**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Verizon Pennsylvania LLC and :

Verizon North LLC for Competitive Classification : P-2014-2446303

Of All Retail Services In Certain Geographic Areas, : P-2014-2446304

And For A Waiver Of Regulations For Competitive :

Services :

**SCHEDULING ORDER**

On October 6, 2014, Verizon Pennsylvania LLC and Verizon North LLC (collectively referred to as Verizon or “the Companies”) filed with the Pennsylvania Public Utility Commission separate Petitions pursuant to Section 3016(a) of the Public Utility Code seeking to declare as competitive all protected or noncompetitive retail services offered by Verizon within their Philadelphia, Erie, Scranton-Wilkes Barre, Harrisburg, Pittsburgh, Allentown and York service regions. The Petitions also requested waivers of Commission regulations for competitive services. Pursuant to Section 5.14 of the Commission’s regulations, notice of the filings was published in the Pennsylvania Bulletin on October 11, 2014 establishing a ten (10) day period for submitting formal Protests. On October 6, 2014, the Commission assigned the filings to the Office of Administrative Law Judge for an expedited process resulting in a certification of the record to the full Commission after the submission of main and reply briefs. Also on October 6, 2014, Verizon filed a Petition for Protective Order.

On October 9, 2014, the Commission issued a Prehearing Conference Notice establishing an Initial Prehearing Conference for this case for Thursday, October 23, 2014 at 1:00 p.m. in Hearing Room 1 of the Commonwealth Keystone Building in Harrisburg and assigning me as the Presiding Officer. A Prehearing Conference Order dated October 9, 2014 was issued setting forth various procedural issues that would govern the Initial Prehearing Conference.

On October 17, 2014, the Office of Consumer Advocate (OCA) filed a Protest and Public Statement. On October 20, 2014, AT&T Corp. and Teleport Communications America, LLC (collectively “AT&T”) filed a Petition to Intervene. On October 20, 2014, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) filed an Answer and Petition to Intervene. On October 20, 2014, the Communications Workers of America and International Brotherhood of Electrical Workers (CWA) filed a Protest and Answer. On October 20, 2014, Full Service Network (FSN) filed a Petition to Intervene. On October 21, 2014, the Pennsylvania Telephone Association (PTA) filed a Petition to Intervene. On October 21, 2014 the Office of Small Business Advocate (OSBA) filed a Notice of Intervention, Verification, Public Statement and Notice of Appearance. On October 21, 2014, a letter was submitted by Richard Simpson of Plymouth Meeting, PA. On October 21, 2014, a letter was submitted by the Pennsylvania Burglar and Fire Alarm Association (PBFAA). On October 23, 2014, Verizon filed an Answer to AT&T’s Petition to Intervene.

In response to the Prehearing Conference Order, Prehearing Memoranda were received from Verizon, the OCA, the OSBA, FSN, CWA, CAUSE-PA, PTA and AT&T.

The Initial Prehearing Conference convened on Thursday, October 23, 2014, as scheduled. The following counsel entered their appearance: Susan Paiva, Esquire, on behalf of Verizon; Scott Rubin, Esquire, on behalf of CWA; Michelle Painter, Esquire, on behalf of AT&T; Barrett Sheridan, Esquire, Aron Beatty, Esquire and Hobart Webster, Esquire, on behalf of OCA; Deanne O’Dell, Esquire, on behalf of FSN; Charles Thomas, III, Esquire, on behalf of PTA; Steve Gray, Esquire, on behalf of OSBA; and Elizabeth Marx, Esquire, on behalf of CAUSE-PA. The parties present at the Initial Prehearing Conference comprise the service list that will be used for the remainder of this case.

During the Initial Prehearing Conference, various procedural matters were discussed. In particular, the two Petitions were formally consolidated and all of the Petitions to Intervene were granted. Most notably, the following procedural schedule was adopted:

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| Intervenor Direct Testimony | November 14, 2014 |
| Settlement Conference | Week of November 17th |
| All Parties Rebuttal | December 5, 2014 |
| All Parties Surrebuttal | December 12, 2014 |
| Verizon Rejoinder Outline | December 16, 2014 (by noon) |
| Hearings | December 17-19, 2014 |
| Main Briefs | January 8, 2015 |
| Reply Briefs | January 16, 2015 |

The Hearings will be held in Harrisburg in an available hearing room in the Commonwealth Keystone Building and will begin at 10:00 a.m. Verizon will be allowed to begin the Hearing by presenting oral rejoinder consistent with the outline submitted on December 16, 2014.

