

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligation :
of Incumbent Local Exchange : I-00030099
Carriers to Unbundle Network Elements :

DOCKETED

NOV 24 2003

FIRST PREHEARING ORDER

On November 14, 2003, we were assigned to preside over this case. The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a).

Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

§1.15. Extensions of time.

.....

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

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In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled prehearing conference, on November 25, 2003), all parties to this proceeding shall be prepared to participate in the scheduled prehearing conference.

You should review the regulation pertaining to such conferences, 52 Pa. Code

§5.222, 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.)

We would also like to bring to your attention 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. We 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.

If the parties wish to discuss the scheduling of hearings before the prehearing conference, our schedules are as follows: we will be unavailable to conduct hearings on December 1, 3, 4, 9-12, 19, 24-26, 2003, January 1, 2, 5, 6-9, 12-16, 20, 29, and February 2, 2004. Our schedules are subject to change between now and November 25, 2003. Also, please be aware of State holidays when constructing a tentative hearing schedule.

This proceeding must be completed within a strict time limit. In developing a litigation schedule, the following dates are not subject to substantial change:

Close of record	February 2, 2004
Main Briefs Due	February 17, 2004
Reply Briefs Due	March 1, 2004

For your convenience, we are enclosing a copy of the Commission's service list as of this date.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.

Date: November 17, 2003


MICHAEL C. SCHNIERLE
Administrative Law Judge


SUSAN D. COLWELL
Administrative Law Judge