

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: 11/13/92

ORDER RE: MOTIONS TO INTERVENE AND
NOTICE OF RESCHEDULED HEARING

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, five additional procedural orders have been issued (entered 4/29/92, 6/12/92, 7/31/92, 10/21/92 and 11/5/92), 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. By Order dated November 5, 1992, this motion was granted. This Order limited Waitsfield's intervention to cross-examining witnesses and filing briefs, unless three conditions were met, including a requirement that Waitsfield contact all parties to the docket and all consent to it presenting testimony. On November 10, 1992, Waitsfield filed a letter with the Board stating that it did not intend to prefile testimony.

On November 10, 1992, Sprint Communications Company L.P. (Sprint) filed a motion to intervene in this docket pursuant to Board Rule 2.209. In its motion, Sprint stated that it is a provider of operator services, that its interests are not adequately represented by other parties to this proceeding and that intervention will not unduly delay the proceeding or prejudice the interests of existing parties or the public.

On the same date, MCI Telecommunications Company (MCI) contacted the Board and requested that it be permitted to intervene as well, for similar reasons as those articulated by Sprint. MCI also stated that it would like the opportunity to prefile testimony. On November 12, 1992, MCI filed a

formal motion to intervene.

As the procedural history to this docket and the Order of November 5, 1992, make clear, Sprint's and MCI's motions to intervene were not only filed long past the deadline for filing motions to intervene had expired, but they were filed on the eve of the hearing. This is so despite the fact that both companies are on the service list for this docket and were sent copies of the Order Opening Investigation (entered 3/4/92) and the Prehearing Conference Procedural Order (entered 3/24/92) at the time they were issued. Granting intervention at this late date, unless such intervention is limited to cross-examining witnesses and presenting briefs, will surely inconvenience other parties and delay these proceedings.

I have nonetheless decided to grant Sprint's and MCI's motions to intervene, and to give them an opportunity to prefile testimony, for the simple reason that most of the other parties to this generic docket have provided so little information in the form of testimony or otherwise, that I think it would be helpful for the Board to have the additional input that these parties are likely to provide.

Accordingly, the hearing that was set for November 13, 1992, is hereby rescheduled to Friday, December 4, 1992. The hearing will commence at 9:30 A.M., and will be held at the Public Service Board Hearing Room, Third Floor, City Center Building, 89 Main Street, Montpelier, Vermont. The deadline for Sprint, MCI and Waitsfield¹ to prefile testimony will be November 20, 1992. Rebuttal testimony will be due on December 1, 1992, by noon.

DATED at Montpelier, Vermont, this 13th day of November, 1992.

1. Since the hearing has been rescheduled, the conditions outlined in the Order of 11/5/92 as prerequisite to Waitsfield prefiling testimony have now been rendered moot. There is now time for Waitsfield to prefile testimony, and it may do so if it so chooses.

s/Sharon Appel
Sharon Appel, Esq.
Hearing Officer

OFFICE OF THE CLERK

FILED: November 13, 1992

ATTEST: s/Cynthia G. Buska
Assistant Clerk of the Board