

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**ORDER ACCOMPANYING THE ORDER OF
AUGUST 20, 2008 REGARDING DISCOVERY**

In the August 20, 2008 Order Disposing of the Motions to Compel filed by the Office of Consumer Advocate and Verizon against the Pennsylvania Telephone Association and Embarq, the OCA was granted permission to file supplemental direct testimony with its rebuttal on or before October 24, 2008 if the information it sought from the PTA and Embarq was not provided in time for the cost study to be included with the OCA's direct testimony. Other parties would be expected to respond in surrebuttal.

On August 26, 2008, OCA asked for a conference call with OCA, PTA and Embarq, which was held on August 27, 2008. During the conference call, OCA asked for the ability to file written rejoinder testimony if necessary, after the other parties respond to its supplemental direct in surrebuttal. PTA and Embarq had no objection.

This is a reasonable request, which will give the OCA an opportunity to respond in writing, to surrebuttal which responds to its supplemental direct, a week before the evidentiary hearing. This gives the other parties an opportunity to evaluate the OCA rejoinder prior to the hearing itself and to prepare a response, if necessary.

While this gives the OCA the last chance to file written testimony, the rejoinder is limited to responding to those parties which addressed the OCA cost study testimony in rebuttal. No other subject matter is acceptable for OCA rejoinder, and all

parties may provide oral rejoinder testimony at the evidentiary hearings. Therefore, there is no prejudice to any party, and due process considerations are met.

The other parties were not included in the discussion of the establishment of the written rejoinder date, since the discussion was a result of the PTA and Embarq being required to respond to OCA discovery consistent with the August 20, 2007 Order, and no other party is involved in those matters. Therefore, to ensure that due process considerations are extended to all parties, those parties may file an objection to this Order allowing OCA rejoinder for good cause within ten days of the date of this Order, and if an objection is filed, this Order will be reevaluated accordingly.

THEREFORE,

IT IS ORDERED:

1. That the litigation schedule is amended to provide an opportunity for the Office of Consumer Advocate to file oral rejoinder to other parties' written rebuttal which addresses the OCA supplemental testimony regarding the OCA cost study.

2. That the litigation schedule is amended as follows:

Direct testimony	September 26, 2008
OCA Supplemental Direct	October 24, 2008
Rebuttal testimony	October 24, 2008
Surrebuttal testimony	November 14, 2008
OCA Rejoinder	December 8, 2008
Evidentiary hearings	December 15-18, 2008
Main briefs	February 9, 2009
Reply briefs	March 2, 2009

3. That parties other than OCA, PTA and Embarq may file a written objection to this Order's amendment to the procedural schedule for good cause within ten (10) days of the issuance date of this Order.

4. That all other ordering paragraphs of the June 24, 2008 Scheduling Order remain in effect.

Dated: August 27, 2008


Susan D. Colwell
Administrative Law Judge