

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7316

Investigation into regulation of Voice over )  
Internet Protocol (VoIP) Services )

Order entered: 9/6/2013

**THIRD PROCEDURAL ORDER ON REMAND AND  
NOTICE OF STATUS CONFERENCE**

On August 14, 2013, Comcast Phone of Vermont, LLC ("Comcast") filed a letter with the Vermont Public Service Board ("Board") requesting a revision to the procedural schedule in this docket in light of a medical issue that had arisen with its lead counsel. Comcast indicated that two parties, the Department of Public Service ("DPS") and the Independent ILECs, did not object to the proposed schedule change.<sup>1</sup>

Comcast made its filing with six days remaining prior to the deadline for submitting discovery requests. Therefore, because I was on vacation and unavailable, the Clerk of the Board telephonically granted Comcast's request, as to the initial deadline, on an emergency basis. Thereafter, because not all of the parties to the docket had taken a position on Comcast's proposal to change the procedural schedule, I have allowed the 15 days specified in Vermont Rule of Civil Procedure 78(b)(1) for pleadings in opposition to a motion to run. No party has interposed an objection to Comcast's request.

I therefore grant Comcast's request to amend the procedural schedule. As noted in Comcast's letter, the proposed revision has necessitated an unusually long period between the submission of direct briefs and reply briefs owing to the unavailability in November of counsel

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1. "Independent ILECs" refers to eight jointly appearing incumbent local exchange carriers: Franklin Telephone Company; Ludlow Telephone Company; Northfield Telephone Company; Perkinsville Telephone Company; Shoreham Telephone Company; Topsham Telephone Company, Inc.; Vermont Telephone Company, Inc., d/b/a VTel; and Waitsfield-Fayston Telephone Company, Inc., d/b/a Waitsfield Telecom and d/b/a Champlain Valley Telecom). I refer to them as one party purely as a matter of convenience.

for the DPS. This is reasonable in the circumstances. The parties having previously filed supplemental prefiled testimony, and discovery having already been conducted on Comcast's supplemental prefiled testimony, the schedule that will now govern the remainder of the current phase of the proceeding is as follows:

September 6, 2013	Discovery requests to be served on parties other than Comcast regarding their supplemental prefiled testimony
September 20, 2013	Discovery responses to be served by parties other than Comcast
October 2, 2013	Status Conference
October 16, 2013	Technical hearing, if necessary
October 30, 2013	Direct briefs due
December 18, 2013	Reply briefs due

A status conference will be held in this matter, pursuant to 30 V.S.A. Sections 8, 10, 203 and 209, on Wednesday, October 2, 2013, commencing at 9:30 A.M., at the PSB Hearing Room, located on the 3<sup>rd</sup> Floor of the People's United Bank Building, at 112 State Street in Montpelier, Vermont.

As noted in the Second Procedural Order on Remand, entered on May 15, 2013, the purpose of the status conference is to address two potential issues: (1) the extent to which the parties are able to enter into factual stipulations in a manner that reduces or eliminates the need for a technical hearing; and (2) the extent to which it will be necessary for any party to present live surrebuttal testimony at the technical hearing. Although the participants at the previous status conference, conducted on April 30, 2013, were not optimistic about the possibility of factual stipulations, as I have previously noted there is no reason to assume that many material facts will ultimately be in dispute given the narrow question presently at issue in this docket. Therefore, as noted in the Second Procedural Order on Remand, the parties should come to the status conference on October 2 prepared to identify the material facts that are truly disputed.

**SO ORDERED.**

Dated at Montpelier, Vermont, this 6<sup>th</sup> day of September, 2013.

s/Donald M. Kreis

Donald M. Kreis, Esq.  
Hearing Officer

OFFICE OF THE CLERK

FILED: September 6, 2013

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 in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*