

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ORIGINAL

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 :
Verizon North, Inc. : Docket No.
 2007 Price Change Opportunity Filing : R-00061914
 : P-00001854
 : F1000

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

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Office of Small Business Advocate v. : Docket No.
Verizon Pennsylvania, Inc. : R-00061915C0001
 :
 Further Telephonic Pre-Hearing :
 Conference :
 :

Pages 46 through 54

Judge's Office
Commonwealth Keystone Building
Harrisburg, Pennsylvania

**DOCUMENT
FOLDER**

Thursday, April 5, 2007

Met, pursuant to adjournment, at 10:48 a.m.

BEFORE:

JSM

KANDACE F. MELILLO, Administrative Law Judge

APPEARANCES:

(None.)

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WITNESS

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(None.)

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FORM 1

EXHIBIT INDEX

NUMBER

FOR IDENTIFICATION IN EVIDENCE

(None.)

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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 telephonic pre-hearing conference in the matter of Verizon
6 North's 2007 PCO filing, and also the Office of Small
7 Business Advocate versus Verizon North, Inc. It's also a
8 further pre-hearing conference in the matter of Verizon
9 Pennsylvania, Inc. 2007 price change opportunity filing and
10 the Office of Small Business Advocate versus Verizon
11 Pennsylvania, Inc.

12 Let me cite the caption as the Commission has most
13 recently used it in an order entered March 22, 2007. That
14 would be Verizon North, Inc. 2007 Price Change Opportunity
15 Filing. The docket numbers are R-00061914 and
16 P-00001854F1000 and R-00061914C0001; and then also the
17 Office of Small Business Advocate versus Verizon North,
18 Inc., and that decision is R-00061914C0001.

19 And that is also consolidated, so there's an "and,"
20 Verizon Pennsylvania, Inc. 2007 Price Change Opportunity
21 Filing, R-00061915, P-00930715F1000, and also Office of
22 Small Business Advocate versus Verizon Pennsylvania, Inc.
23 and that docket number is R-00061915C0001.

24 These dockets are all consolidated for purposes of
25 hearing and decision by an order dated March 5, 2007.

1 I am Administrative Law Judge Kandace F. Melillo,
2 assigned by the Commission to preside in these matters. Let
3 me explain on the record what transpired today. I
4 initiated a telephonic conference call with all parties at
5 10:00 a.m. today. We did not have a court reporter present
6 due to an inadvertent mix-up in that a court reporter was
7 not scheduled when one should have been scheduled.

8 Our scheduling staff endeavored to obtain a court
9 reporter. However, while they were trying to schedule that,
10 the parties were available and we went ahead at their
11 request and discussed matters regarding scheduling of the
12 case, due to what had transpired in a related 2006
13 Verizon/Verizon North PCO proceeding.

14 In that 2006 proceeding, the Commission had entered
15 an order on March 22, 2007 and the parties wanted to know
16 whether Verizon/Verizon North was going to file for
17 reconsideration of that March 22, 2007 order. If
18 Verizon/Verizon North was going to file for reconsideration,
19 that would impact how the parties were going to be able to
20 proceed procedurally in the 2007 PCO proceeding.

21 The parties indicated that if we were able to obtain
22 a court reporter, they did not want to be re-contacted at
23 that time and were basically waiving any opportunity to
24 further participate. They had agreed that I could simply
25 summarize what transpired during the earlier conference

1 call.

2 I was able to obtain a court reporter. It is now
3 approximately 10:50 a.m. and therefore I am going to
4 summarize what transpired on that earlier conference call,
5 and as I stated earlier, the parties have waived their
6 opportunity to further participate in this telephonic
7 pre-hearing conference, so they are not on the telephone
8 call right now.

9 The parties who were on the earlier call, the 10:00
10 a.m. call, were Suzan Paiva, Esquire on behalf of Verizon
11 and Verizon North, Inc.; Steven Gray, Esquire on behalf of
12 the Office of Small Business Advocate; Robert Eckenrod,
13 Esquire on behalf of the Office of Trial Staff and Joel
14 Cheskis, Esquire on behalf of the Office of Consumer
15 Advocate.

16 The pre-hearing conference today was scheduled at the
17 initial request of the Office of Small Business Advocate to
18 consider where we are with regard to the 2007 PCO litigation
19 in light of the Commission's March 22nd order in the 2006
20 PCO proceeding.

21 I further note that the Commission also entered an
22 order on March 22, 2007 at these dockets in response to two
23 certified questions that I had certified to the Commission.

24 The Commission answered the first certified question
25 in the negative, indicating that it did not want the 2007

1 PCO proceeding to be bifurcated. It answered the second
2 question in the affirmative, indicating that it wanted the
3 2006 PCO findings to be incorporated into the 2007 PCO
4 proceeding and would allow an additional five months from
5 the entry of the final Commission order in the 2006 PCO
6 proceeding if that final order was not entered by March 28,
7 2007.

8 The final order was entered March 22, 2007. However,
9 the Commission indicated that it would not know whether the
10 2006 PCO order entered March 22nd would be actually final
11 until 15 days had passed due to the possibility of request
12 for clarification and reconsideration.

13 Since, as I earlier mentioned, Verizon is filing for
14 reconsideration tomorrow, April 6, 2007 on the 15th day,
15 that indicated to me and to the parties that we would
16 suspend the procedural schedule in the 2007 PCO proceeding.
17 All parties are in agreement that that is in order, so that
18 is what I'm going to do. The procedural schedule will be
19 suspended an order, and what we will do is we will wait
20 until the Commission enters its final order on
21 reconsideration, assuming that the Commission does grant
22 reconsideration.

23 Once the Commission enters its final order on
24 reconsideration, then we will count five months from that
25 date as the time frame in which we will litigate the 2007

1 PCO proceeding. A further pre-hearing conference will be
2 scheduled to set a schedule in that case.

3 If the Commission doesn't act within the 30 day
4 window provided for acting on reconsideration, then I'm
5 going to treat the five months as running from that 30th day
6 and go forward accordingly.

7 The parties had nothing further to discuss in the
8 telephonic conference that we had at 10:00 a.m. today, and
9 therefore that telephonic conference was concluded, and that
10 is really all we have today for our pre-hearing conference.

11 We're off the record.

12 (Whereupon, at 10:56 a.m., the proceedings were
13 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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