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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Petition of DIECA Communications, Inc. :  
: Docket No. A-310696F7000, A-310696F7001  
t/a COVAD Communications, Company :

**PREHEARING ORDER #1**

A telephonic preliminary conference in this case was held on October 22, 2002 in Philadelphia. Present telephonically were petitioner DIECA Communications, Inc. t/a COVAD Communications Company (petitioner or COVAD) and Verizon Pennsylvania, Inc. and Verizon North, Inc. (jointly, Verizon). The Office of Trial Staff, Office of Consumer Advocate and Office of Small Business Advocate received notice of the prehearing conference but did not participate.

I received Prehearing Memoranda from both Covad and Verizon.

This Order addresses the procedural matters addressed at the prehearing conference.

1. Pursuant to 52 Pa. Code §5.81, the proceedings at Docket Nos. A-310696F7000 and A-310696F7001 were consolidated for hearing and decision purposes. No party objected to this.

2. The Motion for Admission Pro Hac Vice filed on October 17, 2002 by John Povilaitis, Esq. on behalf of Anthony Hansel, Esq. and Anthony Richard Petrilla, Esq. was granted. Mr. Hansel and Mr. Petrilla are therefore admitted pro hac vice to represent Covad Communications Company in this proceeding. In accordance with Pa. B.A.R. 301(a), Mr. Povilaitis remains counsel of record for Covad.

3. The Motions for Admission Pro Hac Vice filed on October 17, 2002 by Suzan DeBusk Paiva, Esq. on behalf of Aaron Panner, Esq., and Scott Angstreich, Esq. were granted. Mr. Panner and Mr. Angstreich are therefore admitted pro hac vice to represent Verizon Pennsylvania, Inc. and Verizon North Inc. in this proceeding. In accordance with Pa. B.A.R. 301(a), Ms. Paiva remains counsel of record for Verizon PA and Verizon North.

4. Subsequent motions for admission pro hac vice, if not defective on their face, will be deemed granted if not objected to within three business days after filing. If objected to, such pleadings will be addressed by order.

5. Pursuant to 52 Pa. Code §1.55, each party is limited to one entry on the service list, although there can be more than one name listed. Covad has indicated that should be Mr. Hansel. For Verizon, Mr. Panner was designated.

6. The following e-mail list was established:

<b>Party</b>	<b>Counsel</b>	<b>e-mail address</b>
COVAD	John Povilaitis	jpovilaitis@ryanrussell.com
COVAD	Anthony Petrilla	apetrilla@covad.com
COVAD	Anthony Hansel	thansel@covad.com
Verizon	Suzan Paiva	suzan.d.paiva@verizon.com
Verizon	Aaron Panner	apanner@khhte.com
Verizon	Scott Angstreich	sangstreich@khhte.com
PUC - ALJ	ALJ Chestnut	machestnut@state.pa.us
PUC - ALJ	Kathy Niesborella	kniesborel@state.pa.us

5. Pursuant to 52 Pa. Code §5.342(d), the Commission's regulations relating to discovery are modified as follows. It should be noted that when an

interrogatory is served on a Friday or the day before a holiday, the appropriate period is deemed to start on the next business day.


- a) The response period for replying to written interrogatories is seven calendar days.
- b) Objections to interrogatories are to be communicated orally to the propounder of the interrogatory within two business days of receipt and in writing within four business days of receipt of the interrogatory.
- c) Motions to dismiss objections and to compel response shall be filed with me within three business days of receipt of the objections. Answers to such motions shall be filed with me within three business days after filing of the motion.
- d) Interrogatories which are objected to but which are not made the subject of a motion to compel will be deemed withdrawn.
- e) Pursuant to 52 Pa. Code §5.341(b), neither interrogatories nor responses are to be served on the Commission or the presiding officer, although a certificate of service may be filed with the Commission's Secretary.

The parties are expected to resolve discovery issues among themselves; motions to compel should be filed only after such efforts have failed. Also, interrogatories are to be provided electronically as well as on paper. In addition, the parties are urged to use alternative means of discovery such as discovery conferences or depositions.

6. A schedule was discussed but not adopted. The parties are to confer and respond to me in writing (via e-mail) on or before October 28, 2002.

7. The parties are directed to prepare an appropriate protective order.

Date: October 23, 2002

  
MARLANE R. CHESTNUT  
Administrative Law Judge

Petition of DIECA Communications, Inc. t/a COVAD Communications Company  
Docket Number A-310696F7000, A-310696F7001

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