

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ORIGINAL

----- X  
: Docket No.  
Verizon North, Inc. : R-00061914  
2007 Price Change Opportunity Filing : P-00001854  
: F1000  
----- X  
: Docket No.  
Office of Small Business Advocate v. : R-00061914C0001  
Verizon North, Inc.  
----- X  
: Docket No.  
Verizon Pennsylvania, Inc. : R-00061915  
2007 Price Change Opportunity Filing : P-00930715  
: F1000  
----- X  
: Docket No.  
Office of Small Business Advocate v. : R-00061915C0001  
Verizon Pennsylvania, Inc.  
Further Telephonic Pre-Hearing :  
Conference :

----- X  
Pages 55 through 79 Conference Room A  
Commonwealth Keystone Building  
Harrisburg, Pennsylvania

Tuesday, May 1, 2007

Met, pursuant to adjournment, at 2:00

BEFORE:

KANDACE F. MELILLO, Administrative Law Judge

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WITNESS INDEX

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FORM 1



P R O C E E D I N G S

1  
2 ADMINISTRATIVE LAW JUDGE KANDACE F. MELILLO: We're  
3 on the record.

4 This is the time and place set aside for a further  
5 pre-hearing conference in the matter of Verizon  
6 Pennsylvania, Inc. and Verizon North. It involves their  
7 2007 price change opportunity or PCO filings. Also, this  
8 case involves the Office of Small Business Advocate versus  
9 Verizon Pennsylvania and Verizon North.

10 I have six different docket numbers here and these  
11 matters are all consolidated. There's a Docket No.  
12 R-00061914, P-00001854F1000 and R-00061914C0001. They all  
13 have to do with the Verizon North filing. And then with  
14 respect to Verizon Pennsylvania, we have Docket Nos.  
15 R-00061915, P-00930715F1000 and R-00061915C0001.

16 These dockets are all consolidated for purposes of  
17 hearing and decision by order dated March 5, 2007. I am  
18 Administrative Law Judge Kandace F. Melillo, assigned by the  
19 Commission to preside in these matters.

20 I note the appearances this afternoon of Suzan Paiva,  
21 Esquire on behalf of Verizon Pennsylvania, Inc. and Verizon  
22 North, Inc.; Steven Gray, Esquire on behalf of the Office of  
23 Small Business Advocate; Robert Eckenrod, Esquire on behalf  
24 of the Office of Trial Staff and Joel Cheskis, Esquire on  
25 behalf of the Office of Consumer Advocate. Good afternoon,

1 everyone.

2 MR. GRAY: Good afternoon, Your Honor.

3 JUDGE MELILLO: This pre-hearing conference was  
4 scheduled today as the result of the Commission's entry of  
5 its final opinion and order with respect to the Verizon  
6 Pennsylvania and Verizon North petition for reconsideration  
7 on October 25, 2007 with respect to the 2006 PCO proceeding.

8 I indicated in a prior order in this case that I  
9 would schedule another pre-hearing conference after entry of  
10 that order. It is my understanding that the Commission has  
11 provided five months for us to litigate the 2007 PCO  
12 proceedings and for me to issue a recommended decision.

13 We need to set a new procedural schedule today. The  
14 old procedural schedule was basically rescinded due to the  
15 Commission's acceptance of reconsideration and now their  
16 final order on reconsideration in the 2006 PCO proceedings.

17 Does anyone want to present a schedule?

18 MR. GRAY: Yes, Your Honor. This is Steve Gray. We  
19 have been talking by e-mail about the schedule and I wanted  
20 to work backwards with the parties so we are able to find  
21 some middle ground between everybody's conflicting previous  
22 engagements.

23 Your Honor, you said you wanted the reply briefs in  
24 hand by August 17th.

25 JUDGE MELILLO: That's correct.

1 MR. GRAY: And I think Ms. Paiva said that that  
2 date's a problem for her, so we could start by making the  
3 reply briefs due August 16th.

4 JUDGE MELILLO: All right. That's a Thursday.

5 MR. GRAY: That's a Thursday. Then backing up to  
6 August 7th, Tuesday, August 7th for the main briefs -- and  
7 I'll explain that date in the context of the parties'  
8 suggestion to basically schedule one day for hearings.

