

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 5713

Investigation into New England Telephone and)
Telegraph Company's (NET's) tariff filing re:)
Open Network Architecture, including)
the unbundling of NET's network, expanded)
interconnection, and intelligent networks in re:)
Phase II, Module II)

Order entered: 4/7/99

ORDER RE: MOTION FOR BOARD REVIEW OF PROCEDURAL ORDER

On April 2, 1999, New England Telephone & Telegraph Company d/b/a Bell Atlantic-Vermont ("BAVT") filed a motion requesting full Board review of my Order of March 16th, which set a procedural schedule for further proceedings on the question of combined unbundled network elements (the so-called "UNE-Platform"). BAVT's motion raises three broad arguments in opposition to my order: first, that it is not wholly procedural, but substantive, in nature; second, that it wrongly concludes that the Board retains jurisdiction over the issue, in light of the U.S. Supreme Court's recent decision in *AT&T v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999); and, third, that, even if the Board retains jurisdiction, further action at this time would be a waste of administrative resources, while we await the Federal Communications Commission's decision on unbundled network elements (Rule 319).

I will treat Bell Atlantic's motion as a request that I allow Bell Atlantic to seek interlocutory review of my March 16th Order. I grant it, and request the Clerk of the Board to forward BAVT's motion to the Board. Other parties will have the normal fifteen days from the date of the motion's filing to respond to it. Bell Atlantic did not request a stay of the procedural directives set out in the March 16th Order, and I do not see that it is necessary to stay them. Parties will make the required filings according to the schedule given in that Order.

SO ORDERED.

Dated at Montpelier, Vermont, this 7th day of April, 1999.

s/ Frederick W. Weston, III
Frederick W. Weston, III
Hearing Officer

OFFICE OF THE CLERK

FILED: April 7, 1999

ATTEST: s/ Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board of any technical errors, in order that any necessary corrections may be made.