

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation Regarding Intrastate Access :  
Charges and IntraLATA Toll Rates of Rural :  
Carriers, and the Pennsylvania Universal : I-00040105  
Service Fund :

**SECOND PREHEARING CONFERENCE ORDER**

On December 20, 2004, the Commission entered an Order in the above-captioned case instituting an investigation into whether there should be further intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural incumbent local exchange carriers. An in-person prehearing conference was held on Wednesday, February 16, 2005. The following parties entered appearances and were represented by counsel: Office of Small Business Advocate (OSBA); Office of Consumer Advocate (OCA); Rural Telephone Company Coalition (RTCC); United Telephone Company of Pennsylvania d/b/a/ Sprint; Qwest Communications Corporation (Qwest); Nextel Communications Inc., and Omnipointe Communications Inc. and Voicestream Pittsburgh LP d/b/a T-Mobile; MCImetro Access Transmission Service (MCI); AT&T Communications of Pennsylvania, LLC (AT&T); Cingular Wireless and Verizon Wireless; Verizon Pennsylvania Inc. and Verizon North Inc. (Verizon); and Office of Trial Staff (OTS).

**Petitions to Intervene**

No party objected to the petitions to intervene filed by Nextel and T-Mobile; Verizon; AT&T; Qwest; Cingular and Verizon Wireless; although RTCC noted that it reserved its right to object to any particular party's right to address a particular issue later in the proceeding. Consequently, all petitions are granted.

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## **Motion for Admission Pro hac vice**

Zsuzsanna E. Benedek moved for the admission *pro hac vice* for Jennifer Duane, on behalf of Sprint. No party objected, and the motion is granted.

## **Schedule**

The RTCC asked for time to meet with the other parties before a formal schedule is set. RTCC believes that the subject matter of this investigation is well-suited to settlement discussions, or at least, that the issues can be fine-tuned as a result of discussions among the parties. No party objected to this request. **Therefore, a second prehearing conference is scheduled for Thursday, April 21, 2005 at 1:00 pm.**

On or before April 15, 2005, the parties are required to provide a prehearing memorandum which, in addition to the requirements appearing in the regulations, must include:

1. A statement of the party's intended position on each of the following issues:

- a. Whether intrastate access charges and intraLATA toll rates should be further reduced or rate structures modified in the rural ILECs' territories.
- b. What rates are influenced by contributions to and/or disbursements from the Pennsylvania Universal Service Fund?
- c. Should disbursements from the PA USF be reduced and/or eliminated as a matter of policy and/or law?
- d. Assuming the PA USF expires on or about December 31, 2006, what action should the Commission take to advance the policies of the Commonwealth?
- e. If the PA USF continues beyond December 31, 2006, should wireless carriers be included in the definition of contributors to the Fund? If included, how will the Commission know which wireless carriers to assess? Will the Commission

need to require wireless carriers to register with the Commission? What would a wireless carrier's contribution be based on? Do wireless companies split their revenue bases by intrastate, and if not, will this be a problem?

f. What regulatory changes are necessary to 52 Pa. Code §§ 63.161-171 given the complex issues involved as well as recent legislative developments?

2. A list of additional issues which the party intends to address in this proceeding, and the party's intended position regarding each one.
3. Recommendations regarding discover.
4. A proposed schedule for submission of testimony, hearings, and briefing.

As is the usual practice, you must serve me directly with a copy of any document that you file 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](mailto:scolwell@state.pa.us). If you send me *any* correspondence or document, you must send a copy to all other parties.

If the need for a proprietary order arises, please obtain the approval of all parties regarding the wording of the order prior to filing your motion for it. Please include an electronic copy of the proposed order with the motion.

Dated: February 17, 2005

  
Susan D. Colwell  
Administrative Law Judge