STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 5713

Investigation into NET's tariff filing)
re: Open Network Architecture, including)
the unbundling of NET's network, expanded)
interconnection, and intelligent networks)

Order entered: 3/1/95

ORDER RE: PROCEDURAL SCHEDULE AND MOTIONS TO INTERVENE

Today's Order sets out the procedural schedule for this complex case and addresses the several motions to intervene. On December 22, 1994, I issued a memorandum describing the proposed procedural process and schedule for this docket. The parties filed comments on it in early February 1995. In general, the parties supported the proposed process, although, in certain cases, they suggested specific changes. For the reasons set out below, I have adopted some, but not all, of the parties' recommendations.

A. General

The docket shall proceed in three major phases.[1] The first phase will consist of one module and will address a narrowly-defined set of conceptual and methodological issues related to costing and pricing issues. This phase will also be used to identify the set of public service obligations that we should preserve in an open, fully competitive environment.

The second phase will focus on technological issues and will be divided into two modules. Module IIA will consider intraLATA toll issues, as well as trunk-side interconnection and transmission matters. Module IIA will also investigate questions

1. Originally, I had intended that the docket begin with the filing of case overview position papers by the parties. The Department of Public Service ("DPS" or "Department") opposed that idea, arguing that such papers were not clearly necessary, would probably be overly broad and vague, would discourage parties from later altering their positions, and would hinder cooperative efforts. DPS Comments, 2/3/95, at 1-3. Upon reflection, I agree with the DPS and have therefore eliminated this requirement. Nevertheless, any parties that desire to provide an overview position paper are encouraged to do so at any time prior to or in conjunction with their initial position paper in Phase I.

related to enhanced/information services (sometimes referred to as "content" services) and the switch. Module IIB will focus on issues associated with local service (the local loop between the switch and the customer).

The third phase will have one module and will look at regulatory and other institutional issues, with specific attention to state telecommunications policy and other public service objectives. This phase will consider whether and what reforms should be contemplated in light of the potential changes in provision of local service considered in Phase II.

This procedural approach was developed upon consideration of the parties' initial and responsive comments on scope and process. I believe that this structure will enable the parties and the Board to vigorously and efficiently investigate the broad range of telecommunications issues and policies contemplated by the Board when it opened this docket. In particular, I note that this procedural approach will enable us to address not only competition questions (*i.e.*, those relating to the providers of services), but also unbundling issues (which relate as well to the ultimate consumer).[2]

Frontier Communications of New England, Inc. ("Frontier," formerly RCI Long Distance New England, Inc.) recommended that the docket be expanded from three to five phases: (1) costing and pricing, (2) universal service, (3) interconnection and reciprocal compensation, (4) number control and equal access, and (5) public policy. In support of its recommendation, Frontier pointed out that Vermont has a "rich background of previous regulatory proceedings . . . which have touched upon many of the issues" that this case will address, that the Board has already ordered the performance of TSLRIC[3] studies, and that Vermont has already enacted universal service fund legislation. Frontier Comments, 2/3/95, at 1-5.[4]

I have declined to adopt Frontier's recommendation, which is, in essence, a request to increase the number of modules from four to five. While Frontier correctly describes

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2. Detailed sets of issues to be addressed in each module were included in my memorandum of December 22, 1994. To reduce administrative costs, I have not repeated them again here, but copies will be available to any party requesting them. Those issue sets should assist the parties in developing their testimony and evidence.

3. Total service long-run incremental cost.

4. Atlantic Cellular Company, L.P. ("Atlantic Cellular") and Hyperion Telecommunications of Vermont, Inc. ("Hyperion") joined in Frontier's recommendations. Atlantic Cellular *et al.*, Comments, 2/3/95 at 1.

certain aspects of the current telecommunications environment in Vermont, it is not immediately apparent how they bear on the procedural organization of this docket. The first and fifth of the recommended phases appear to match my first and third, and the issues that Frontier looks to have investigated in the remaining phases will indeed be investigated in the two modules of my second phase. For these reasons, I do not feel it is necessary to change the procedural structure of this docket.

Finally, for purposes of clarity, I hereby notify all parties that I am explicitly designating this case a *complex action* and that I will manage it pursuant to Rule 16.1 of the Vermont Rules of Civil Procedure. Each module will begin with the filing of position papers by the parties.[5] These filings should be limited to only the issues to be addressed in the particular module. Rolling discovery will then be conducted.[6] One or more workshops may be held for the purpose of distilling and organizing the issues to be examined during hearings. The workshops may also facilitate settlement discussions among the parties. Prefiled testimony will then be submitted, followed by rebuttal testimony if parties see fit. Direct and rebuttal hearings will be held simultaneously. Briefs and a proposed order will then follow.

