

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

2006 Annual Price Stability Index/ Service Price Index filing of Buffalo Valley Telephone Company	:	:	P-00981428F1000
2006 Annual Price Stability Index/ Service Price Index filing of Conestoga Telephone & Telegraph Company	:	:	P-00981429F1000
2006 Annual Price Stability Index/ Service Price Index filing of Denver & Ephrata Telephone & Telegraph Company	:	:	P-00981430F1000

RJP

DOCKETED
SEP 13 2007

SCHEDULING ORDER

**DOCUMENT
FOLDER**

On April 28, 2006, Denver & Ephrata Telephone & Telegraph Company, Conestoga Telephone & Telegraph Company, and Buffalo Valley Telephone Company (collectively "Companies") filed their annual PSI/SPI Chapter 30 filings which determine the allowable change in rates for noncompetitive services based upon the annual change in the Gross Domestic Product Price Index. The Commission issued orders which permitted each proposed rate change to become effective after adjustment of the PSI/SPI procedure using actual year-end revenues from 2005. The Companies sought reconsideration of the Commission's Order insofar as it directed the adjustment to the PSI/SPI procedure, requesting reconsideration of the change directed in the revenue entitlement formula and addressing the criticisms regarding increases in intrastate access charges.

The Commission adopted an order at the public meeting of November 9, 2006, entered November 15, 2006 which directed the Office of Administrative Law Judge to conduct expedited hearings reconsidering the Commission orders of June 23, 2006 which had allowed the three telephone companies to raise intrastate access charges. The order directed that a recommended decision be issued on or before February 28, 2006, and a prehearing conference was scheduled and held on November 28, 2006.

The Order directs that the goal is to determine, “based on the record, whether any rescission or amendment would be warranted by the evidence, consistent with our access charge reform and universal service policies, and lawful under the Companies’ Chapter 30 plans.” Order adopted November 9, 2006, entered November 15, 2006, at p. 15.

At the prehearing conference, The Companies were represented by Michael L. Swindler, Esq., and Charles E. Thomas III, Esq.; the Office of Consumer Advocate (OCA) was represented by Joel Cheskis, Esq.; the Office of Small Business Advocate (OSBA) was represented by Steven C. Gray, Esq.; the Office of Trial Staff (OTS) was represented by Johnnie E. Simms, Esq.; and the Verizon companies (Verizon)¹ were represented by Suzan D. Paiva, Esq.

The Verizon Petition to Intervene was opposed by the Companies and argued at the prehearing conference. The decision to permit the intervention is the subject of a separate order.

The scheduling discussion was more contentious than is usual because the parties are constrained by several important factors. First, the Commission Order directs that the Recommended Decision be issued on or before February 28, 2007, which results in a very tight schedule with limited opportunity for in-depth discovery. Second, the schedule occurs over the end of the year holiday season. The Companies’ witness who will be fielding a substantial portion of the discovery requests is scheduled for a vacation and will be out of the office from December 18, 2006 to January 2, 2007. Due to the size of the Companies, there is no other individual who can answer the likely questions.

OSBA notes that it is reluctant to agree to the schedule and restrictions on discovery but is willing to go along with them because this schedule was due to the Commission’s Order directing that the RD be issued on or before February 28, 2007, and not as a

¹ A Petition to Intervene was filed on behalf of Verizon Pennsylvania Inc., Verizon North Inc., Verizon Select Services Inc., Bell Atlantic Communications, Inc. d/b/a/ Verizon Long Distance, Verizon Global Networks, Inc., MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services, and MCI Communications Services Inc. (collectively “Verizon”).

result of a party or parties requesting expedited treatment. As such, it should not be construed as a precedent for any other case. In addition, since the discovery responses are likely to be issued just before the OSBA and OCA rebuttal is due, the public advocates may need to file supplemental rebuttal. In that instance, where relevant information is contained in discovery responses received just before or just after the rebuttal testimony is due, the supplemental rebuttal will be accepted.

OCA correctly pointed out that the parties have shown a remarkable flexibility in order to accommodate what is undoubtedly a difficult schedule. They are to be commended and are encouraged to maintain this level of cooperation throughout the proceeding.

THEREFORE,

IT IS ORDERED:

1. That the Companies and Verizon shall coordinate and agree upon the wording for a protective order and submit it for approval and issuance on or before December 8, 2007. If the Companies and Verizon cannot agree upon the wording for the protective order, a protective order shall be issued without the parties' agreement to its wording.

2. The parties have agreed upon the following schedule, and it is adopted:

Direct testimony of the Companies and Verizon	December 18, 2006
Rebuttal testimony	January 5, 2007
Surrebuttal testimony of all parties	January 12, 2007
Evidentiary hearings	January 17 and 18, 2007
Main Briefs	January 26, 2007
Reply Briefs	February 2, 2007
Recommended Decision	on or before February 28, 2007

3. The Commission's regulations regarding discovery are modified as follows:

(a) Discovery requests shall be served electronically by 4:00 pm, hard copy to follow by overnight mail.

(b) Answers to discovery requests are due seven (7) business days from the date of electronic service.

(c) The Companies shall make every effort to respond to discovery requests made after December 15, 2006 and before January 2, 2007 in seven (7) business days. It is understood that discovery requests made to the Companies during that time period are not subject to sanctions for late answers unless they are not answered before 4:00 pm on January 5, 2007 or within seven (7) business days, whichever is later.

(d) Objections to discovery requests shall be due four (4) business days from the date of electronic service of the requests.

(e) Discovery disputes may be resolved via telephone conference with the presiding officer without the need of a motion to compel or other formal pleadings. The propounding party may choose to file a formal motion to compel, and the response is due in three (3) business days from receipt of the electronic copy of the motion.

(f) Discovery is limited to the subject matter of this remanded proceeding or to that which can be expected to lead to relevant information.


4. Dates listed in Ordering Paragraphs herein are in-hand dates. By agreement of counsel, service may be by electronic means on the due date if transmission occurs before 4:00 pm and hard copies follow. Oversize exhibits or photographs or attachments may be served by hard copy only but must be sent by overnight mail if the testimony is sent electronically on the due date.

5. Parties must submit to me directly a copy of any document that filed or submitted in this proceeding. The correct address is: Administrative Law Judge Susan D. Colwell, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg PA 17105-3265. Overnight mail address: Commonwealth Keystone Building, 400 North Street, Harrisburg PA 17120. Electronic mailing address: scolwell@state.pa.us.

6. Two copies of the testimony or anything that is submitted for admittance into the record must be given to the court reporter on the date of the hearing.

7. Counsel for the Companies is directed to provide a chart with the order of presentation of witnesses and testimony and order of cross-examination to the administrative law judge *prior to the beginning of the evidentiary hearings.*

Dated: November 28, 2006


Susan D. Colwell
Administrative Law Judge

P-00981428F1000, P-00981429F1000, P-00981430F1000 BUFFALO
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