

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ORIGINAL

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Pennsylvania Public Utility Commission v. :  
Verizon Pennsylvania, Inc. : Docket No.  
 2007 Price Change Opportunity. : R-00061914  
 : P-00930715  
 Pre-Hearing Conference : F1000  
 :  
 :  
 ----- X

Pages 1 through 27 Hearing Room 5  
 Commonwealth Keystone Building  
 Harrisburg, Pennsylvania

Wednesday, January 31, 2007

Met, pursuant to notice, at 11:00 a.m.

BEFORE:

KANDACE F. MELILLO, Administrative Law Judge

APPEARANCES:

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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: This is  
3 the time and place set aside for a pre-hearing conference in  
4 the matter of Pennsylvania Public Utility Commission versus  
5 Verizon Pennsylvania, Inc. The docket number is R-00061915  
6 and also P-00930715F1000.

7 I am Administrative Law Judge Kandace F. Melillo,  
8 assigned by the Commission to preside in this matter. I  
9 note the appearances of Joel Cheskis, Esquire on behalf of  
10 the Office of Consumer Advocate; Suzan Paiva, Esquire on  
11 behalf of Verizon Pennsylvania, Inc.; Robert V. Eckenrod,  
12 Esquire on behalf of the Office of Trial Staff; and Steven  
13 C. Gray, Esquire on behalf of the Office of Small Business  
14 Advocate. Good morning, everyone.

15 MR. ECKENROD: Good morning, Your Honor.

16 MR. CHESKIS: Good morning.

17 MR. GRAY: Good morning, Your Honor.

18 MS. PAIVA: Good morning.

19 JUDGE MELILLO: I have received pre-hearing memoranda  
20 from the following in order of receipt: the Office of Small  
21 Business Advocate, the Office of Consumer Advocate, the  
22 Office of Trial Staff and Verizon Pennsylvania, Inc. I note  
23 that Verizon's pre-hearing memorandum was untimely and I  
24 trust that in the future that will not reoccur.

25 As a preliminary matter, Verizon Pennsylvania, Inc.,

1 do you intend to identify your filing as an exhibit at this  
2 point or do you wish to wait?

3 MS. PAIVA: You mean the PCO filing?

4 JUDGE MELILLO: Right.

5 MS. PAIVA: Would it make more sense to do that with  
6 the testimony?

7 JUDGE MELILLO: You can do that. Sometimes parties  
8 at pre-hearing conferences do identify their filing as an  
9 exhibit.

10 MS. PAIVA: If it would be helpful to you.

11 JUDGE MELILLO: It's really your choice because it  
12 won't become part of any record at this point. It simply  
13 would be identified as an exhibit.

14 MS. PAIVA: Well, if you would like to -- I actually  
15 only have one copy of it.

16 JUDGE MELILLO: If the parties don't have a  
17 preference, let's just wait on that. We can wait on that.  
18 It's just something that sometimes happens at pre-hearing  
19 conferences.

20 MS. PAIVA: That way we can put the Verizon North one  
21 together with it maybe by the time we get to that point.

22 JUDGE MELILLO: All right. Well, as I said, we're  
23 going to set the Verizon North filing aside because it's not  
24 really a part of this case at this point.

25 MS. PAIVA: Right.

1 JUDGE MELILLO: All right. I have a petition to  
2 intervene from the Office of Consumer Advocate. Are there  
3 any objections to granting that petition?

4 (No response.)

5 JUDGE MELILLO: No? All right, it's granted. The  
6 Office of Trial Staff has filed a pre-hearing memorandum but  
7 I didn't get a copy of the notice of appearance. Is that  
8 going to be filed, Mr. Eckenrod?

9 MR. ECKENROD: As far as I know, Your Honor, we had  
10 already filed one. If not, I'll make sure that there is one  
11 filed.