9 And so, since Your Honor said you weren't available  
10 July 26th in the afternoon --

11 JUDGE MELILLO: That's correct.

12 MR. GRAY: -- I thought we'd go with Wednesday, July  
13 25th. That also steers clear of Ms. Paiva's conflict in the  
14 previous week.

15 JUDGE MELILLO: All right. But I had sent out an e-  
16 mail to the parties that I really wanted the main briefs by  
17 August 3rd. In the previous schedules, we had provided at  
18 least 14 days for reply briefs. In fact, one schedule  
19 provided I think 19 days for reply briefs.

20 MS. PAIVA: That's why I re-did -- this is Ms. Paiva  
21 -- that's why I re-did the schedule in the last thing that I  
22 sent because it didn't seem like we could do the 25th for a  
23 hearing and get the main briefs in by August 3rd. That just  
24 didn't seem to leave enough time.

25 MR. GRAY: Your Honor, August 3rd makes a difference

1 to you between August 3rd and August 7th?

2 JUDGE MELILLO: Well, it's four days. It's over a  
3 weekend. There's a weekend intervening. The difficulty I  
4 have is we have internal deadlines and having the main brief  
5 earlier is a benefit to me because I can then start with my  
6 analysis of the legal issues and then of course I would  
7 follow up then with the reply briefs for the response to  
8 those legal arguments. It allows me to get started. Until  
9 I have the main brief, I really don't know what the parties'  
10 legal positions are going to be for sure.

11 MR. GRAY: If we had to have them on August 3rd, then  
12 we could move the hearings back to Tuesday, July 24th. That  
13 gives us a week and a half for main briefs. We're not going  
14 to get more time for reply briefs, but if that's what we  
15 have to do, that's what we have to do.

16 MS. PAIVA: What are you trying to get --

17 MR. GRAY: I'm trying to create as much space up  
18 front for the non-company direct.

19 MS. PAIVA: And is the non-company direct really  
20 going to be a rebuttal of Verizon's direct? I'm just  
21 wondering why you need so much time in between the two.

22 MR. GRAY: Probably. It's probably going to be  
23 effectively some rebuttal, sort of like in a base rate case,  
24 where the company puts their direct on first and then all  
25 the non-company parties put on essentially direct.

1 JUDGE MELILLO: Is there a reason why the Verizon  
2 Pennsylvania/Verizon North proposed schedule -- the last one  
3 I received had Verizon/Verizon North direct due May 24th and  
4 then other parties' direct due June 11th, and then rebuttal  
5 due June 25th, surrebuttal July 9th, hearing July 12th or  
6 13th and that allowed the parties more time for the reply  
7 briefs and two weeks for the reply briefs. Was there a  
8 reason that didn't work for the parties?

9 MR. GRAY: That's only 18 days for direct testimony,  
10 Your Honor. That is not much time at all. I'd happily burn  
11 up the time on the back end with the briefing schedule to  
12 get more time up front.

13 MS. PAIVA: I'm assuming you guys already have some  
14 idea of what you're going to say in your direct testimony  
15 because we know what the issues are. It's not going to be,  
16 I mean, we may put in some numbers and things in detail in  
17 our testimony, but --

18 MR. CHESKIS: Your Honor, this is Joel Cheskis of the  
19 OCA. We also had some concerns about doing direct testimony  
20 in 18 days.

21 JUDGE MELILLO: All right.

22 MR. GRAY: Since Verizon doesn't think that having a  
23 fresh new filing is helpful, the problem is there's a lot of  
24 details in these numbers like the three month overlap issue.  
25 And so there's going to be a lot -- we're going to have to

1 see in May as to what Verizon's thinking is about that, what  
2 the overlap revenue is, keeping all this straight.

3 And with such a short amount of time between their  
4 direct and the non-company direct, that's not going to go  
5 smoothly at all.

6 JUDGE MELILLO: So you're thinking about the need to  
7 do discovery?

8 MR. GRAY: Absolutely, Your Honor.

9 JUDGE MELILLO: All right.

10 MR. GRAY: We've done some of that now.

11 JUDGE MELILLO: I understand. Frankly, I have some  
12 concerns about this whole matter, too. I read the  
13 Commission's final order on reconsideration. I understand  
14 about them wanting the company to or agreeing to allow the  
15 companies to roll in the changes in the 2008 filings which I  
16 guess would be later this year in November and December.