B. Organization

Phase I: Conceptual and Methodological Issues

Phase I is intended to determine the public policy objectives to be met by this docket and to lay out the tools available to achieve those objectives. While the state's broad telecommunications policies are set out in Title 30, the DPS's Ten-Year Telecommunications Plan, and various Board orders, this phase will nonetheless establish general rules for network unbundling, cost study methodology, pricing of monopoly bottleneck services and functionalities, imputation (*i.e.*, recognition of the costs of relevant features and functionalities in establishing price floors for retail services provided by the incumbent), and retail-wholesale pricing relationships. This phase will examine whether costing and pricing methodologies should differ depending on the service or functionality in question (*e.g.*, are there intrinsic differences in services that suggest that different

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5. The position papers should include a glossary of all relevant terms and acronyms. If necessary, I will schedule a preliminary workshop to address definitional issues.

6. It is contemplated that each party will have sufficient basis to state its position generally for the initial exchange of position papers and responses. Of course, discovery may be required before detailed recommendations can be developed for presentation in testimony.

costing and pricing rules ought to apply?). In addition, public service responsibilities, such as basic service, universal service, and emergency 911 services will be examined.

Phase II: Detailed Technical and Economic Issues

This phase will consist of two modules of issue sets. The first module (IIA) will examine two closely related sets of issues. The first set, *IntraLATA Toll Issues*, will, among other things:

- Examine the kinds of intrastate toll competition (*e.g.*, resale or facilities-based) and identify impediments to such competition (*e.g.*, pole attachments);
- Identify the functionalities, services, and other capabilities (*e.g.*, interconnection, collocation, presubscription, etc.) necessary to support reasonable competition in the provision of intrastate toll services;
- Determine the obligations and entitlements of the incumbent and competing toll providers;
- Determine which of those functionalities should be separately priced and, if any, how priced;
- Quantify the costs (and, if possible, the benefits) of making such access arrangements available, and determine how those costs should be borne; and
- Determine the detailed information requirements of providers to ensure that proper costs for the relevant network functionalities or services are established through the cost studies.

In addition, there may be questions associated with the relationship between the LEC's wholesale and retail prices, to the extent that the LEC serves both markets. What standard (*e.g.*, imputation) should be applied? Should there be specific requirements for retail price floors and ceilings? Lastly, as in all modules, questions of federal and state jurisdiction will be dealt with.

The second issue set addressed in Module IIA relates to *Enhanced/Information Services*, which will include services and functionalities that are generally associated with the central office switch. The essential purpose of ONA is to provide incentives for LECs to deploy features and functionalities necessary to develop a market for enhanced services. The purpose of this module will be to establish prices and terms for network capabilities needed to provide enhanced services so as to prevent potential monopoly abuses. Among the many issues that may need to be addressed in this context are the following:

- Federal-state jurisdictional questions. What is happening at the FCC? To what extent, if any, is the Board preempted from action in this area?
- Should ONA services be tariffed? What constitutes an appropriate tariff?
- What is the nature of competition in the enhanced services market? What are the impediments to reasonable competition?

- What are the services, interconnection issues, features, and functions that are required to provide enhanced services? Which of these should be separately priced? Which elements should be examined in the cost studies? How should these elements be priced? How should their joint and common costs be treated?
- What are the obligations and entitlements of the incumbent and competing toll providers?
- What process or mechanism is needed to ensure that ONA service needs or competitors are appropriately served beyond this investigation?

The second module, (IIB) *Local Service Issues*, will examine issues on the customer-side of the switch. Broadly speaking, the same questions raised in the earlier modules will resurface here with respect to the local loop and alternative access providers. What is the nature of local service competition? Where does the Board's jurisdiction lie? What functionalities should be identified and priced so as to support reasonable competition? What are the obligations and entitlements of the incumbents and competitors?

Phase III: Regulation and Institutional Environment

This phase, consisting of one module, will identify the nature of change in regulation (*e.g.*, pricing freedom) to be accorded relevant providers in the event that the bottleneck monopoly provider can no longer dominate its markets. What kinds of processes and safeguards should be put in place to preserve reasonable competition and the delivery of those services earlier identified to be in the public interest (*i.e.*, reasonably-priced basic service, universal service, equity, etc.).

