

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of Sprint's Petition for
Arbitration of Interconnection Rates,
Terms, Conditions, and Prices with US
West Pursuant to 47 U.S.C. § 252(b).

PREHEARING ORDER

On October 11, 1996, a prehearing conference in the above matter was held. The following appearances were made: Donald Low appeared on behalf of Sprint; David G. Seykora and Tom Longgren appeared on behalf of U S West; Julia E. Anderson, Gregory P. Huwe, and Gregory Doyle appeared on behalf of the Department of Public Service (DPS); Eric F. Swanson appeared on behalf of the Office of the Attorney General, Residential and Small Business Utilities Division (OAG/RUD); Charles A. Hoffman and Cynthia Frank Gilbertson appeared on behalf of GTE; and Dan Lipschultz appeared on behalf of the staff of the Minnesota Public Utilities Commission.

Based upon discussions at the prehearing conference and the rules governing this proceeding, the Administrative Law Judge makes the following

ORDER

1. Sprint and U S West are Parties to this arbitration consistent with Section 252(b) (1) of the Telecommunications Act of 1996.
2. The DPS and the OAG/RUD have requested and are granted the right to intervene in this matter. The DPS and the OAG/RUD shall have all the rights and responsibilities of a full party.
3. Should any person or organization request and be granted Participant status in this matter, their rights and obligations shall be limited to the following:
 - a) Participants may attend all hearings and prehearing conferences as observers but will not be permitted to offer testimony or evidence in the arbitration proceeding.
 - b) Participants shall have access to all written information, including proprietary information and cost studies, that is submitted into evidence at the arbitration hearing, if they sign a protective agreement pursuant to a Protective Order. They are subject to the same requirements as the Parties with respect to confidential or proprietary data.

c) Participants shall also be served with all prefiled testimony, written briefs, proposed findings and decision, and exceptions filed with the ALJ or Commission. The Participants shall also receive all hearing notices and a copy of the Recommended Arbitration Decision.

d) Participants will be permitted to submit to the ALJ post hearing written argument with respect to the issues as developed at the arbitration hearing. This argument must be based upon facts in the record of the arbitration hearing.

e) The Participants shall not have access to any discovery requests or responses unless that data is later offered into the arbitration record.

4. Discovery will require quick turnaround and quick decisions of disputes. Parties will have seven calendar days to respond to discovery requests, but if the last day is a Saturday, Sunday or holiday, then the response shall be due the next business day. Responses must be delivered on the appropriate day, not mailed. Requests must be received by 4:30 p.m. in order to be counted as received on that day. Discovery shall be completed by October 30, 1996, except with respect to discovery requests on DPS and OAG/RUD, which shall be completed by November 4, 1996. Completion of discovery means that all responses must be received by the requesting party by the close of discovery. The Parties shall be limited to 50 questions per party.

5. The Parties shall prefile written testimony in question and answer format. Direct testimony prefiled by Sprint and U S West must be received by the ALJ, Commission, other Parties and Participants by 4:30 p.m. on October 21, 1996. The DPS and OAH/RUD shall deliver and file their initial testimony on to the ALJ, Commission, other Parties and Participants by 4:30 p.m. on October 28, 1996. All rebuttal testimony must be received by the ALJ, Commission, other Parties and Participants by 4:30 p.m. by November 1, 1996.

6. The next prehearing conference in this matter will take place on Thursday, October 28, 1996, commencing at 1:00 p.m. in the Commission's Offices, 121 7th Place East, Suite 350, St. Paul, Minnesota. Parties should be prepared to recommend and discuss a more informal hearing procedure and any other appropriate matter.

7. The Parties shall file with the ALJ by November 8, 1996 a list of disputed issues, the Parties' positions on each issue, including proposed prices, discounts and implementation schedule, and reference to the specific FCC rules and state requirements that apply to each issue. The Parties shall keep the ALJ, Commission, DPS and RUD/OAG updated regarding issues that are resolved and issues that remain open.

8. The arbitration hearing will commence November 11, 1996, and shall conclude by November 15, 1996. The hearing will take place in the small hearing room at the Minnesota Public Utilities Commission commencing at 9:00 a.m. A "real time" court reporter from Janet Shaddix and Associates will be used and a transcript of the proceeding will be prepared.

9. Post trial briefs and proposed findings and decision (Draft Order) on each issue, and a proposed schedule for implementation by the negotiating parties must be received by the ALJ, Commission, other Parties and Participants by December 2, 1996. Written replies must be received by the ALJ, Commission, other Parties and Participants by December 9, 1996.

10. The Administrative Law Judge will issue the Recommended Arbitration Decision by December 19, 1996.

11. Attached to this correspondence is the Official Service List. The Commission Procedural Rules govern the filing of documents in this case, unless modified by this Order.

a) The Parties, Intervenors, and Participants shall file with the Commission's Executive Secretary 15 copies of all documents submitted to the ALJ, except proprietary copies, which should number nine, which are for distribution among Commissioners and Commission staff by delivering, mailing or faxing to:

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101-2147

b) Prior to the issuance of the Proposed Arbitration Decision of the ALJ, the original document and one copy shall be filed with the ALJ by delivering, mailing or faxing to:

The Honorable Steve M. Mihalchick
Office of Administrative Hearings
100 Washington Square
Suite 1700
Minneapolis, MN 55401-2138

c) Following the Recommended Arbitration Decision, original documents shall be filed with the Executive Secretary of the Commission. A copy may be filed with the ALJ.

d) One copy, except four copies in the case of Linda Chavez, shall be served personally, by mail or by fax on the attorney for each Party and Participant of record and the additional individuals identified on the Official Service List, as it may be amended.

e) Proof of Service shall be filed with each filed document. Prefiled testimony and other documents of more than 25 pages in length should be delivered or mailed by overnight carrier rather than transmitted by facsimile transmission

Dated this 14th day of October, 1996.

STEVE M. MIHALCHICK
Administrative Law Judge