12 JUDGE MELILLO: Very well. I don't have it. It  
13 wasn't supplied to me, so I would like a copy of that.

14 MR. CHESKIS: If I can just clarify, Your Honor --

15 JUDGE MELILLO: Since the Office of Trial Staff --  
16 I'm sorry. Mr. Cheskis?

17 MR. CHESKIS: If I can interrupt, that's a notice of  
18 intervention, not a petition to intervene.

19 JUDGE MELILLO: Oh, all right, I'm sorry. Very well.

20 MR. CHESKIS: Statutory -- we intervene as a matter  
21 of right.

22 JUDGE MELILLO: All right. Very well. I apologize.  
23 Yes, you're right. All right. Could I have a copy of that  
24 notice of appearance?

25 (Document handed to the Court.)

1 JUDGE MELILLO: Thank you. All right. The next  
2 issue I have is a procedural schedule. While we were off  
3 the record, the parties discussed a procedural schedule. I  
4 note that Verizon in its pre-hearing memorandum has  
5 suggested that the parties not re-litigate issues that were  
6 previously litigated in the 2006 Verizon PCO case. What is  
7 the parties' position with respect to that? Are the parties  
8 agreeing to wait until that order is out to have those  
9 issues addressed, and what problems do we face in this case  
10 with doing so? Does someone want to address that?

11 MR. GRAY: Your Honor, I'll give it a shot.

12 JUDGE MELILLO: All right.

13 MR. GRAY: I think we have two different set of  
14 issues. The first set of issues are two issues that we  
15 agree we can litigate in this case regardless of what  
16 happens before the Commission in the Verizon Pennsylvania  
17 2006 PCO case. Those issues are the banking issue and the  
18 issue of what is the proper historic period for Verizon PA's  
19 PCO filing. Regardless of what happens, we can go forward  
20 on those two issues.

21 The second set of issues are all going to involve, to  
22 some degree or another, the issues that are currently in  
23 front of the Commission in the 2006 PCO case. And at this  
24 moment, we are not clear how we can proceed without a  
25 decision out of the Commission.

1 JUDGE MELILLO: Can you explain a little further why  
2 that Verizon 2006 PCO order is so crucial to the other  
3 issues in this case?

4 MR. GRAY: Let's take one issue as an example.  
5 Verizon in their 2006 case wanted to use a projection of  
6 line count to calculate the proper rate increases. From the  
7 OSBA's perspective, they were essentially conducting a  
8 future year, future test year analysis.

9 We disagreed with that methodology. We preferred a  
10 hard snapshot in time at the end of their historic period  
11 for revenue, for line count, etcetera. That is one of the  
12 issues up in front of the Commission right now.

13 Without further guidance from the Commission in an  
14 order, we're not sure how to proceed in this case because  
15 Verizon will probably tell you that they have done the same  
16 thing in their 2007 filing that they did in their 2006  
17 filing. Specifically, they're using a projection to come up  
18 with their rate increase per line.

19 So as one example issue, if that's not resolved, that  
20 affects how we litigate this case. And that's one of a half  
21 dozen or so issues that remain in the 2006 case which could  
22 affect the outcome of this proceeding.

23 JUDGE MELILLO: All right. And are the parties in  
24 agreement that it would not be feasible to do some type of  
25 alternative positions in this case and file alternative

1 testimony in the event that we don't have the Commission's  
2 final order in the Verizon PCO 2006 case?

3 MR. GRAY: That seems to be tremendously difficult  
4 tasking for our expert witnesses to say, using that example  
5 again, file direct testimony with two alternatives: one,  
6 Verizon is to use a hard snapshot of data versus, two,  
7 Verizon is using a test year analysis, and create two sets  
8 of parallel testimony on that single issue. That's asking a  
9 lot.

10 MS. PAIVA: I think that would be a waste of  
11 resources because we know that the Commission is going to  
12 decide this order. The only thing is, we don't know exactly  
13 when. So it would be much more efficient for the parties to  
14 be able to rely on that order rather than re-litigating the  
15 things that were already litigated.

16 JUDGE MELILLO: I understand that the issue of line  
17 count and snapshot approaches is very crucial to know in  
18 typical rate proceedings, and you're saying that it's going  
19 to be, again, a difficult situation because you don't know  
20 what appropriate time period to use for your testimony, and  
21 that impacts on almost every other issue except for I guess  
22 the two issues that you've stated?

