

PLEASE DOCKET

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 :

DOCKETED
NOV 16 2005

ORDER SUSPENDING PROCEDURAL SCHEDULE

05 JUL 15 11 21 AM
SECRETARY'S BUREAU

On April 22, 2005, a procedural schedule was established for the orderly conduct of this proceeding. A motion to stay the proceeding pending the outcome of the federal proceeding¹ was filed by the Rural Telephone Company Coalition (RTCC) and joined by Office of Consumer Advocate (OCA) and Office of Trial Staff (OTS). The Office of Small Business Advocate (OSBA) filed a brief in support after arguing against it at the prehearing conference. The following parties opposed the stay: United Telephone Company of Pennsylvania d/b/a/ Sprint; Qwest Communications Corporation (Qwest), MCImetro Access Transmission Service (MCI) and AT&T Communications of Pennsylvania, LLC (AT&T).

The motion for stay properly assigned to the presiding officer in the case. It was denied by order issued June 8, 2005. The moving parties filed a petition for interlocutory appeal, triggering the thirty-day period in which the Commission is required to decide whether to grant the motion. 52 Pa. Code § 5.303.

On July 7, 2005, a Secretarial letter was issued which informed the parties that the Commission would not be acting on the petition within the thirty-day period but that this inaction should not be deemed a denial of the petition. Rather, the Commission intends to act on it at the August 11, 2005 public meeting.

**DOCUMENT
FOLDER**

¹ *In the Matter of Developing a Unified Inter-carrier Compensation Regime*, CC Docket No. 01-92, FCC 05-33, Further Notice of Proposed Rulemaking (released March 3, 2005).

The procedural schedule calls for the initial testimony of all parties to be submitted on or before August 1, 2005. Common sense dictates delaying this requirement until the Commission issues its decision regarding the petition for interlocutory appeal. Therefore, the procedural schedule is suspended until the August 11, 2005 public meeting. The parties are cautioned to be prepared to move forward if the petition is denied. A new procedural schedule will be issued which sets the due dates approximately thirty (30) days later than the present schedule provides. This would require direct testimony to be submitted by September 1, 2005.

THEREFORE,

IT IS ORDERED:

1. That the procedural schedule in this case set by order issued April 22, 2005, is suspended pending the Commission's consideration of the petition for interlocutory appeal of the order denying a stay.

Dated: July 14, 2005


Susan D. Colwell
Administrative Law Judge