C. Procedural Schedule

The schedule for this docket is as follows:

Phase I

Module 1

Position Papers	4/19/95
Final discovery responses due, all parties	5/25/95
Prefiled direct testimony, all parties	6/7/95
Prefiled rebuttal testimony, all parties	6/28/95
Evidentiary Hearings, two weeks[7]	7/10-21/95
Initial briefs	8/17/95
Reply briefs	8/31/95
Proposal for Decision	9/27/95

7. In lieu of case overview position papers, the parties may present brief opening statements (oral or written) at the beginning of hearings. *See* DPS Comments, 2/3/95, at 3.

Phase II

Module 1: Toll Service Issues

Position Papers	10/25/95
Final discovery responses due, all parties	11/29/95
Prefiled direct testimony, all parties	12/13/95
Prefiled rebuttal testimony, all parties	1/3/96
Evidentiary Hearings, two weeks	1/15-26/96
Initial briefs	2/23/96
Reply briefs	3/8/96
Proposal for Decision	4/5/96

Module 2: Local Service Issues

Position Papers	5/3/96
Final discovery responses due, all parties	6/7/96
Prefiled direct testimony, all parties	6/21/96
Prefiled rebuttal testimony, all parties	7/12/96
Evidentiary Hearings, two weeks	7/29 - 8/9/96
Initial briefs	9/6/96
Reply briefs	9/20/96
Proposal for Decision	10/18/96

Phase III

Module 1

Position Papers	11/8/96
Final discovery responses due, all parties	12/13/96
Prefiled direct testimony, all parties	1/3/97
Prefiled rebuttal testimony, all parties	1/24/97
Evidentiary Hearings, two weeks	2/3-14/97
Initial briefs	3/14/97
Reply briefs	3/28/97
Proposal for Decision	4/25/97

In its comments, the DPS raises a concern that, "[i]f the overall timeframe for the docket can be extended each time a protracted issue arises, a very strong incentive is created to use earlier issues to stall and obfuscate later ones." DPS Comments, 2/3/95, at 4. To combat this potential problem, the Department recommends that, "at the outset, the schedule [set] out both milestones for the first Module, but also start dates for subsequent modules." *Id*. In this way, argues the DPS, the start dates will serve as "implicit deadlines" for the preceding modules.

I share the Department's concerns, agree with its recommendation, and have set the schedule accordingly. Delays in any single module should not be expected and, if they do occur, should not be expected to lead to corresponding delays in other phases or modules.

As it stands now, this docket will demand two years' concentrated effort of all the parties. We will not deviate from it except under "extreme circumstances."[8] *Id*.

D. Discovery

NET raises a concern that "there is the potential for abuse if discovery is permitted without adequate limitations." NET Comments, 2/3/95, at 4. To reduce that potential, NET proposes that:

(a) a discovery officer be appointed who will resolve all such disputes throughout this docket;

(b) that responding parties be given 15 business days in which to respond, beginning from the date of receipt of the data requests;

(c) that only a party who is actively participating in a particular phase or module be permitted to propound data requests; and

(d) that no discovery occur before the filing of direct testimony or within three weeks preceding the evidentiary hearings.

Id. NET contends that these rules are fair to all parties and are consistent with the Vermont Rules of Civil Procedure.

I share NET's general concerns about the potential for abuse of discovery but, for the following reasons, I do not conclude that the specific remedies that it recommends are necessary in this case. I shall stand ready to hear and rule on all discovery disputes expeditiously; there is no need for a specially-appointed discovery officer. Parties shall have 14 days to respond to discovery requests; therefore, all requests must be served no later than two weeks prior to the date for final responses in each module.[9] Furthermore, it is not appropriate, at this time at least, to preclude any party from serving information requests; it is certainly possible that, by submitting requests, that a party may be able to limit or altogether forego participation in a particular module. And, lastly, parties will be permitted to begin serving information requests after the deadline for the filing of position papers. In this case, as in most, the regulated company possesses or controls most of the relevant information. Denying other parties access to that information prior to the filing of

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8. I fully intend to issue proposed decisions by the specified dates. I cannot, however, set deadlines for final Board orders. Oral argument, if any, and the issuance of Board orders will occur independently of this schedule.

