

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: 11/5/92

ORDER RE: MOTION TO INTERVENE

On March 24, 1992, an Order was issued in this docket setting a deadline for motions to intervene of April 17, 1992. Since that time, four additional procedural orders have been issued (entered 4/29/92, 6/12/92, 7/31/92 and 10/21/92), including a scoping order and scheduling order. On October 21, 1992, a notice of hearing for November 10, 1992 was issued, and on October 30, 1992, a notice rescheduling the hearing to November 13, 1992, was issued.

On October 30, 1992, the Waitsfield-Fayston Telephone Company, Inc. (Waitsfield) filed a motion to intervene. In its motion, Waitsfield comments that interstate operator service providers have generated customer dissatisfaction and confusion and that "[i]t is important for Vermont services to be as "customer friendly" as possible so that visitors to our state will not experience the difficulties that have occurred in other jurisdictions."

As the procedural history to this docket establishes, this motion was filed not only several months past the deadline for filing motions to intervene, but just two weeks before the hearing. Nonetheless, and without allowing the parties the usual 10-day period to respond to a motion (this date would fall after the hearing), I will grant the motion under Board Rule 2.209(B) (permissive intervention). The reason for granting the motion is that Waitsfield, as a local exchange company, will be affected by the outcome of this proceeding, and its participation in this generic proceeding may help to illuminate the issues and assist the Board in making its decision.

To ensure that its participation will not delay the proceedings or prejudice any party, Waitsfield's intervention will be limited to cross-examining witnesses and filing briefs. If, however, Waitsfield wishes to

present testimony at the hearing, it will be allowed to do so only if it satisfies the following three conditions: (1) it contacts all parties to this docket and all parties consent to it presenting testimony, in which case it must prefile testimony by November 9, 1992; (2) it informs all parties, by November 9, 1992, that they may file rebuttal testimony by November 12, 1992; and (3) it informs the Board in writing, by November 9, 1992, that it has complied with steps (1) and (2) above.

DATED at Montpelier, Vermont, this 5th day of November, 1992.

s/Sharon Appel  
Sharon Appel, Esq.  
Hearing Officer

OFFICE OF THE CLERK

FILED: November 5, 1992

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