

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Core Communications, Inc. :  
for Arbitration of Interconnection Rates, Terms : A-310922F7004  
and Conditions with Windstream Pennsylvania, Inc. :  
Pursuant to 47 U.S.C. §252(b) :

**DOCUMENT  
FOLDER**

**PRE-ARBITRATION ORDER #3**

I conducted a further pre-arbitration conference in this case on January 26, 2007 at 10:00 a.m. in Hearing Room 4, Commonwealth Keystone Building, 400 North Street, Harrisburg. Present were counsel for Core Communications, Inc. and Windstream Pennsylvania, Inc. As a result of that conference, I issued Pre-Arbitration Order #2 on January 29, 2007. By letter dated March 19, 2007, the parties requested that I stay this proceeding pending ongoing negotiations between the parties. I issued Order #2 Staying Proceeding on March 26, 2007 staying this proceeding. By email on June 22, 2007, the parties have informed me that they have agreed to a litigation schedule. This order incorporates the agreed upon schedule.

THEREFORE,

IT IS ORDERED:

**DOCKETED**  
AUG 09 2007

**BTL**

1. That the following schedule is adopted:

Prepared direct testimony	August 17, 2007
Discovery based on direct testimony	August 22, 2007
Objections to discovery	August 23, 2007
Responses to discovery based on direct testimony	August 29, 2007
Prepared rebuttal testimony	September 5, 2007
Best offers	September 10, 2007
Close of discovery	September 19, 2007
Evidentiary hearings in Harrisburg	September 20, 2007
Main briefs	October 25, 2007
Reply briefs	November 9, 2007
Recommended decision issued	February 7, 2008

2. That in accordance with the schedule set forth in paragraph 1 above and 52 Pa. Code §5.412, the parties shall serve the documents listed above so that the documents are received in-hand by the parties no later than 4:30 p.m. on the dates listed. Parties may serve the documents listed above via e-mail by 5:00 p.m. to meet this requirement, with hard copy to follow the next business day. Parties shall not file testimony with the Commission, but shall file a certificate of service.

3. That written testimony shall comply with the requirements of 52 Pa. Code §5.412 and shall be marked with numerical, sequential statement numbers.

4. That all parties shall comply with the provisions of 52 Pa. Code §5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party's case-in-chief or which substantially varies from the party's case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

5. That all evidentiary hearings will be held in Harrisburg and will commence at 10:00 a.m. unless changed by the presiding officer.

6. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa. Code §§5.232 and 5.234. All stipulations entered into by the parties shall be reduced to writing, signed by the parties to be bound thereby, and moved into the record during the hearings in this case.

7. That the evidentiary hearings in this matter constitute formal legal proceedings and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

8. That a party intending to subpoena witnesses for the evidentiary hearings, shall review the procedures established in 52 Pa. Code §5.421 and shall submit any written application to me sufficiently in advance of the evidentiary hearing dates so that the other party will have the required ten (10) days' notice to answer or object, and so that the party requesting the subpoena shall have enough time to receive the subpoena and serve it.

9. That each party shall file an original and nine copies of its briefs with the Secretary, in accordance with 52 Pa. Code §5.502(a), and shall serve one copy, in-hand, on me and all other parties no later than 4:30 p.m. on the dates listed. In addition, each party shall e-mail its briefs in Microsoft Word 2003 or equivalent to all parties and me.

10. That all briefs shall comply with the requirements of 52 Pa. Code §§5.501 and 5.502, and in addition to the mandatory contents set forth in 52 Pa. Code §5.501(a), all main briefs, regardless of length, must contain:

- A. A history of the proceeding;
- B. A discussion;
- C. Proposed findings of facts (with record citations to transcript pages or exhibits where supporting evidence appears);
- D. Proposed conclusions of law (with citations to supporting statutes, regulations or relevant case law); and
- E. Proposed ordering paragraphs specifically identifying the relief sought.

11. That if a party does not file a reply brief, I will assume that the party does not dispute the assertions, contentions or arguments made by the other parties in their main briefs. While it is not necessary in a reply brief to repeat a particular argument or discussion contained in the main brief, the reply brief should note where the responsive argument is located in the main brief and how it responds to the other parties' assertions, contentions or arguments.


12. That the parties shall review the regulation relating to discovery at 52 Pa. Code §5.331(b), which provides that the parties shall initiate discovery as early in the proceedings as possible and the regulation at 52 Pa. Code §5.322, which encourages parties to exchange information on an informal basis. I urge the parties to cooperate in discovery and resolve any discovery disputes amicably rather than engage in numerous or protracted discovery disagreements. All motions to compel must contain a certification of counsel that the parties have undertaken informal discovery and failed to resolve their discovery disputes informally. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-5.372.

13. That any provision of this prehearing order may be modified upon motion

and good cause shown by any party in interest. See, 52 Pa. Code §5.223(a).

14. That Core Communications, Inc. and Windstream Pennsylvania, Inc. waive the nine-month deadline for rendering an arbitration decision set forth in 47 U.S.C. §252 and they waive their right to petition the Federal Communications Commission under 47 U.S.C. §252(e)(5) for failure of the Pennsylvania Public Utility Commission to act on the arbitration within the statutory deadline.

Date: June 26, 2007

  
David A. Salapa  
Administrative Law Judge

A-310922F7004 PETITION OF CORE COMMUNICATIONS, INC. FOR  
ARBITRATION OF INTERCONNECTION RATES, TERMS AND CONDITIONS WITH  
ALLTEL PENNSYLVANIA INC.

UPDATED 1/18/07

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