

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)

Order entered: 09/03/97

AMENDED ORDER RE:
PROCEDURAL SCHEDULE FOR REMAINDER OF PHASE II

A. NYNEX Motion to Amend Procedural Schedule

On July 22, 1997, I issued a revised procedural schedule for the remainder of Phase II. The schedule had been worked out by the parties during a status conference held by telephone on July 16th. On August 18th, New England Telephone and Telegraph Company ("NYNEX") filed a letter requesting clarification of several points in the schedule.

First, NYNEX explains that, during the status conference, it had agreed to file by October 15, 1997, total service long-run incremental cost ("TSLRIC") studies for operator support services and ancillary services (*e.g.*, call completion, call assistance, and directory assistance). TSLRIC studies for all remaining items (*i.e.*, those not specifically identified in the cost study stipulation) would be filed by February 1, 1998. The July 22nd procedural order failed to note this distinction, and consequently NYNEX asks that I affirm its understanding of its filing commitments.

Second, NYNEX asks that I modify the schedule to accomodate the potential filing of cost studies by other parties. NYNEX speculates that AT&T Communications of New England, Inc., ("AT&T") and MCI Telecommunications Corporation ("MCI") may file their own cost studies and, if they are to be considered in this docket, the schedule should be modified as follows:

- (1) Parties wishing to file their own cost studies should be required to state their intention to do so by September 5, 1997, and any parties opposing such filings be required to file their objections by September 12, 1997;
- (2) Alternative cost studies should be filed by September 26, 1997;
- (3) Two rounds of discovery on the cost studies should be permitted; and
- (4) The parties should be required to file supplemental testimony on the cost studies two weeks after the receipt of all second round discovery responses.

NYNEX Letter, 8/18/97, at 2.

No party has filed a response to the NYNEX request.¹ With respect to the TSLRIC studies, NYNEX correctly characterizes its agreed-upon commitments. NYNEX shall file studies for its operator support and ancillary services by October 15, 1997. TSLRIC studies for all other categories of services, functions, and elements not otherwise identified in the Stipulation Regarding Cost Methodology (approved by the Board on November 7, 1996) will be filed by February 1, 1998.

As to the process for reviewing alternate cost studies, NYNEX's request is, in the main, reasonable. I grant it, with minor modifications to accommodate the shorter time-frames that a September 5th filing date would impose upon the parties. I also amend the schedule for technical hearings on the cost studies (originally set for the week of November 10, 1997). The schedule for the remainder of Phase II is therefore as follows:

Phase II, Module 1

Initial briefs	9/5/97
Reply briefs	9/15/97

Phase II, Module 2

Notification of intent to file alternate cost studies	9/10/97
Motions in opposition to alternate cost studies	9/17/97
Discovery on NYNEX's TELRIC studies, second round ²	9/19/97
Filing of alternate cost studies	9/26/97
Discovery on alternate cost studies, first round	10/10/97
Prefiled testimony, other parties	10/15/97
NYNEX remaining TSLRIC ³ studies	10/15/97
Discovery upon other parties' prefiled testimony and upon the alternate cost studies (second round) ⁴	10/27/97
Evidentiary hearings	week of 11/17/97

B. Other Procedural Matters

On August 4, 1997, AT&T filed a motion for waiver of Board Rule 2.201(c) and for leave for Mary E. Burgess to appear on its behalf in this proceeding. On July 28, 1997, Sprint Communications Company, L.P., ("Sprint") notified the Board that Karen Sistrunk would be replacing Christopher Moore as its counsel in this docket; although Sprint did not expressly

1. Fifteen calendar days, the usual period for filing responses to motions, have passed since NYNEX's letter was filed with the Board. V.C.R.P. Rule 78(b).

2. Rolling discovery is permitted, and strongly encouraged. Responses should be filed ten (10) calendar days following receipt of the interrogatories.

3. "Total service long-run incremental costs."

4. Given the amount of time remaining to us before the evidentiary hearings are held, a two-week period between the filing of responses to the first round of discovery on the alternate cost studies and the filing of second round interrogatories is simply not possible.

request waiver of Rule 2.201(c), I am treating its filing as such a request. No party has objected to either of these motions, and I hereby grant them.

On August 25, 1997, MCI filed a motion for waiver of Board Rule 2.201(c) and for leave for Alan D. Mandl to appear on its behalf. The next day C-TEC Services, Inc. ("C-TEC") filed a motion to intervene, for waiver of Rule 2.201(c), and for leave for Eric Branfman and Morton J. Posner to represent it in this docket.⁵ In the absence of any opposition to these motions, I grant them. C-TEC shall be required to abide by the procedural schedule as set out above.

SO ORDERED.

DATED at Montpelier, Vermont, this 3rd day of September, 1997.

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

OFFICE OF THE CLERK

FILED: September 3, 1997

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.

5. The reference to "KMC" rather than C-TEC in the motion for waiver of Board Rule 2.201(c) appears to be a typographical error. Messrs. Branfman and Posner should notify the Board if in fact they are asking to represent "KMC" in this proceeding as well.