

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

PREHEARING CONFERENCE ORDER

A Prehearing Conference in this case is scheduled for Tuesday, July 17, 2007 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. In accordance with the foregoing, absent a timely request for a continuance for good cause (i.e., no later than July 10, 2007), all parties must be prepared to participate in the scheduled prehearing conference. My address is:

**DOCUMENT
FOLDER**

1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: 215-560-2105
Fax: 215-560-3133

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Changes are granted only in rare situations where good cause exists.

2. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code §5.222, and in particular, subsection (d) which provides, in part:

(d) Participants and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

3. Please review the regulations relating to discovery, specifically 52 Pa. Code §5.331(b), which provides, inter alia, that “[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible,” and 52 Pa. Code §5.322, which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements, which require the presiding officer’s participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.


4. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

5. Be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents that you file in this proceeding.

6. Each party must prepare and distribute, by 12:00 noon on July 16, 2007, a prehearing memorandum which sets forth the history of the proceeding, the issues and subissues you intend to address and your position on each, a listing of your proposed witnesses and the subject of their testimony, and a proposed schedule.

7. Failure of a participant to attend the scheduled prehearing conference, without good cause shown, shall constitute a waiver of all objections to the agreements reached, and to any order or ruling with respect thereto.

Date: May 10, 2007


Marlane R. Chestnut
Administrative Law Judge

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