The parties also agreed to several modifications to the Commission’s regulations regarding discovery. In particular, the following modifications were agreed to:

1. Answers to written interrogatories be served in-hand within ten (10) calendar days of service of the interrogatories.
2. Objections to interrogatories be communicated orally within five (5) days of services; unresolved objections be served to the ALJ in writing within five (5) days of service of interrogatories.
3. Motions to dismiss objections and/or direct the answering of interrogatories be file within three (3) days of service of written objections.
4. Answers to motions to dismiss objections and/or direct the answering of interrogatories be filed within three (3) days of service of such motions.
5. Responses to requests for document production, entry for inspection, or other purposes be served in-hand within ten (10) calendar days.
6. Requests for admission be deemed admitted unless answered within ten (10) days or objected to within five (5) days of service.

All of the above time limits are calendar days, not business days.

A discussion was held regarding the need for any public input hearings in this case. No party requested public inputs be held and, therefore, none were ordered. The parties were reminded, however, to indicate any need for a public input hearing as soon as possible in light of the time needed to establish and publicize a public input hearing and the expedited nature of this proceeding.

There were no objections to the proposed Protective Order submitted by Verizon. That Protective Order will be granted via a separate Order.

Finally, the parties were reminded that Commission policy promotes settlements. 52 Pa.Code § 5.231(a). The parties are encouraged to commence settlement discussions as early as possible. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled. Any settlement, however, must be supported by substantial record evidence. 2 Pa.C.S. § 704.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas, and for a Waiver of Regulations for Competitive Services, at Docket Numbers P-2014-2446303 and P-2014-2446304 are hereby consolidated.
2. That the following schedule is adopted for this proceeding:

|  |  |
| --- | --- |
| Intervenor Direct Testimony | November 14, 2014 |
| Settlement Conference | Week of November 17th |
| All Parties Rebuttal | December 5, 2014 |
| All Parties Surrebuttal | December 12, 2014 |
| Verizon Rejoinder Outline | December 16, 2014 (by noon) |
| Hearings | December 17-19, 2014 |
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1. That the parties shall receive all documents and shall copy all other parties on documents they file with the Commission or serve on me. The parties are expected to conduct discovery, attend hearings, or present or cross-examine witnesses, as appropriate. The parties shall serve the documents listed above so that the documents are received in-hand by the parties and presiding officer no later than 4:30 p.m. on the dates listed, unless otherwise indicated. Parties may serve the documents listed above via e-mail to meet this requirement, with hard copy to follow by regular first class mail, so long as the electronic version is Microsoft Word compatible and no larger than 5 MB per email. Parties shall not file testimony with the Commission, but shall file a certificate of service.
2. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers. Parties serving pre-served testimony pursuant to 52 Pa.Code § 5.412(f) are required, within thirty (30) days after the final hearing, to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent with the Commission’s Implementation Order, dated January 10, 2013, at Docket No. M-2012-2331973.
3. That all parties shall comply with the provisions of 52 Pa.Code §5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party’s case-in-chief or which substantially varies from the party’s case-in-chief, unless the party is introducing evidence in support of a proposed settlement.
4. That the parties shall conduct discovery pursuant to 52 Pa.Code §§5.321-5.373, as modified consistent with the discussion above. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.
5. That the evidentiary hearing will be held in Harrisburg and will commence at 10:00 a.m. on December 17, 2014, unless changed by the presiding officer.
6. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.
7. That the evidentiary hearings in this matter constitute a formal legal proceeding and will be conducted in accordance with the Commission’s Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.
8. That any provision of this Order may be modified upon motion and good cause shown by any party in interest in accordance with 52 Pa.Code § 5.223(a).

Date: October 24, 2014

Joel H. Cheskis

Administrative Law Judge

**P-2014-2446303 & P-2014-2446304**

**Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas, and for a Waiver of Regulations for Competitive Services**

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