

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6012

Generic Investigation Into the Transition)
from Regulation to Competition for Public)
Telephone Services in Vermont)

Order entered: 8/25/98

PROCEDURAL ORDER Re:
MOTIONS TO WITHDRAW FROM ACTIVE PARTICIPATION
AND RULING ON INTERVENTION REQUEST
BY MARJORIE JOHNSTON

Motions to Withdraw From Active Participation and to Continue as Interested Persons

On July 2, 1998, nine independent local exchange telephone companies ("Independents")¹ filed a "Motion to Withdraw From Active Participation and to Continue as Interested Persons" in this docket. The Independents want to withdraw because they believe that the costs involved in contesting issues in this docket substantially outweigh any benefits that they might gain. Consequently, the Independents do not wish to contest any issues in the docket, and they will continue to comply with all Orders and Rules that the Board has issued and may issue in the future concerning the provisioning and operation of public interest payphone and public payphone services in Vermont.

On July 17, 1998, Sprint Communications Company, L.P. ("Sprint") also filed a "Motion to Withdraw From Active Participation and Continue as an Interested Person." Sprint filed this motion because it does not own or operate any public payphones in Vermont, and therefore, its continued participation as an active party will do little to facilitate the Board in its policy decisions in this matter. Sprint will not contest the remaining issues in this proceeding, and it

1. Champlain Valley Telecom, Inc., Franklin Telephone Company, Ludlow Telephone Company, Northfield Telephone Company, Perkinsville Telephone Company, Shoreham Telephone Company, STE/NE Acquisition Corp. d/b/a Northland Telephone Company, Topsham Telephone Company, and Waitsfield-Fayston Telephone Company d/b/a Waitsfield Telecom.

will abide by any resolutions set forth in any order by the Board.

Since no parties have objected to the withdrawal of these parties, and since both have agreed to abide by any orders or rules resulting from this investigation, I hereby grant the Motions and will allow the Independents and Sprint to withdraw from active participation and continue as interested persons.

Intervention Request by Marjorie Johnston

At the prehearing conference held on June 11, 1998, the parties were given until July 6, 1998, to respond to the request to intervene by Marjorie Johnston. The Vermont Department of Public Service ("DPS") filed timely comments objecting to Ms. Johnston's intervention because she has failed to state a basis for intervention as of right pursuant to Board Rule 2.209(A), and because she has failed to justify permissive intervention pursuant to Board Rule 2.209(B). The DPS argues that Ms. Johnston's complaints, as an independent representative of Worldcom, against Bell Atlantic are not sufficient for party status in this proceeding since this docket does not encompass complaint resolution, but rather will address general consumer protection issues related to payphones and the parameters of a public interest payphone program, if any, in Vermont. Because Ms. Johnston's complaints have no relevance to these issues, the DPS recommends that her motion should be denied. The DPS also points out that since Ms. Johnston has failed to attend any of the workshop or conferences related to this docket, her interest is less than substantial. Finally, the DPS suggests that interested person status is sufficient to keep Ms. Johnston apprised of the status of the docket. No other party commented on Ms. Johnston's request.

I agree with the DPS that Ms. Johnston has failed to demonstrate that she should be allowed to intervene as of right or by permission. Based upon her representations to date, she has not shown a substantial interest that may be affected by the outcome of the proceeding as required by Board rules governing intervention. Accordingly, her request is denied, and she will be listed as an interested person in this docket.

DATED at Montpelier, Vermont, this 25th day of August, 1998.

s/ Peter B. Meyer
Peter B. Meyer, Hearing Officer

OFFICE OF THE CLERK

Filed: August 25, 1998

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.