

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of US LEC of Pennsylvania, Inc. for :  
Arbitration with Verizon Pennsylvania, Inc. : Docket No.  
Pursuant to Section 252(b) of the :  
Telecommunications Act of 1996 : A-310814F7000

PREHEARING ORDER NO. 2

**DOCKETED**  
MAY 30 2002

The purpose of this order is to confirm certain rulings and agreements made during the Prehearing Conference held on May 17, 2002, before the presiding officer.

A. PRO HAC VICE

The Motion For Admission Pro Hac Vice of Aaron Panner, Esquire, made by Anthony E. Gay, Esq., on behalf of Verizon-Pennsylvania, Inc., was granted. Mr. Panner is therefore admitted Pro Hac Vice to represent Verizon in this proceeding. In accordance with Pa. B. A. R. 301(a) Mr. Gay remains counsel of record for Verizon.

RECEIVED  
2002 MAY 22 AM 9:00  
SECRETARY'S BUREAU  
PA PUC

**DOCUMENT**

The Motion For Admission Pro Hac Vice of Scott Angstreich, Esquire, made by Anthony E. Gay, Esq., on behalf of Verizon-Pennsylvania, Inc., was granted. Mr. Angstreich is therefore admitted Pro Hac Vice to represent Verizon in this proceeding. In accordance with Pa. B. A. R. 301(a) Mr. Gay remains counsel of record for Verizon.

The Motion For Admission Pro Hac Vice of Richard M. Rindler, Robin Cohn and Michael L. Shor, Esquires, made by Linda C. Smith, Esq., on behalf of US LEC of Pennsylvania, Inc., was granted. Mr. Rindler, Ms. Cohn and Mr. Shor, Esquires, are

therefore admitted Pro Hac Vice to represent US LEC in this proceeding. In accordance with Pa. B. A. R. 301(a) Ms. Smith remains counsel of record for US LEC.

B. ARBITRATION SCHEDULE AND FORMAT

US LEC waived the time restrictions set forth in the Telecommunications Act of 1996. 47 U.S.C. §252(b)(4)(C). US LEC Prehearing Memorandum, May 15, 2002, at signature page (The document has no page numbers). The Parties agreed to the following litigation schedule:

EVENT	DATE
Verizon Response to US LEC Petition	May 21, 2002
Simultaneous Direct Testimony Served	May 31
Simultaneous Exchange of Discovery	June 7
Any Objections to Discovery Filed	June 12
Simultaneous Discovery Responses Served	June 25
Simultaneous Reply Testimony Served	July 9
Hearing	July 17
Best and Final Offers Filed	July 25
Main Briefs Filed	August 1
Reply Briefs Filed	August 9

The Parties further agreed that an appropriate Protective Order should be entered to govern the treatment of proprietary materials and that all testimony should be submitted under oath.

The parties are expected to resolve discovery issues among themselves. Motions to Compel should be filed only after such efforts have failed. All discovery responses shall include the name of the witness who is sponsoring the answer or response.

I note that the prepared testimony, presentation of issues at hearing and all briefs should follow the order and numbering of issues set forth in US LEC's Petition which initiated this proceeding. If an issue is settled at any time prior to the Commission's final order in this case, the original numbering system for the issues shall not change.

Further, all testimony should be served and briefs and best and final offers filed on all parties and the presiding officer in hand on or before 4:00 p.m. on the date due. Service may be made electronically by e-mail if the receiving party agrees. The risk of failed electronic service is on the sender. The presiding officer may be served electronically, as well. All documents addressed to me should arrive in a format which is compatible with WORD 97. Any document which is served electronically must be followed overnight with a hard copy which will arrive before noon of the next calendar day, unless the next day is a Saturday, Sunday or holiday. In the event the next calendar day is not a business day, the receiving party shall designate her/his preference for receipt of the document(s).

The hearing shall be held in an available Hearing Room in the Commonwealth Keystone Building in Harrisburg, Pennsylvania. The hearing shall be held on July 17, 2002, starting at 10:00 a.m.

C. PARTIES

The Office of Trial Staff, Office of Consumer Advocate and Office of Small Business Advocate were all served with the Notice of Prehearing Conference. None of the

public advocates attended the Conference. Informally, the presiding officer has been notified that none of the public advocates intend to participate. Accordingly, the only parties to this proceeding shall be US LEC and Verizon. Service of documents on the public advocates is no longer required. Because the pleadings and Prehearing Memoranda contain the names, addresses and telephone numbers of all counsel to the parties, I will not reproduce the list at this time. My records show that Linda C. Smith, Richard M. Rindler, Robin Cohn and Michael L. Shor, Esquires represent US LEC. My records show that Julia A. Conover, Anthony E. Gay, Aaron Panner and Scott Angstreich, Esquires represent Verizon.

ORDER

NOW THEREFORE, IT IS ORDERED:

1. That the Motions for Admission Pro Hac Vice of Aaron Panner and Scott Angstreich, Esquires, are hereby granted. In accordance with Pa. B. A. R. 301(a) Mr. Gay remains counsel of record for Verizon-Pennsylvania, Inc.
2. That the Motion For Admission Pro Hac Vice of Richard M. Rindler, Robin Cohn and Michael L. Shor, Esquires, is hereby granted. In accordance with Pa. B. A. R. 301(a) Ms. Smith remains counsel of record for US LEC of Pennsylvania, Inc.
3. That all testimony shall be served and all pleadings, final and best offers and briefs be filed in accordance with the schedule set forth above.
4. That the Parties are directed to prepare an appropriate Protective Order for my approval and execution.

5. That all testimony shall be submitted under oath.


6. That the parties are expected to resolve discovery issues among themselves. Motions to Compel should be filed only after such efforts have failed. All discovery responses shall include the name of the witness who is sponsoring the answer or response.

7. That the prepared testimony, presentation of issues at hearing and all briefs should follow the order and numbering of issues set forth in US LEC's Petition which initiated this proceeding. If an issue is settled at any time prior to the Commission's final order in this case, the original numbering system for the issues shall not change.

8. That the hearing shall be held in an available Hearing Room in the Commonwealth Keystone Building in Harrisburg, Pennsylvania. The hearing shall be held on July 17, 2002, starting at 10:00 a.m.

9. That the only two parties to this proceeding are Verizon-Pennsylvania, Inc., and US LEC of Pennsylvania, Inc.

DATED: May 20, 2002

  
LOUIS G. COCHERES  
Administrative Law Judge  
(Acting as Arbitrator)

**PARTIES OF RECORD**

**US LEC OF PENNSYLVANIA, INC.**  
**DOCKET NO. A-310814F7000**

Julia A. Conover, Esquire  
Verizon Pennsylvania, Inc.  
1717 Arch Street, 32<sup>nd</sup> Floor  
Philadelphia, PA 19103

Carol F. Pennington, Esquire  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Charles F. Hoffman, Esquire  
PA Public Utility Commission  
Office of Trial Staff  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Linda C. Smith, Esquire  
Dilworth Paxson LLP  
305 North Front Street  
Suite 403  
Harrisburg, PA 17101-1236

Irwin A. Popowsky, Esquire  
Office of Consumer Advocate  
Forum Place, 5<sup>th</sup> Place  
555 Walnut Street  
Harrisburg, PA 17101-1923