



Complaint Counsel hereby submits its Proposed Rebuttal Witness list:

Division of Motor Carriers
Kentucky Transportation Cabinet

William Debord
Division of Motor Carriers
Kentucky Transportation Cabinet

A. F. Mirus
Tariff Committee
Kentucky Household Goods Carriers Association

Dennis Tolson
President
Kentucky Household Goods Carriers Association

Ms. King's and Mr. Debord's testimony will rebut Respondent's assertion that Respondent's tariff was subjected to "active supervision," the second prong of the "State Action

Defense—established in *California Retail Liquor Dealers Ass'n v. Midcal Aluminum, Inc.*

preliminary discussions about the possible submission of one or both of these depositions in lieu of live testimony.

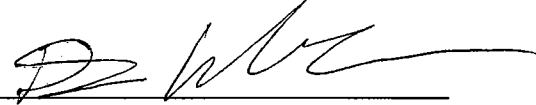
~~Mr. Mirus and Mr. Tolson were deposed by the United States District Court for the District of Columbia on November 18 and 19, 1978.~~

Complaint Counsel's understanding that Respondent may attempt to use testimony from Mr. Mirus and Mr. Tolson in furtherance of its claim that the tariffs filed by Respondent were actively supervised. Mr. Mirus was deposed by Complaint Counsel on November 18 and 19.

~~Mr. Tolson was deposed by Complaint Counsel on December 15 and 16, 1978.~~

Complaint Counsel reserves the right to supplement this information in accordance with the Scheduling Order issued in this matter.

Respectfully submitted,



Dana Abrahamsen
Counsel Supporting the Complaint
Bureau of Competition
Federal Trade Commission
Washington, D.C. 20580
(202) 326-2096
Facsimile (202) 326-3496

Dated: December 19, 2003

CERTIFICATE OF SERVICE

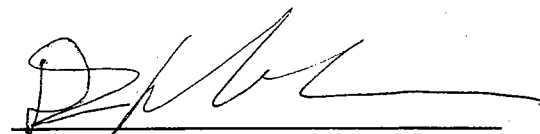
This is to certify that on December 19, 2003, I caused a copy of the attached Complaint Counsel's Final Proposed Witness List to be served upon the following persons by facsimile, U.S. Mail or Hand-Carried:

The Honorable D. Michael Chappell
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

James C. McMahon
Brodsky, Altman & McMahon, LLP
60 East 42nd Street, Suite 1540
New York, NY 10165-1544
(212) 986-6905

James Dean Liebman, Esquire
Liebman and Liebman
403 West Main Street
Frankfort, Kentucky 40601

(502) 226-2001 *facsimile*



Dana Abrahamsen