

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 5566

Generic Investigation Into)
the Regulation of Public)
Telephone and Operator)
Services Providers in Vermont)

Order entered: 3/24/92

PREHEARING CONFERENCE
PROCEDURAL ORDER

On March 18, 1992, a prehearing conference was held in this proceeding. The following persons appeared: George Young, Esq., for the Department of Public Service (DPS or the Department); Mr. Larry Olmsted and Mr. Robert Pedrero, for Apollo Communications Inc. (Apollo); Peter Zamore, Esq., for First Phone of New England, Inc.; Deborah Martone, for Contel of Vermont, Inc. d/b/a GTE - Vermont (GTE); and Mr. Brian Welsh and Bartlett Thomas, Esq., for New England Telephone and Telegraph Company (NET).

As the Order Opening Investigation makes clear, and as was discussed at the prehearing conference, this docket consists of two discrete components: one concerning regulation of operator services providers (OSPs), and the other concerning regulation of public telephones. While many of the issues to be addressed in the docket arise in both the OSP and public telephone contexts, the issues will be addressed separately, with respect to each of the two industries. Thus, it is possible that one component of the docket (public telephone) will be heard before the other, depending on how quickly the parties are ready to go to hearing. A target date of early July has been set for hearing this case, but if the public telephone portion can be heard earlier, it will be.

The participants at the prehearing agreed that it would be helpful to proceed in this docket informally, by holding an educational workshop to familiarize all participants with technical aspects of the OSP and public telephone industries. The workshop will be held on April 13, 1992 at the Public Service Board Conference Room, 3rd Floor, City Center Building, 89 Main Street, Montpelier, Vermont. The public telephone component of the workshop will commence at 10:30 A.M., and the OSP component will commence at 1:30 P.M.

As discussed at the prehearing, an agenda for the workshop should be filed with the Board by April 8. No proposed notice for publication need be filed; the Board will prepare the notice.

It is important to note that no motions to intervene have been filed in this docket and, therefore, the only formal party to this docket at this time is the DPS. Any person wishing to fully participate in this docket must file a written motion to intervene by April 17, 1992. This date will enable persons who were not present at the prehearing to intervene, if they so choose. The deadline for objections to motions to intervene is April 23, 1992.

As was discussed at the prehearing, the workshop should help to clarify the issues in this proceeding. Consequently, detailed position statements will not be required, nor will a schedule be set, until after the workshop is held. Following the workshop and the deadline for objections to motions to intervene, a procedural order regarding scheduling and intervention will be issued. For now, however, persons who expect to become parties should bear in mind that position statements will be required of parties on May 1, 1992, and that a technical hearing will likely be held in early July. (But, as discussed above, the OSP component of the docket will, if possible, be heard earlier.) Parties should also bear in mind that, if possible, they should stipulate to undisputed factual matters, for example, to the technical aspects of the industries.

The issues thus far identified in this docket are listed below:

- (1) consumer protection issues, including those pertaining to notice and choice;
- (2) standards for issuing certificates of public good (CPGs);
- (3) rates, terms and conditions of service, including the following questions raised by Apollo initially in Docket No. 5567, Investigation into petition of Apollo Communications, Inc. for an amendment to its certificate of public good to permit it to charge rates higher than those charged by the local exchange carriers in its service territories:
 - (a) should COCOTs be allowed to charge up to ten percent (10%) more than the tariffed rate for intra-state calling offered by the local phone company where the COCOT is located, for coin paid calls?
 - (b) should COCOTs be allowed to charge up to twenty-five percent (25%) more than the tariffed rate for intra-

state calling offered by the local phone company where the COCOT is located, for charge card and collect calls?

- (c) should COCOTs be allowed to charge for directory assistance calls in locations where the COCOT owner is charged for these calls by the local exchange company, at a rate identical to that charged to the COCOT owner?
- (4) adequacy of service;
- (5) standards applied by other state and federal regulatory authorities;
- (6) preemption;
- (7) enforcement mechanisms, including ensuring that all public phone and OSP providers: (a) are certificated by the Board; and (b) comply with the policies that result from this investigation, after its conclusion; and
- (8) technical/technological aspects of the industries, e.g., how the call is transferred from point of origin to destination.

These issues may be elaborated upon after the workshop.

DATED at Montpelier, Vermont, this 24th day of March, 1992.

s/Sharon Appel
Sharon Appel, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: March 24, 1992

ATTEST: s/Susan M. Hudson
Clerk of the Board