairman



Director



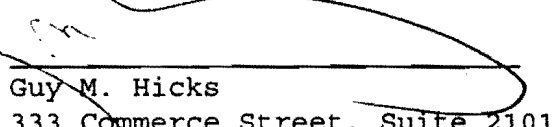
Director

APPROVED AS TO FORM:

CONSUMER ADVOCATE DIVISION

David W. Yates
1504 Parkway Tower
404 James Robinson Parkway
Nashville, TN 37243-0500

BELLSOUTH TELECOMMUNICATIONS, INC.



Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

Fred McCallum, Jr.
Thomas B. Alexander
675 West Peachtree Street, N. E., Suite 4300
Atlanta, GA 30375

Entered this _____ day of September, 1996.

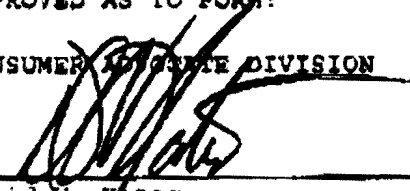
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333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

Fred McCallum, Jr.
Thomas B. Alexander
675 West Peachtree Street, N. E., Suite 4300
Atlanta, GA 30375

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NO.152 P010/012

GULLETT, SANFORD, ROBINSON & MARTIN

~~V. A. Hastings~~

230 Fourth Ave., N., 3rd Fl.
P. O. Box 190000
Nashville, TN 37219-8800

Roger A. Briney
AT&T of the South Central States, Inc.
1200 Peachtree Street, Room 4058
Atlanta, GA 30309

BOULT, CUMMINGS, CONNER & BERRY

Jen E. Hastings
414 Union Street, Suite 1600
Nashville, TN 37219
Counsel for MCI Telecommunications Corporation

Mickey Henry
MCI Telecommunications Corporation
780 Johnson Ferry Road, Suite 700
Atlanta, GA 30342

FARRIS, MATHEWS, GILMAN, BRANNAN & HILLEN

Charles B. Welch, Jr.
511 Union Street, Suite 2400
Nashville, TN 37219
Counsel for Time Warner AXS of Tennessee, L.P.

GULLETT, SANFORD, ROBINSON & MARTIN

Val Sanford
230 Fourth Ave., N., 3rd Fl.
P. O. Box 198888
Nashville, TN 37219-8888

Roger A. Brinay
AT&T of the South Central States, Inc.
1200 Peachtree Street, Room 4068
Atlanta, GA 30309

BOULT, CUMMINGS, CONNER & BERRY


Jon E. Hastings
414 Union Street, Suite 1600
Nashville, TN 37219
Counsel for MCI Telecommunications Corporation

Mickey Henry
MCI Telecommunications Corporation
780 Johnson Ferry Road, Suite 700
Atlanta, GA 30342

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Nashville, TN 37219
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GULLETT, SANFORD, ROBINSON & MARTIN

Val Sanford
230 Fourth Ave., N., 3rd Fl.
P. O. Box 198688
Nashville, TN 37219-8888

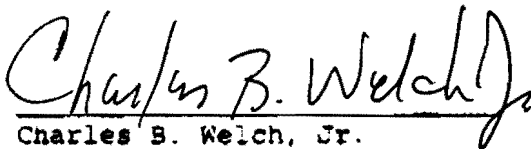
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Nashville, TN 37219
Counsel for Time Warner AXS of Tennessee, L.P.

TENNESSEE REGULATORY AUTHORITY

REC'D TN
REGULATORY AUTH.

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OFFICE OF THE
EXECUTIVE SECRETARY

H. Edward Phillips
460 James Robertson Parkway
Nashville, TN 37238

TRABUE, STURDIVANT & DEWITT

Kenneth M. Bryant
Kenneth M. Bryant
511 Union Street, 25th Fl.
Nashville, TN 37219
Counsel for GTE Mobilnet Sales Corp.

SPRINT COMMUNICATIONS COMPANY, L.P.

Carolyn Tatum-Roddy
MAILSTOP GAATLN0802
3100 Cumberland Circle
Atlanta, GA 30339

UNITED TELEPHONE-SOUTHEAST, INC.

James B. Wright
14111 Capital Boulevard
Wake Forest, NC 27587-5900

TENNESSEE REGULATORY AUTHORITY

H. Edward Phillips
460 James Robertson Parkway
Nashville, TN 37238

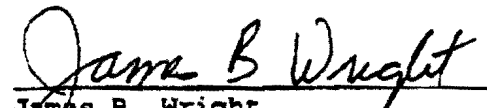
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BASS, BERRY & SIMS



T. G. Pappas
2800 First American Center
Nashville, Tennessee 37238
Attorney for the Coalition
of Small Telephone Companies

NEXTLINK OF TENNESSEE, LLC

Dana Shaffer
105 Malloy Street, #300
Nashville, TN 37201

AMERICAN COMMUNICATIONS SERVICES, INC.

James Falvey
131 National Business Parkway, #100
Annapolis Junction, MD 20701


BENHAM-LEAKE

Thomas McPherson
6000 Poplar Avenue, Suite 401
Memphis, TN 38119
Counsel for ATS of Tennessee, LLC

BASS, BERRY & SIMS

T. G. Pappas
2300 First American Center
Nashville, Tennessee 37238
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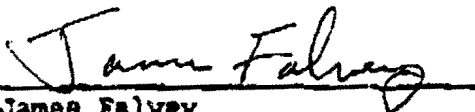
BASS, BERRY & SIMS

T. G. Pappas
2300 First American Center
Nashville, Tennessee 37238
Attorney for the Coalition
of Small Telephone Companies


NEXLINK OF TENNESSEE, LLC

Dana Shaffer
105 Malloy Street, #300
Nashville, TN 37201

AMERICAN COMMUNICATIONS SERVICES, INC.


James Falvey
131 National Business Parkway, #100
Annapolis Junction, MD 20701

BENHAM-LEAKE


Thomas McPherson
6000 Poplar Avenue, Suite 401
Memphis, TN 38119
Counsel for ATS of Tennessee, LLC

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To	Henry Walker	From	Penny Reside
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Dept.		Phone #	
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GENERAL COUNSEL'S OFFICE
TN REGULATORY AUTHORITY

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