17 MS. PAIVA: They're due November 1st. It goes into  
18 effect January 1st.

19 JUDGE MELILLO: But on the other hand, I believe in  
20 one of the e-mails I received from the parties that was  
21 circulated today, there was a statement that all matters are  
22 before me. But I believe that I am bound by the  
23 Commission's final order from the 2006 PCO proceedings. I  
24 obviously don't want to have a problem with delineating  
25 where my responsibility would start and where it would end.

1           So I was going to say that I am going to need some  
2 kind of very clear delineated testimony from Verizon so that  
3 I can put this all together and not somehow impact what's  
4 going to happen later this year.

5           And also, whenever that later filing is made, it will  
6 provide an opportunity I believe for the parties to more  
7 clearly understand what the company is supposed to be  
8 filing, and I would take it that if there were a problem --  
9 I don't know how that's all going to work out, but there may  
10 be some parties who may disagree with that filing, that it  
11 in effect is a compliance filing. So I'm going to need  
12 something pretty clear myself.

13           MS. PAIVA: You mean clear in the sense of what is  
14 still before you that has to be decided versus what is  
15 already --

16           JUDGE MELILLO: Right.

17           MS. PAIVA: -- by the Commission's order?

18           JUDGE MELILLO: Right, because my understanding is  
19 Verizon and Verizon North made their filings based on their  
20 positions, and now those positions have been ruled upon or  
21 some of them at least have been ruled upon by the Commission  
22 and changed.

23           There is going to be some revenue attribution in  
24 there. There's a matter of timing. I agree with Mr. Gray,  
25 there's that three month issue. I think we're going to have

1 to very clearly provide some delineation on that.

2 MS. PAIVA: We could do that in our testimony. The  
3 three month issue is a new one before you for the 2007 case.  
4 The two that come out of the 2006 case are the attribution  
5 for moving that revenue and the line counts, changing the  
6 line counts that are assumed.

7 JUDGE MELILLO: Well, are you going to be changing  
8 the date on which you do the line counts that -- your  
9 position is that you want to back that up three months?

10 MS. PAIVA: That's a different issue, backing up  
11 three months, although I guess there could be a sub-issue  
12 that comes out of that that would maybe be raised by the  
13 other parties, but the issue of the line counts is, they  
14 told us to use line counts from June of the previous year,  
15 so for this case it would be June 30, 2006.

16 We had used projected line counts, so they said no,  
17 you can't do that, so we have to change that in our filing.  
18 The three months issue has to do with the period of time  
19 over which the revenue figures are collected, whether we  
20 move that back a quarter basically, so it's a different  
21 issue. But you're right, we could lay this out in our  
22 testimony I think in a way that will make it more helpful to  
23 you.

24 MR. GRAY: That's an interesting twist. If you move  
25 the historic period back three months, I'm sure everyone is

1 thinking that your line count date is the day before the  
2 beginning of the historic period. The assumption would be  
3 it would be March 31, 2006.

4 MS. PAIVA: You alluded to that in one of your e-mail  
5 messages. Of course, the order, the Commission's order  
6 doesn't say use the last day of the revenue period. It says  
7 June 30, 2006.

8 MR. GRAY: Well, of course --

9 MS. PAIVA: I guess I have to take that back  
10 internally and see what position we're going to take.

11 MR. GRAY: They're of course not thinking of any 2007  
12 PCO issues in the 2006 order, so I'm thinking it was pretty  
13 clear what the historic period was in the 2006 case and then  
14 they told you to use June 30, 2005, so I suspect that's kind  
15 of where their thinking is, is the day before that historic  
16 period begins. But if we went to litigate that, that will  
17 be a further complication.

18 MS. PAIVA: I know. I guess that's really a question  
19 for my clients, but I'm certainly going to take that back to  
20 them.

21 JUDGE MELILLO: All right. Well, I think we're clear  
22 that we're going to need some delineation, some very clear  
23 testimony from Verizon, so what date can Verizon have its  
24 direct testimony prepared and provided to the parties?

25 MS. PAIVA: I had proposed May 24th, and my witness

1 is on vacation the previous week, so I don't want to move it  
2 up any earlier than that because, as you said, you guys want  
3 it to be detailed and helpful to you, so I wanted to start  
4 with that as the first date in our schedule.