9. With respect to the conduct of discovery, the Rules of the Public Service Board adopt the provisions of Rules 26-34, 36, and 37 of the Vermont Rules of Civil Procedure. Those rules give the trial court judge broad discretion to set discovery schedules; they do not *entitle* a party to a thirty-day response period to discovery requests.

their direct testimony would, in many instances, severely limit the usefulness of that testimony.

E. Various Process Recommendations by the Department

The Department of Public Service has made several recommendations and offers of assistance that deserve comment. First, the DPS, in its August 1, 1994 filing offered to arrange workshops on an informal track in this docket. I encourage such initiative by the DPS and stand ready to assist in any manner that may be constructive. I believe this docket will benefit from vigorous efforts by the parties to narrow the scope of issues that must be fully litigated in the hearing room. As such I intend to encourage and closely monitor the status and progress of workshops and negotiations.

Second, in the Department's filing of February 3, 1995, the Department noted the value of establishing a common location for resource materials relevant to the case. I believe that the establishment of such a resource pool has significant potential to both increase the access of parties to the large volume of resource materials and may also reduce the administrative burden of discovery on the parties. While such a resource cannot replace the rights and obligations of the parties under Board Rules and the Vermont Rules of Civil Procedure, it may nevertheless increase access to relevant information, potentially reduce the level of information required by the participants in the discovery process, and may generally improve the efficiency of that process. I therefore encourage the Department to coordinate with the parties in the development of such a resource.

Third, as an example of their previous suggestion, the Department suggested that the development of an electronic bulletin board would enable broader access to formal filings and other materials available in electronic format. The Department suggests that such a resource could indeed be maintained by the Department. Again, while such a resource cannot replace the rights and obligations of the parties under Board Rules and the Vermont Rules of Civil Procedure, it may nevertheless improve the efficiency of the process. I encourage the Department and the other parties to develop such a resource in this docket.

F. Other Issues

On December 30, 1994, Atlantic Cellular and Hyperion filed a response to NET's cost-study compliance filing in Dockets 5700/5702.[10] They requested that I establish January 13, 1995, as the deadline for comments on NET's cost-study proposal. Atlantic Cellular *et al*., Comments, 12/30/94, at 1-2. That date is obviously no longer meaningful. I therefore direct the parties to file comments on the plan with their position papers in Phase I.[11]

Atlantic Cellular and Hyperion also request that, in order to "ensure that the development of competition is not stymied pending the resolution of this lengthy docket . . . the Board follow a presumption that new competitive services be allowed into the market place, subject to the outcome of [this docket]." Atlantic Cellular *et al*., Comments, 2/3/95, at 1-2. Specifically, they state that:

> Such a presumption would mean that the Board will allow competitive providers to expand service offerings, including expedited authorization of new or amended certificates of public good and tariff amendments filed by competitive providers.

Id. at 2.

As a general principle, I welcome the introduction of new and enhanced services by all telecommunications providers and I encourage the Board to develop mechanisms to achieve that end. Clearly, that is one of the purposes of this docket. However, in this case, Atlantic Cellular's and Hyperion's request for interim relief from current Board and statutory requirements is beyond my power to grant. If they wish to pursue this, they may, of course, petition the Board directly for such relief.

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10. In its Order of October 5, 1994, in those dockets, the Board directed NET to develop and file a plan for the performance of cost studies using the TSLRIC methodology. The Board also advised the parties that its on-going review of those cost studies would take place in this Docket (5713). Dockets 5700/5702, Order of 10/5/94 at 129; *see also* Order of 2/6/95 at 28. NET filed its proposed plan on December 5, 1994.

11. Several parties have already filed comments on NET's proposal. It appears that there remain a number of areas of dispute over the proper conduct of TSLRIC cost studies. I remind the parties that the Board has affirmed its October 5th directive that TSLRIC studies shall form the basis of the pricing of NET's monopoly bottleneck inputs. Dockets 5700/5702, Order of 2/6/95 at 27-28 and Order of 10/5/94 at 120. Consequently, I expect that significant effort in Phase I will be dedicated to resolving the technical details of TSLRIC studies rather than the question of whether they are appropriate at all.