23 MR. GRAY: Yes. And there are also a number of other  
24 discrete issues that were in the 2006 case which would  
25 affect this case as well. For example, there's an issue

1 that Commissioner Cawley brought up in one of his comments  
2 last year that the OSBA has pursued about whether or not a  
3 provision of Verizon's NMP that talked about limiting rate  
4 increases to residential and business customers with three  
5 or fewer lines, whether that language still survives today  
6 or whether it was stricken by the amendment to Verizon's NMP  
7 in early 2005.

8 And so naturally, the OSBA and Verizon disagree about  
9 that and that's in front of the Commission right now. And  
10 of course, if for example, say the Commission agrees with  
11 the OSBA, it's still in there. Well, we've got a different  
12 result in this case as well.

13 So there are other issues that are holding up the  
14 progress of the 2007 litigation, and once we have gotten  
15 something from the Commission, at least we can go forward.

16 MS. PAIVA: I would just add, in Verizon's pre-  
17 hearing memo on page seven and eight, we listed what we saw  
18 as the issues that were raised in the OSBA complaint as 2-A  
19 through H, and only 2-H is the new issue that could be  
20 litigated in this case that was not in the old case, which  
21 is what annual period to use. All the other issues are tied  
22 up in that case in some form and, without that order, would  
23 be difficult to be litigate.

24 And then Issue No. 1 is the banking issue, which also  
25 is new here and could be litigated.

1 JUDGE MELILLO: Are the parties in agreement that the  
2 listing of issues in the Verizon pre-hearing memorandum are  
3 the issues and that the statement of Verizon about what  
4 issues can be litigated in this case is correct?

5 MR. CHESKIS: Your Honor, my only concern would be to  
6 limit it to this case, to just these issues. We usually  
7 prefer to see if there's any issues that may arise as the  
8 testimony is developed, but we certainly have no problem  
9 recognizing that these are issues in this case.

10 MS. PAIVA: And that description was fairly general  
11 because I recognize that sub-issues could develop out of the  
12 Commission's order, actually.

13 MR. GRAY: Your Honor, I would say that the Verizon  
14 issues on pages seven and eight of Ms. Paiva's pre-hearing  
15 memo are probably a pretty good summary of the 2006 case,  
16 and as I'm sure we can all tell you, like in any case, you  
17 resolve an issue and many things can flow from that. But I  
18 would say that's a pretty good summary of the 2006 case.

19 JUDGE MELILLO: All right. And also, is it correct  
20 that the Verizon pre-hearing memo correctly states also, in  
21 addition to the issues, that certain issues are before the  
22 Commission? That's also stated in the pre-hearing memo,  
23 that these issues are before the Commission in the 2006 PCO  
24 order and one is not, H is a new issue and A is a new issue?

25 MS. PAIVA: Right.

1 JUDGE MELILLO: Do the parties agree that's the case,  
2 2-A -- oh, I'm sorry, one. Section 7, No. 1 is not before  
3 the Commission right now in the 2006 PCO case, and 2-H is  
4 not before the Commission?

5 MS. PAIVA: That's correct.

6 JUDGE MELILLO: Those issues could be litigated at  
7 this time without the guidance of the Commission in the 2006  
8 PCO Verizon order, correct?

9 MR. GRAY: That is correct.

10 MS. PAIVA: Correct.

11 JUDGE MELILLO: All parties? Mr. Cheskis, are you in  
12 agreement?

13 MR. CHESKIS: Yes, Your Honor.

14 JUDGE MELILLO: Very well. I take it the parties  
15 don't wish to re-litigate those issues but would want to  
16 have the Commission order come down and provide guidance  
17 with respect to those issues listed in Ms. Paiva's pre-  
18 hearing memorandum that are in the 2006 case?

19 MR. GRAY: Yes. I feel it would be highly  
20 inefficient to re-litigate that.

21 MS. PAIVA: Yes, and I agree with that.

22 JUDGE MELILLO: All right. Have the parties agreed  
23 upon a procedural schedule which would allow for the close  
24 of the evidentiary record by May 4, 2007?

