

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 8881

Joint Petition of Consolidated Communications Holding,)
Inc., Consolidated Communications, Inc., Falcon Merger)
Sub, Inc., FairPoint Communications, Inc., Telephone)
Operating Company of Vermont LLC, d/b/a FairPoint)
Communications, FairPoint Vermont, Inc., d/b/a)
FairPoint Communications, UI Long Distance, Inc., and)
Enhanced Communications of Northern New England,)
Inc., for approval of a transfer of control by merger,)
pursuant to 30 V.S.A §§ 107, 108, 109, 231(a), and 311)
)

Order entered: 1/30/2017

PREHEARING CONFERENCE MEMORANDUM AND SCHEDULING ORDER

On December 29, 2016, the Vermont Public Service Board ("Board") received a joint petition from Consolidated Communications Holding, Inc., Consolidated Communications, Inc., and Falcon Merger Sub, Inc. ("Consolidated") and FairPoint Communications, Inc., Telephone Operating Company of Vermont LLC, d/b/a FairPoint Communications, FairPoint Vermont, Inc., d/b/a FairPoint Communications, UI Long Distance, Inc., and Enhanced Communications of Northern New England, Inc. ("FairPoint") (collectively, "Joint Petitioners") for approval of a transfer of control by merger, pursuant to 30 V.S.A §§ 107, 108, 109, 231(a), and 311.

The Board convened a prehearing conference in this proceeding on January 19, 2017. Appearances were entered by: Paul Phillips, Esq., and Jocelyn Wilschek, Esq., of Primmer Piper Eggleston & Cramer PC, for FairPoint; Debra Bouffard, Esq., of Sheehey Furlong & Behm, for Consolidated; and Daniel C. Burke, Esq., for the Vermont Department of Public Service ("Department"); James A. Dumont, Esq., of Law Office of James A. Dumont, Esq., P.C., for Communications Workers of America ("CWA") Local 1400 and International Brotherhood of Electrical Workers ("IBEW") Locals 2320, 2326, and 2327 (jointly "Labor Intervenors"); Nancy Malmquist, Esq., of Downs Rachlin Martin PLLC, on behalf of Charter Communications; Gerald Tarrant, Esq., of Tarrant, Gillies & Richardson Attorneys at Law, on behalf of Comcast; and Charles Larkin, *pro se*.

In today's Order, we establish a procedural schedule for this docket and request comments on one pending motion to intervene and two pending motions for admission *pro hac vice*. We also provide information regarding the process for filing materials with the Board in this case.

Motions

On January 20, 2017, Attorney Dumont filed separate motions for admission *pro hac vice* on behalf of Scott Rubin, Esq., and William Black, Esq., and a motion to intervene on behalf of the Labor Intervenors. Parties to this docket are requested to file comments on the pending motions by February 8, 2017.

Notices of Appearance

While several entities made appearances at the prehearing conference in this matter, not all have filed corresponding motions to intervene. All individuals and entities that are not statutory parties must file a properly supported motion to intervene for the Board's consideration in making its determination whether to grant an individual or entity party status.

Preliminary Schedule

The Joint Petitioners presented an initial proposed procedural schedule at the prehearing conference. No consensus on a schedule was reached at the prehearing conference. As a result, participants agreed to collaborate to develop either a consensus schedule, if possible, or individual proposals to be filed by January 23, 2017, with comments on the proposal(s) to be filed by January 25, 2017. The Department filed a proposed schedule on January 23, 2017; the Labor Intervenors filed their support of the Department's proposal on January 24, 2017; and the Joint Petitioners filed a proposed schedule with supporting memorandum on January 25, 2017. Comments on the proposed schedules were filed by the Department and by the Joint Petitioners on January 25, 2017. No other comments were received.

Based on discussions at the prehearing conference, the filings received to date, and the Board's availability, the Board hereby adopts the following procedural schedule for this docket:

Event	Date
Comments on pending motions to be filed	February 3, 2017
Public Hearing - Montpelier	February 15, 2017 (6:30 p.m.)
Public Hearing - St. Johnsbury	February 21, 2017 (6:30 p.m.)
Public Hearing - Bennington	March 2, 2017 (6:30 p.m.)
Deadline for Motions to Intervene*	March 6, 2017
Deadline for Responses to Motions to Intervene	March 8, 2017
Rolling Discovery on Joint Petitioners by Department and Intervenors*	Requests to be served by March 8, 2017
Petitioners' Responses to Rolling Discovery Requests	Final Responses to be served by March 15, 2017
Non-Petitioner Direct Testimony	March 29, 2017
Discovery Served on Non-Petitioners	April 5, 2017
Non-Petitioner Responses to Discovery	April 19, 2017
Petitioners' Rebuttal Testimony	April 24, 2017
Discovery by Department and Intervenors on Petitioners' Rebuttal Testimony	April 28, 2017
Petitioners' Responses to Discovery	May 5, 2017
Non-Petitioner Rebuttal Testimony	Presented live at Technical Hearings
Technical Hearings	May 8, 9, and 10, 2017
Briefs	May 26, 2017
Reply Briefs	June 2, 2017

*** Potential parties with pending motions to intervene should file discovery requests in accordance with this schedule.**

This case will be processed through the Board's online document management system, known as ePSB. Accordingly, parties may opt to: (1) submit and receive filings electronically

through the ePSB system,¹ or (2) submit and receive filings in hard copy only. If parties choose to submit electronic filings through ePSB, one hard copy of each filing must also be submitted to the Board. If parties in this proceeding choose to file in hard copy only, they are required to submit to the Board an original and six copies of all filings and to serve other parties in accordance with Board Rule 2.200. In addition, those parties opting to file in hard copy are requested to also submit all filings by e-mail to the Clerk of the Board at psb.clerk@vermont.gov. Documents submitted in .pdf format should be in an “unlocked” format, i.e., searchable and extractable.

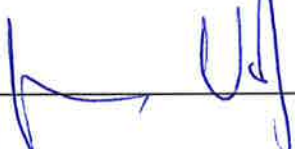
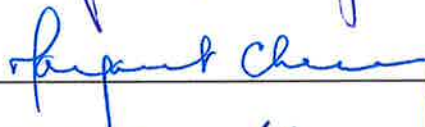
Discovery responses shall be filed with the Board through ePSB; in addition, one hard copy of all discovery responses shall be filed with the Board. If necessary, parties may request permission to file voluminous discovery responses on a CD or thumb drive.

Further information on standards and procedures for using the ePSB system can be found at: <http://psb.vermont.gov/find-case/epsb-help> and <http://psb.vermont.gov/document/epsb-procedures>.

1. See Section IV of the Board’s *Standards and Procedures Applicable to Electronic Filing Using ePSB* for more information on how to file confidential documents and asserted confidential documents.

SO ORDERED.

Dated at Montpelier, Vermont, this 30th day of January, 2017.

	)	
	)	PUBLIC SERVICE
	)	BOARD
	)	OF VERMONT

OFFICE OF THE CLERK

FILED: January 30, 2017
ATTEST: Holly R. Anderson
Deputy 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@vermont.gov)

PSB Case No. 8881 - SERVICE LIST

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*Notice of appearance to be filed.

**Motion to appear *pro hac vice* pending.

^Motion to Intervene pending.