In its comments, NET requests that the scope of this investigation be expanded to consider "the impact of the entry of alternative access providers, cable television ("CATV") providers, and others on the telecommunications market, reciprocal interconnection rules, and rules preventing cross-subsidies between the CATV and telecommunications markets." NET Comments, 2/3/95, at 1-2. Of those issues, NET seems mostly concerned with "the potential for cross-subsidization between Hyperion's CATV parent, Adelphia Communications, Inc. ("Adelphia"), and Hyperion." *Id*. at 2. NET goes on to assert that, in Docket 5608, the Board's investigation into Hyperion's request for a certificate of public good ("CPG"):

> The Hearing Officer at that time concluded, without significant factual support, that Mountain Cable, Adelphia's cable operation in Vermont, had little incentive to engage in uneconomic cross-subsidies, little ability to keep other competitors out of the market, and therefore, that a rule requiring Hyperion to bear its proportionate share of any costs incurred by Adelphia for which Hyperion derived a benefit would be sufficient. Any examination of cross-subsidies, the Hearing Officer concluded, should take place in an investigation into Mountain Cable's rates. At the time of that investigation, however, Hyperion was not yet operating in Vermont, and therefore, a thorough examination of the potential for cross-subsidy between Adelphia's CATV and telecommunications subsidiaries, or the incentive to do so, was not possible.
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> Hyperion is now operating in the state. It would now be appropriate to revisit the issue of cross-industry subsidies, *e.g.*, CATV to telecommunications. Within the scope of such an inquiry, the Board should consider whether safeguards are appropriate, and whether the lack of regulation in this area impacts the need for or the manner of regulation in the telecommunications market. While [NET] is confident that existing rules at the state and federal levels would prevent cross-subsidies between telecommunications and video services, the Company is not confident that the converse is true.

Id.

I decline to expand the scope of this inquiry in the fashion requested by NET. Docket 5608 is now closed; the Board has granted Hyperion a limited CPG to operate in this state. I am not persuaded that these issues deserve in depth consideration in this docket. This docket's primary objective is to examine the uses and economics of public-switched network in an effort to promote the provision of high-quality, reasonably-priced telecommunications services. An investigation into the networks and behavior of nondominant, competitive providers would distract us unnecessarily from our central purpose.[12]

NET also requests that the Board "consider whether rules established regarding interconnection, ONA and unbundling should also apply to networks controlled by alternate access providers, such as Hyperion, CATV providers, such as Adelphia and Time Warner Cable, and long distance carriers, such as AT&T and MCI." *Id*. at 3.

I see a distinction between this and NET's other request. This request goes to the issues of fairness, provision of high-quality services, and the promotion of reasonable competition. Consequently, if any party wishes to raise such questions in its position papers and testimony, it is free to do so.

Thirdly, NET argues that, in light of the fact that "some CATV companies are now providing, or in the near future will provide, access to their facilities to telecommunications providers . . . this docket should consider the question: What is a telecommunications provider?" *Id*. To the extent that answering this question will assist the Board in this investigation, the parties are free to examine it.

Lastly, NET asks that I consider the scheduling of public hearings in this docket. *Id*. I hold it as an article of faith that a functioning democracy requires informed public input and debate. However, I have had difficulty developing a process for meaningful public participation *in this particular docket*, which by its very nature will be concerned largely with arcane technical and economic issues. While I do not believe that these issues are inaccessible to the general public, I am not sure that our conventional approach to public hearings will serve the desired ends. Consequently, I direct the parties, in their initial position papers, to address how public participation in this docket might best be facilitated.

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12. I note that NET did not offer a plausible explanation of why Adelphia, currently a monopoly provider of CATV services, would be willing to syphon off monopoly profits (economic rents) from its cable business to subsidize a competitive operation that appears to have little hope of driving other competitors out of the market. On its face, that does not appear to be a profit-maximizing tactic. Application of Hyperion Telecommunications of Hyperion Telecommunications of Vermont, Inc., Docket No. 5608, Order of 3/16/94 at 61-62; see also Areeda and Turner, Predatory Pricing and Related Practices under Section 2 of the Sherman Act, 88 Harv. L. Rev. 697 (1975) at 723.