25 MR. GRAY: Yes, Your Honor.

1 JUDGE MELILLO: Would someone like to state that,  
2 please?

3 MR. GRAY: I can give that to you, if you like.

4 JUDGE MELILLO: All right.

5 MR. GRAY: Monday, April 2nd, that would be all party  
6 written direct testimony.

7 Monday, April 23, all party written rebuttal  
8 testimony.

9 Wednesday, May 2, all party written surrebuttal  
10 testimony, with the single day of evidentiary hearings,  
11 Friday, May 4 in Harrisburg starting at ten a.m.

12 We also have two proposed briefing dates for you.

13 JUDGE MELILLO: All right.

14 MR. GRAY: The main brief would be Tuesday, May 22nd  
15 and the reply brief would be Tuesday, June 5th.

16 JUDGE MELILLO: All right. Are you proposing that  
17 all dates be in-hand dates?

18 MR. GRAY: I would say electronic service by 4:30  
19 p.m. Eastern time, with hard copy in hand next day.

20 MS. PAIVA: That's fine, either in hand next day or  
21 first class.

22 MR. GRAY: First class mail is fine.

23 MS. PAIVA: As long as we get all the exhibits by e-  
24 mail.

25 MR. GRAY: Right.

1 MS. PAIVA: In some cases, people have only sent us  
2 the testimony by e-mail and not the exhibits.

3 MR. GRAY: Right.

4 JUDGE MELILLO: All right. From my perspective, I  
5 would want everything supplied electronically in Word 2003  
6 version if possible. That would include the reply brief. I  
7 need that on the June 5th date. The parties can agree among  
8 themselves if they don't want to have that be a date for  
9 in-hand service for the reply brief. I don't know whether  
10 parties would still want -- I guess with e-mail, you could  
11 still supply that and the hard copy could be coming later on  
12 the reply brief.

13 MR. GRAY: Let me clarify that, if you don't mind.

14 JUDGE MELILLO: Yes.

15 MR. GRAY: Judge Chestnut has a little different rule  
16 on this, so I want to make sure that we are in sync with  
17 you.

18 JUDGE MELILLO: Right.

19 MR. GRAY: On Tuesday, May 22nd and Tuesday, June  
20 5th, we will serve you electronically with our briefs in  
21 Microsoft Word 2003 format, hard copy next day service to  
22 you; is that acceptable?

23 JUDGE MELILLO: That's acceptable to me. I would  
24 prefer two copies to myself because I do have two technical  
25 staff people that I would like to supply a hard copy to

1 them.

2 MS. PAIVA: That would be for everything, two copies?

3 JUDGE MELILLO: I would like that. That would be  
4 helpful to me.

5 MS. PAIVA: Not a problem.

6 JUDGE MELILLO: If that's possible, I'd like two hard  
7 copies supplied the next day. My technical experts that  
8 will be advising me in this case are Joseph Spandra and  
9 Andrew Showers.

10 All right. I will take your proposed procedural  
11 schedule under advisement, and it appears to be reasonable.  
12 I'll check on all dates and will incorporate them in a  
13 procedural order which will be forthcoming very soon after  
14 today.

15 I will also consider whether I need to put something  
16 before the Commission with regard to the issues that you've  
17 expressed about requiring the PCO 2006 Verizon order to  
18 prepare testimony in this case.

19 MS. PAIVA: Did we want to schedule a telephonic pre-  
20 hearing for March to touch base, or not?

21 JUDGE MELILLO: Yes. It's hopeful that the Verizon  
22 2006 PCO order will be decided by the Commission in early  
23 March, however we're not positive of that at this point, so  
24 I will see about scheduling a second pre-hearing conference  
25 on Friday, March 9th; is that acceptable?

1 MS. PAIVA: Can we make it a telephonic pre-hearing  
2 conference?

3 JUDGE MELILLO: We can make it telephonic. Can the  
4 parties provide the telephone number where they would want  
5 to be reached? Because there are four of you, I'm going to  
6 need the Polycom.