5 JUDGE MELILLO: All right. Then what would be the  
6 date for other parties' direct testimony to be filed?

7 MR. GRAY: Well, Your Honor, this is where I wanted  
8 to try and push this as late into June into possible, even  
9 if we compress the rebuttal and surrebuttal around, if we go  
10 that route, to give us the most amount of time to untangle  
11 this.

12 JUDGE MELILLO: All right. What would the parties  
13 then propose for other parties's direct?

14 MR. GRAY: I was going to suggest June 29th.

15 JUDGE MELILLO: So that would be a month and five  
16 days, I guess?

17 MR. GRAY: Right. That's a Friday.

18 MS. PAIVA: That's like a week more than a month.  
19 How about June 22nd? That still gives you a month, a month  
20 and a couple days.

21 MR. GRAY: And where is the hearing falling at this  
22 point?

23 MS. PAIVA: I don't know. I guess the first question  
24 is, do we need to have some rebuttal and surrebuttal, or is  
25 that just one additional round of testimony? And then it

1 looks like we could go for the hearing either on the 12th or  
2 13th or the 24th or 25th, depending on how much time we want  
3 to leave for briefing.

4 MR. GRAY: Right.

5 JUDGE MELILLO: All right. I believe we shortened  
6 the turn-around time for discovery for seven days in a prior  
7 procedural order. Is that going to be helpful?

8 MR. GRAY: That will be helpful.

9 JUDGE MELILLO: To have discovery in seven days.

10 MR. GRAY: Seven calendar days?

11 JUDGE MELILLO: I believe that's what it was from the  
12 prior procedural order. Let's see. Revised procedural  
13 order, this was suspended but it was really suspended  
14 primarily for the litigation schedule.

15 The revised procedural order dated March 9 provides  
16 seven days, seven calendar days.

17 MR. GRAY: Okay.

18 JUDGE MELILLO: Are the parties agreeable to that?

19 MS. PAIVA: I was assuming that that wasn't changed.

20 JUDGE MELILLO: All right. Very well. Then it will  
21 stay that way. All right. Well, do the parties prefer --  
22 if we have Verizon's direct definitely going to be provided  
23 on May 24. That's an in-hand date, can be satisfied through  
24 e-mail if followed by hard copy next day or first class, as  
25 long as we get the e-mail.

1 MR. GRAY: Your Honor, why don't we make like Ms.  
2 Paiva suggested, we have the non-company direct due Friday,  
3 June 22nd.

4 JUDGE MELILLO: All right.

5 MR. GRAY: I'm going to see if I can't work in  
6 rebuttal and surrebuttal here. You could have all party  
7 rebuttal be three weeks later on July 13th, and all party  
8 surrebuttal on the 20th, and then a hearing Tuesday, July  
9 24th.

10 MS. PAIVA: My problem is, we have a hearing the 19th  
11 and 20th, so it's going to be hard for me to do testimony on  
12 the 20th.

13 JUDGE MELILLO: Do the parties want some time off the  
14 record to discuss this?

15 MR. ECKENROD: Your Honor, this is Rob Eckenrod. I'm  
16 pretty good with all the dates that Steve Gray mentioned.  
17 It seems like the only date that we have a little bit of  
18 problem with at the moment is Ms. Paiva's conflict for the  
19 19th and 20th. Is there any way -- I don't know how the  
20 parties feel about moving that a little bit closer to the  
21 hearing date. Usually with surrebuttal, you don't really  
22 have to have a big lag time between surrebuttal and the  
23 hearing.

24 MR. GRAY: If you could move the hearing to the 25th,  
25 Wednesday, the 25th, and have surrebuttal Monday, the 23rd.

1 JUDGE MELILLO: Is that acceptable?

2 MR. ECKENROD: That's acceptable to me, Your Honor.

3 JUDGE MELILLO: Is that Mr. Eckenrod? You're going  
4 to need to keep your voice closer to the phone.

5 MR. ECKENROD: Is this better, Your Honor?

6 JUDGE MELILLO: Yes, it is. Thank you.

7 MR. ECKENROD: Thank you.

8 MS. PAIVA: And then we'll do the hearing on the 25th  
9 and then have the main brief on August 3rd?

10 MR. GRAY: That's correct.

11 MS. PAIVA: I guess we could do that, so surrebuttal  
12 the 23rd, hearing the 25th. Okay.

13 JUDGE MELILLO: All right. Now, on the transcript  
14 turn-around time, I believe we have a three-day turnaround.  
15 Do the parties want to change that? Is Verizon willing to  
16 pay for one-day turnaround on the transcript? Because  
17 you're talking about having the hearing on the 25th of July.  
18 Three day turnaround would put transcripts not due until I  
19 guess around the 30th or 31st of July.

