

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: 10/27/95

ORDER RE: SCHEDULE AND PHASE II PROCEDURES

On September 22, 1995, Atlantic Cellular, L.P. ("Atlantic Cellular") and Hyperion Telecommunications of Vermont, Inc. ("Hyperion") jointly filed a letter in which they asked that certain changes to the schedule and future phase processes be considered. The first was a request that the deadline for the filing of position papers in Phase II be extended. They pointed out that "the original schedule contemplated that the position paper for each module would be filed approximately one month after issuance of the previous module's proposed decision. . . ." Atlantic Cellular/Hyperion Letter, 9/22/95, at 1.

This is a sensible recommendation, and I grant it. Although the schedule has been modified several times, it is still my intention to issue the Phase I proposal for decision about a month after the filing of the reply briefs (which occurred on October 23rd). On the assumption that the proposed decision is issued before the end of November, position papers in Phase II shall be filed on January 5, 1996 (taking the holidays into account).

Atlantic Cellular and Hyperion also asked if I intend to consolidate the two modules of Phase II. *Id.* This question was raised during the Phase I hearings, and since then no party has stated an objection to it. Consolidation looks to be a reasonable approach for the next phase, particularly so as we shift to a workshop process. As the evidence and testimony of the first phase demonstrated, many of the issues and policy questions that the parties and Board are struggling with are not neatly bound by the procedural distinctions that I had earlier drawn. Consolidating the Phase II modules will remove unnecessary fetters to the workshops (and hoped-for negotiations).

For these reasons, therefore, Phase II will be managed as a single module. At this point, I am inclined to initiate a workshop process along the lines detailed by the Department in its letter of June 28, 1995. An initial workshop is scheduled for all day on Tuesday, January 23, 1996, commencing at 9:30 A.M., at the Public Service Board Hearing Room, Third Floor, Chittenden Bank Building, 112 State Street, Montpelier, Vermont. At that time, the parties will present summaries of their positions, to be followed by a brief period of questions and answers. Next,

we will identify and, if possible, prioritize the various issues that can be addressed in future workshops. A schedule and process for those workshops (including a date certain for the conclusion of negotiations and the start of formal hearings) will also be worked out. I encourage the parties to discuss questions of timing and process in advance of the first workshop and, as appropriate, notify me of any recommended actions to be taken; agreements now may spare us unnecessary efforts later.

SO ORDERED.

DATED at Montpelier, Vermont, this 27th day of October, 1995.

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

OFFICE OF THE CLERK

FILED: October 27, 1995

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.