7 MS. PAIVA: I could do that. I could also supply a  
8 call-in bridge if that would be easier.

9 JUDGE MELILLO: That would be helpful, if we could do  
10 that, and we can set up a conference room here for the court  
11 reporter then, call in on that number.

12 MS. PAIVA: I could actually give you the bridge  
13 number now.

14 JUDGE MELILLO: All right.

15 MS. PAIVA: It's 877-519-7854, and the pass code is  
16 1008470#.

17 JUDGE MELILLO: All right. Thank you. I'll see if  
18 we can schedule that for Friday, March 9th. In the  
19 meantime, I'll consider whether something further needs to  
20 come out of our office with regard to this issue.

21 I have required in the pre-hearing order that the  
22 parties supply a witness list, and that's also required by  
23 Commission regulations, and I did not see a proposed witness  
24 list or area of testimony in Verizon's pre-hearing  
25 memorandum. When can that be supplied, Ms. Paiva?

1 MS. PAIVA: The problem was not knowing whether the  
2 testimony had to encompass all of those old issues or  
3 whether it should just be the two issues going forward. On  
4 the assumption that it's really going to be the two issues  
5 and that the order will be decided, we can supply a witness  
6 name within the week.

7 JUDGE MELILLO: All right. I would like that. I'm  
8 going to put that in a procedural order. I want that  
9 supplied by Wednesday, February 7, 2007.

10 And the Office of Consumer Advocate wasn't sure at  
11 this point that they were going to be having a witness in  
12 this case?

13 MR. CHESKIS: That is correct, Your Honor.

14 JUDGE MELILLO: Do you know when you would know?

15 MR. CHESKIS: Likely not until after the filing of  
16 direct testimony.

17 JUDGE MELILLO: All right. So then the Office of  
18 Consumer Advocate wouldn't be filing direct testimony?

19 MR. CHESKIS: It is not our plan at this point to do  
20 that.

21 JUDGE MELILLO: All right. Do you know how soon  
22 after the filing of direct testimony Office of Consumer  
23 Advocate would know whether it's going to be sponsoring a  
24 witness?

25 MR. CHESKIS: I would say within a week after that.

1 JUDGE MELILLO: All right. I will also incorporate  
2 that in a procedural order. I would like to incorporate at  
3 least one settlement conference in the schedule. The  
4 Commission highly encourages settlements. Have the parties  
5 thought about that? I know you're waiting for that 2006  
6 Verizon PCO order.

7 MR. GRAY: Well, to be honest, we kind of talk all  
8 the time these days, so --

9 JUDGE MELILLO: That's good.

10 MR. GRAY: Yes.

11 JUDGE MELILLO: Continue to talk.

12 MR. GRAY: I don't know if we need to schedule a  
13 settlement conference or not, and I'm not too sure at what  
14 point -- I guess after the direct testimony would probably  
15 make the most sense because we'll at least have a better  
16 idea of where everything stands.

17 So maybe what we should do is we'll report back to  
18 you sometime in the week of April 9th. We'll plan to get  
19 together and at least have a conference call April 9th and  
20 talk amongst ourselves and see where we are, and then we can  
21 report back to you and see if we can eliminate issues or  
22 settle this or whatever we can make progress on. Does that  
23 make sense?

24 MS. PAIVA: I think that makes sense.

25 MR. ECKENROD: Yes.

1 MS. PAIVA: That doesn't preclude us from trying, if  
2 we thought we could do something, to talk informally among  
3 ourselves earlier.

4 MR. GRAY: Sure.

5 MS. PAIVA: But that also might, once we see the  
6 Commission's order, that might actually let us eliminate  
7 some issues, too.

8 MR. GRAY: Right.

9 MS. PAIVA: So that would make sense.

10 JUDGE MELILLO: All right. What I'll do then is I'll  
11 incorporate in the procedural order that the parties will  
12 talk amongst themselves during that week of April 9th and  
13 report back to me. Mr. Gray, could you report back to me on  
14 the status of those talks?

