

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 2 – Cost Studies)

Order entered: 3/30/2000

ORDER RE: REQUEST FOR WORKSHOP, REQUEST FOR MODIFICATION OF DECISION,
REQUEST FOR EXTENSION OF COMPLIANCE FILING, AND APPOINTMENT OF HEARING
OFFICER

On February 4, 2000, the Public Service Board ("Board") ordered that New England Telephone & Telegraph Company d/b/a BellAtlantic-Vermont ("the Company") modify its study of non-recurring costs as set out in Section III.D. of the February 4 Order to make use of the model developed and proposed by AT&T Communications of New England, Inc. ("AT&T") with the modifications to its inputs as set out in Section III.D, and to file a revised study within sixty (60) days of the Order.¹

On March 17, 2000, the Company filed a Motion for Modification of Decision and Request for Workshop. The Company indicated that "[d]espite its best efforts . . . BA-VT cannot comply with the order as issued."² It requests, therefore, that the Board extend the time for the Company to comply with the requirement to file non-recurring costs and convene a workshop under the auspices of a Hearing Officer to resolve these issues and provide the Company with guidance on how to comply with this aspect of the Board's Order.

On March 20, 2000, the Board received a response from AT&T opposing the Company's motion, and requested that the Board instead permit the parties to report to a designated Hearing Officer regarding the status of the Company's compliance filing, to determine whether a cooperative workshop is needed before a compliance filing, and to determine a reasonable extension of the date for the compliance filing.³

1. Docket 5713, Order of 2/4/2000.

2. Motion of Bell Atlantic-Vermont for Modification of Decision and Request for Workshop, 3/17/00 at 1.

3. Letter to Susan M. Hudson, Clerk, from Kenneth W. Salinger, Esq., 3/20/2000.

On March 23, 2000, the Board received a further response from the Company indicating that it agrees that further time is needed for the compliance filing, a workshop is likely needed, and agrees that the process would benefit from the appointment of a Hearing Officer to facilitate the process.⁴

The requests of the parties seem reasonable in light of the need for cooperation and coordination to finalize compliance issues in the non-recurring cost study. J. Riley Allen, Utilities Analyst, is appointed as Hearing Officer to oversee the compliance issues raised in the Company's motion. The Company is granted an extension of 30 days for the compliance filing of its non-recurring cost study, or until such time that the Hearing Officer concludes is reasonable to resolve the issues presented by the parties. We decline to modify our Order of February 4, 2000, at this time. A workshop shall be convened, as needed, at a time to be scheduled by the Hearing Officer.

SO ORDERED.

DATED at Montpelier, Vermont, this 30th day of March, 2000.

<u>s/Michael H. Dworkin</u>	)	PUBLIC SERVICE
	)	
	)	BOARD
<u>s/Suzanne D. Rude</u>	)	
	)	OF VERMONT
	)	
<u>s/David C. Coen</u>	)	

OFFICE OF THE CLERK

Filed: March 30, 2000

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 (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

4. Letter to Susan M. Hudson, Clerk, from Gregory M. Kennan, Esq., 3/23/2000.