20 MS. PAIVA: Right. I guess so. Even if we did it on  
21 the 24th, we'd probably still have the same issue, so --

22 JUDGE MELILLO: All right. Mr. Gray, do you want to  
23 repeat the schedule that the parties have agreed to?

24 MR. GRAY: Okay. I'm going to start at the top. We  
25 have May 24th for Verizon direct. We have June 22nd for

1 non-company direct. We have July 13th is all party  
2 rebuttal. We have July 23rd, all party surrebuttal.  
3 Hearings in Harrisburg Wednesday, July 25th; main brief,  
4 August 3rd; reply brief, August 16th.

5 JUDGE MELILLO: All right. I guess that does seem a  
6 little counter-intuitive to me, now that I'm looking at  
7 this. I think we've allowed ourselves more time for reply  
8 brief than main brief, right?

9 MR. GRAY: That's correct.

10 JUDGE MELILLO: All right. That is counter-  
11 intuitive. All right. I'll agree to go to the seventh, but  
12 I want your briefs by three o'clock.

13 MR. GRAY: Okay, e-mail service okay?

14 JUDGE MELILLO: That's fine.

15 (Pause.)

16 JUDGE MELILLO: The court reporter reminded me, we  
17 want to make sure that with the extra days, do you still  
18 want one-day turnaround, Ms. Paiva?

19 MS. PAIVA: That gives us almost two weeks. If we do  
20 it on three day turnaround, do we get it on the 30th?

21 JUDGE MELILLO: Hold on just a minute.

22 (Pause.)

23 JUDGE MELILLO: The court reporter said that you  
24 would get it on Monday. That would be the 30th.

25 MS. PAIVA: That's probably good enough, then.

1 JUDGE MELILLO: All right. We'll do it that way,  
2 then. I've litigated plenty in my life and I know the main  
3 brief, you probably need more time for that, but I'm wearing  
4 a different hat now.

5 MR. GRAY: We appreciate your flexibility.

6 JUDGE MELILLO: All right. Well, let's see if  
7 there's anything else here. We have a schedule. Verizon  
8 has agreed to be as absolutely crystal clear as possible in  
9 its direct testimony. I don't want to have myself be  
10 deciding something that's implicated in the prior order.

11 If we have Verizon direct May 24th, do the parties  
12 want to agree upon setting up a settlement conference during  
13 the week of May 29th, next week? And then if we follow  
14 through in what we did in prior schedules, then the OSBA  
15 would give me a status report by --

16 MR. GRAY: By June 1st?

17 JUDGE MELILLO: That would be right, June 1st, or I  
18 guess actually June 8th. I guess it's the Friday of the  
19 week after the settlement conference.

20 MR. GRAY: I can give you, Your Honor, an update.  
21 How about if I say this? I promise to send you e-mail  
22 updates, cc all the parties by June 8th, Friday, June 8th,  
23 with an update on any settlement negotiations. That way it  
24 will give us a little time to talk, hash out a few things  
25 and I can give you a formal update on the eighth. Is that

1 acceptable?

2 JUDGE MELILLO: All right, yes, June 8th would be  
3 acceptable. That's what we did in the prior procedural  
4 order, is we provided for a status report.

5 MR. GRAY: Okay.

6 JUDGE MELILLO: All right. Office of Consumer  
7 Advocate, can we agree to the same time frames as previously  
8 for you to provide information on potential witnesses?

9 MR. CHESKIS: I think that should be fine. I guess  
10 that would give us until June 29th?

11 JUDGE MELILLO: Let's see.

12 MR. CHESKIS: I think you had previously given us a  
13 week after --

14 JUDGE MELILLO: Week after receipt of -- of course,  
15 that was a week after receipt of direct of, everybody was  
16 going to file simultaneously under the prior schedule.

17 MR. CHESKIS: Right. I missed that. I guess that  
18 would take us to May 31st.

19 JUDGE MELILLO: That's correct, if you then provide  
20 that information a week after everyone has filed their  
21 direct. All right. So that would be May 31st. I think I  
22 still had a provision in there also where I wanted Verizon  
23 to provide a witness schedule a few days prior to the  
24 hearing. I'll just look at my prior procedural orders on  
25 that. Is that acceptable to you, Ms. Paiva, that you would

1 provide a witness schedule, estimate on proposed cross-  
2 examination time?