15 MR. GRAY: That's fine, Your Honor.

16 JUDGE MELILLO: Okay. If we are going to be having a  
17 hearing in that we don't have a settlement prior to May 4th,  
18 Ms. Paiva, could you coordinate an order of witnesses for  
19 the proceeding? And I'd like to have that within 24 hours  
20 of the hearing.

21 MS. PAIVA: Yes.

22 JUDGE MELILLO: In other words, prior to ten a.m. on  
23 Thursday, May 3rd.

24 MS. PAIVA: Okay.

25 JUDGE MELILLO: The transcript turn-around time, this

1 is a rate case, so I understand that the normal turn-around  
2 time would be three days. Is that acceptable to everyone?

3 MR. GRAY: That's fine, Your Honor.

4 JUDGE MELILLO: All right. Is that all right with  
5 everyone?

6 MS. PAIVA: Yes.

7 JUDGE MELILLO: All right. The discovery issue, are  
8 there any problems that the parties have encountered to  
9 date?

10 MR. GRAY: No.

11 JUDGE MELILLO: All right. In its pre-hearing  
12 memorandum, the OSBA has requested a shortening of the time  
13 for responding to discovery. The usual turn-around time in  
14 rate cases is 15 days. What is the position of the parties?

15 MS. PAIVA: We discussed this off the record, and I  
16 believe we agreed to ten days.

17 MR. GRAY: Right, ten, that's right.

18 JUDGE MELILLO: All right. So the parties agree to  
19 ten days, so that would be a modification of the normal 15  
20 days.

21 MR. GRAY: Right, ten calendar days.

22 MS. PAIVA: Ten calendar days, right.

23 JUDGE MELILLO: Ten calendar days, all right. Have  
24 the parties reached an agreement about any of the other  
25 discovery tools such as motions to compel or --

1 MR. GRAY: We have not done the standard OCA list  
2 that they put in their pre-hearing memos many times, so we  
3 just focused on the turn-around time. We seldom have a  
4 problem working with Verizon, so we didn't think it was  
5 necessary, frankly.

6 JUDGE MELILLO: I think that statement might come up  
7 again in other cases, but very well. That's good. That's  
8 good that you haven't had problems. All right.

9 What about the need for a Protective Order? I have  
10 been sent a draft or proposed Protective Order and also a  
11 petition, which I appreciate. I don't know if I have a hard  
12 copy yet but I do have the e-version.

13 MS. PAIVA: It was supposed to be coming today by  
14 overnight mail, so I guess it depends on the delivery time.  
15 You will get one, though.

16 JUDGE MELILLO: All right. Do the parties have any  
17 objection to the petition that Verizon has proposed and to  
18 the proposed Protective Order which provides for two layers  
19 of confidentiality?

20 MR. GRAY: We don't have an objection to it. We're  
21 used to that particular language by now.

22 JUDGE MELILLO: Anyone? All right. I don't hear  
23 any objection. I stated off the record that I'm not  
24 comfortable with the provision in the proposed Protective  
25 Order which treats non-attorneys the same as .

1 attorneys. However, I assured you that I would be providing  
2 language which would accomplish what is sought to be  
3 accomplished by that language.

4 Also, with respect to the two layers of protection,  
5 the Commission's procedural rules require a higher standard  
6 to be shown for the highly confidential material under 52 PA  
7 Code Section 5.23(e). There must be a showing that the  
8 greater restriction is necessary to avoid severe and extreme  
9 prejudice.

10 So can the parties state on the record that if there  
11 is a designation made by a party that material is highly  
12 confidential, that yes, that is necessary to avoid severe  
13 and extreme prejudice?

14 MS. PAIVA: I'll make that statement since it was our  
15 motion. Yes. The highly confidential designation under  
16 that form of Protective Order would only be used in the  
17 instance that the information would need to have that level  
18 of protection to avoid severe and extreme prejudice to  
19 Verizon.

20 And actually, in the proposed order, it defines and  
21 limits the kind of information that we could designate as  
22 highly confidential. That's at the top of page two of the  
23 proposed order, and only constitutes parties' marketing  
24 plans, competitive strategies, market share projections,  
25 marketing materials that have not yet been used, customer

1 identifying information, customer prospects for services  
2 that are subject to competition. It's really information  
3 that would be severely harmful if it fell into the hands  
4 of competitors.

