

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 05-C-0616 - Proceeding on Motion of the Commission to Examine Issues Related to the Transition to Intermodal Competition in the Provision of Telecommunications Services.

PROCEDURAL RULING

(Issued July 13, 2005)

JEFFREY E. STOCKHOLM, Administrative Law Judge:

On July 11, 2005, a Procedural Conference was held in the above proceeding to provide the parties an opportunity to recommend the processes and schedule to be established in accordance with the order commencing this proceeding.¹

Based on the recommendations and arguments set forth in the record of the conference, the following procedures and schedule are established. As set forth in the Commission's order, initial comments to the questions raised by the Commission will be due, in hand, August 15, 2005. Unless a party objects for cause, service on parties may be completed using e-mail, so long as the Secretary is served a hard-copy of any filing as required by the Commission's Order or regulations. To focus the parties' comments on the policy guidance sought by the Commission, initial comments and arguments shall be limited to 60 pages.² Appendices to the comments containing evidentiary material or other documents the parties believe are required for the record will not be limited, but the parties are reminded that this is a policy proceeding, and, accordingly, the level and detail of evidence necessary would not approximate the detail required, for example, in a traditional rate proceeding.

¹ Case 05-C-0616, Proceeding on Motion of the Commission to Examine Issues Related to the Transition to Intermodal Competition in the Provision of Telecommunications Services, Order Initiating Proceeding and Inviting Comments (Issued June 29, 2005).

² Page limitations of 50-75 pages were suggested by some of the parties.

Based in part on the parties' initial comments, Staff will prepare a white paper, setting forth a proposed vision and recommendations for future telecommunications regulation. The white paper shall be served on the parties, in-hand as noted above, by close of business September 12, 2005 as Staff suggested. While a specific page limitation on this document will not be imposed, Staff is encouraged to limit its document to the extent feasible to the 60-pages (excluding appendices) imposed on initial comments.

Replies to the staff white paper, which may include replies to any comments filed August 15, shall be served on all parties, in-hand, by close of business October 12, 2005.³ No other requirements for these replies are being established now, but page limitations, a common outline for comments, or other techniques may be considered following the issuance of the white paper.

Finally, as ruled on the record, discovery appropriate to the nature of this policy proceeding will be permitted, and we are prepared to move quickly regarding any disputes that may arise (including limiting the time permitted to respond to discovery, if required). Again, the parties are advised to consider the nature of this proceeding and to limit their discovery requests to matters that are likely to produce both relevant and material evidence. Discovery questions must be served on all parties, and discovery responses must be served on all parties requesting them, subject to trade secret limitations. Discovery responses raising any objection to the discovery requests shall be served on me. Discovery which acts to unreasonably burden or disadvantage a party, or to frustrate the schedule for this proceeding will not be permitted.

As a final matter, once the Staff white paper is issued, the parties should informally discuss the available policy options and supporting factual record. It may be

³ Given the expedited nature of this proceeding, late-filed documents can result in substantial prejudice to other parties. Accordingly, filing dates will be strictly enforced, and tardy filings may not be allowed.

possible to simplify the number and scope of potentially contested issues through stipulations, and I recommend that the parties consider such an approach.

An active parties list is attached. Please advise Yvonne Super at yvonne_super@dps.state.ny.us of any required changes or corrections and note that the list may continue to expand through the end of July for the purpose of serving initial comments.

(SIGNED)

JEFFREY E. STOCKHOLM

CASE 05-C-0616
ACTIVE PARTY LIST
(As of July 13, 2005)

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