G. Motions to Intervene

Motions to intervene in this docket have been filed by the following interested parties: Frontier; AT&T Communications of New England, Inc. ("AT&T"); Sprint Communications Company, L.P. ("Sprint"); the Northfield, Ludlow, and Perkinsville Telephone Companies (together the "TDS Companies"); Waitsfield-Fayston Telephone Company ("Waitsfield-Fayston"); Shoreham Telephone Company, Inc. ("Shoreham"); Topsham Telephone Company ("Topsham"); Champlain Telephone Company ("Champlain"); Vermont Telephone Company, Inc. and STE/NE Acquisition Corp. d/b/a Northland Telephone Company of Vermont (together "Vermont Telephone *et al.*"); Atlantic Cellular; Design Access Network, Inc. ("DAN"); Small Cities Cable Television, L.P. and Small Cities Cable of Newport, Inc. (together "Small Cities"); Chittenden Community Television, Inc. ("CCTV"); and the Chittenden County Cable Access Advisory Board (the advisory body for Channel 15), the Channel 17 Policy Board, Lake Champlain Access Television, Inc., and Vermont Access Network (together the "Public Interest Groups").[13]

Several memoranda were filed in support of these motions. In general, these parties argue that, since this docket will address competitive issues, access to the public switched network, and pricing questions, their interests (which are not adequately represented by other parties) may be adversely affected by the outcome of the docket: necessarily, their involvement is critical.

All the motions, but that of DAN, are unopposed by any party. All motions to intervene, with the exception of that of DAN, are granted unconditionally. Their reasons for intervention are persuasive. The Board cannot hope to examine the complex issues that this case raise without the dedicated participation of these parties.[14] NET opposes the

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13. NET also filed a motion to intervene, which was not necessary. Since this docket was opened in response to the filing of its ONA tariff, it needed no further action to specify that NET is a party to this docket.

In its final Order in Docket 5608, the Board directed Hyperion to participate in this docket. Consequently, Hyperion did not file a motion to intervene; rather, its party status is already established.

14. I had originally contemplated the limited participation of the independent local exchange companies ("ILECs"), with the expectation that issues peculiar to them would be taken up in a follow-on proceeding. All those companies rejected that notion, persuasively arguing that their concerns would best be taken up in the main proceeding. The Telephone Association of Vermont,

(continued...)

unlimited intervention of DAN. Paralleling the relevant terms of Rule 2.209, NET argues that:

(a) DAN has not explained how its interests in this proceeding go beyond the E-911 area;

(b) DAN has not explained why any other litigant is unable to adequately represent its interests; and

(c) DAN will "likely cause undue delay in this proceeding."

NET Response, 8/19/94, at 4-7. NET does not recommend the complete exclusion of DAN from this proceeding; rather, the Company recommends that I grant DAN permissive intervention with conditions. Specifically, NET asks that DAN's participation be limited to issues associated with the pricing of E-911 services. *Id.* at 7.

In support of its motion, DAN states that it is:

> a provider of services in the areas of telecommunications planning, 911 database development and GIS planning. Possible other services to be provided under the corporate purposes of Design Access Network are internet connectivity and management and other information services which must rely upon the public switched network and other LEC facilities for delivery. . . . These specific interests will not be adequately represented by other parties to this investigation.

DAN Motion to Intervene, 7/27/94, at 1.

In the case of DAN, I grant its motion to intervene with certain conditions. No other party asserts similar interests to those of DAN, with the exception, perhaps, of the Department. However, given the broad range of issues that the DPS will consider during the course of this docket, I conclude that the Board will benefit from DAN's particular views in several areas. Therefore, I grant DAN's motion, but limit its intervention to only those issues associated with the costing and pricing of E-911 services, GIS services, and Internet connectivity. DAN did not satisfactorily demonstrate why its particularized interests extend to the broader areas of telecommunications planning and other information services.

The E9-1-1 Board requests limited party status in this docket. Having heard no objection by other parties, the E9-1-1 Board is granted limited party status.

Several parties have requested waivers of Board Rules 2.201(B) and (C) with respect to *pro se* appearances and the appearances of attorneys admitted to practice in other jurisdictions. In the absence of any objection to those requests, I hereby grant them. The parties of record are on the attached service list.

Lastly, the Telephone Resellers Association ("TRA"), located in Washington, D.C., filed a case overview statement on January 12, 1995. TRA did not move to intervene.

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14. (...continued)
representing the ILECs, joined in those requests, which I hereby grant.

Therefore, though TRA has not asserted a particularized interest to be represented, I encourage the parties to review its statement during the preparation of their own positions. It is possible that TRA's comments may better inform their consideration of the issues, and that of the Board, in this investigation.

SO ORDERED.

DATED at Montpelier, Vermont, this 1st day of March, 1995.

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

OFFICE OF THE CLERK

FILED: March 1, 1995

ATTEST: s/Cynthia G. Buska
Assistant 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.