3 MS. PAIVA: The only wrinkle in that is, we'll get  
4 some testimony on the 23rd.

5 JUDGE MELILLO: That's true.

6 MS. PAIVA: I guess I could probably give you a rough  
7 estimate and we could hope that no new witnesses appear for  
8 the first time on the 23rd, but cross times might be  
9 affected by that.

10 JUDGE MELILLO: How about you provide that to me by  
11 close of business on the 24th, best efforts. You'll have to  
12 know I guess by then.

13 MS. PAIVA: And if we can do it earlier than that, we  
14 will.

15 JUDGE MELILLO: All right, that's fine.

16 I think the provisions for service of documents can  
17 remain the same. The hearings will be in Harrisburg. Do  
18 the parties want to start at ten o'clock or do you want to  
19 start at nine o'clock?

20 MS. PAIVA: Ten o'clock seems okay to me.

21 MR. GRAY: That should be fine, Your Honor.

22 JUDGE MELILLO: All right.

23 I did have an additional issue. The Commission in  
24 its order on reconsideration allowed Verizon and Verizon  
25 North an additional period of time in which to file

1 conforming Chapter 30 plans.

2 In reading through that, I felt it would be helpful  
3 to have a clean copy of Verizon's Chapter 30 plan, even if  
4 it would be filed after the last day of hearing. It could  
5 be filed as late-filed exhibits. They're going to be due  
6 approximately July 25th, which is the day of the hearing.  
7 Can they be provided, Ms. Paiva?

8 MS. PAIVA: Provide you a copy of what we filed?

9 JUDGE MELILLO: Well, I think what I would want to do  
10 is I guess I could take official notice or have it be made  
11 an exhibit in this case if it's not available by July 25th  
12 and we can have it as a late-filed exhibit. I think it  
13 would be very helpful to have clean copies of the existing  
14 Chapter 30 plans, the currently effective Chapter 30 plans  
15 for Verizon North.

16 MS. PAIVA: I mean, I could give you now the ones  
17 that exist now that haven't been red-lined to show what's  
18 changed, or you could wait until the 25th and get what we  
19 file that day.

20 JUDGE MELILLO: I just want to make sure that that's  
21 part of the record in this case so the parties will have  
22 that and I will have that.

23 MS. PAIVA: Okay.

24 JUDGE MELILLO: But if you have something which you  
25 could give me before that, that would be appreciated.

1 MS. PAIVA: I'll e-mail you the current plans, the  
2 old ones from whenever they were approved, I guess the  
3 Verizon ones from the 1990's, the Verizon PA. The Verizon  
4 North is from a couple years ago. But they're official  
5 documents, Commission records.

6 JUDGE MELILLO: All right. Now, in the past  
7 proceeding, I believe the parties agreed to stipulate  
8 testimony and there was no cross-examination. Is that the  
9 case from the 2006 PCO proceedings?

10 MR. GRAY: That's correct, Your Honor.

11 JUDGE MELILLO: All right. If that occurs, I do want  
12 to mention that it's possible that when I look over the  
13 testimony and exhibits, I may have questions, so I just want  
14 to alert the parties to that. I will also have to have  
15 answers to my questions. I don't know how we want to do  
16 that. Also, there will have to be a mechanism for the  
17 testimony to be put into the record.

18 MR. GRAY: Understood.

19 JUDGE MELILLO: All right. Is there anything further  
20 for discussion today?

21 (No response.)

22 JUDGE MELILLO: I'll get out a revised-revised  
23 procedural order. Anything further?

24 MR. GRAY: No, Your Honor.

25 MS. PAIVA: No, nothing from us.

1 JUDGE MELILLO: All right. Office of Consumer  
2 Advocate or Office of Trial Staff?

3 MR. ECKENROD: Nothing here, Your Honor.

4 JUDGE MELILLO: All right. Very well. Thank you  
5 very much. We're adjourned.

6 (Whereupon, at 2:31 p.m., the proceedings were  
7 concluded.)

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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me and thereafter reduced to typewriting by me or under my direction, and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: John A. Kelly

John A. Kelly,  
Certified Verbatim Reporter

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