5 JUDGE MELILLO: All right. And of course, the  
6 parties do retain their right to object to designations  
7 under paragraph 11.

8 MS. PAIVA: Yes.

9 JUDGE MELILLO: Very well. I'll take that petition  
10 and proposed Protective Order under advisement and I'll try  
11 to get that out as soon as possible because I know that's  
12 important to move discovery along.

13 All right. We had also an e-mail from Verizon about  
14 the complaint of Mark Wagner that was found to I guess have  
15 been included in this case in some way. Mr. Wagner was  
16 included by the Secretary's Bureau in the service list. Can  
17 you explain what's going on with that?

18 MS. PAIVA: Yes. I see that Mr. Wagner appeared on  
19 the service list. I assume he's still there. I believe  
20 what happened was a docketing error in the Secretary's  
21 office, that the complaint when it came in had been docketed  
22 to the docket of this PCO case, but when it was examined it  
23 turned out that it actually was a complaint against another  
24 rate increase at another docket.

25 And so the Commission, after correspondence between

1 Verizon's counsel and the Secretary's office, agreed that it  
2 was indeed a mistake and it was going to re-docket and  
3 re-serve that Wagner complaint. And I understand from the  
4 Commission's daily action log on the Web site that the  
5 Commission did in fact do that on January 11th under a new  
6 docket number. Do you want me to read the new docket number  
7 into the record?

8 JUDGE MELILLO: Yes, please.

9 MS. PAIVA: It was R-00061974C0001.

10 JUDGE MELILLO: All right. So is it your understand  
11 that that will be taken care of and that the complaint of  
12 Mr. Wagner will be moved to the appropriate docket?

13 MS. PAIVA: That's my understanding.

14 JUDGE MELILLO: All right. Well, I'm going to alert  
15 our office to delete Mr. Wagner then from the service list  
16 in this case, so the parties can do that, and that also will  
17 be in the procedural order so that we can clarify who the  
18 parties are.

19 Now, my understanding is the parties in this case are  
20 Verizon Pennsylvania, Inc., the Office of Consumer Advocate,  
21 the Office of Small Business Advocate and the Office of  
22 Trial Staff, so we have the statutory advocates, Verizon PA,  
23 Inc. and that's it; is that correct?

24 MS. PAIVA: That's my understanding.

25 JUDGE MELILLO: All right. And it's also my

1 understanding that the parties do not believe there is a  
2 need for public input hearings in this case.

3 MR. CHESKIS: That is correct.

4 MR. GRAY: Agreed.

5 JUDGE MELILLO: Very well. I'm not going to be  
6 proposing that any be scheduled, then.

7 All right. Is there anything further for discussion  
8 today?

9 MR. GRAY: No, Your Honor.

10 JUDGE MELILLO: All right. Given that we had  
11 discussions about the issues that are in this case that  
12 would be impacted by the Verizon 2006 PCO order, I would  
13 request that Ms. Paiva, if you haven't already done so,  
14 please provide the requisite two copies to the court  
15 reporter for inclusion into the record of this pre-hearing  
16 conference. We need that, your pre-hearing memo.

17 MS. PAIVA: Oh, the pre-hearing memo?

18 JUDGE MELILLO: Yes. And the other parties would be  
19 requested to do so as well so that in the event that I need  
20 something in the official record to set forth any request to  
21 the Commission, I will have that. Can the parties do that?

22 MR. GRAY: Yes, Your Honor.

23 MS. PAIVA: Yes.

24 JUDGE MELILLO: Very well. All right. Thank you.  
25 Those will be admitted into the record of this pre-hearing

1 conference, then. All right. Anything further?

2 (No response.)

3 JUDGE MELILLO: Then we're done for today.

4 (Whereupon, at 11:32 a.m., the proceedings were  
5 concluded.)

6 C E R T I F I C A T E

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

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15 John A. Kelly,  
16 Certified Verbatim Reporter

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