

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of an Investigation Regarding Qwest's Compliance with Section 271 of the Telecommunications Act of 1996 with Respect to the Provisions of InterLATA Services Originating in Minnesota

PUC Docket No. P-421/CI-96-1114
OAH Docket No. 12-2500-14473-2

In the Matter of a Commission Investigation into Qwest's Compliance with Section 271(c)(2)(B) of the Telecommunications Act of 1996; Checklist items 3, 7, 8, 9, 10, and 12

PUC Docket No. P-421/CI-01-1370
OAH Docket No. 12-2500-14485-2

In the Matter of a Commission Investigation into Qwest's Compliance with Section 271(c)(2)(B) of the Telecommunications Act of 1996; Checklist items 1, 2, 4, 5, 6, 11, 13, and 14

PUC Docket No. P-421/CI-01-1371
OAH Docket No. 7-2500-14486-2

In the Matter of a Commission Investigation into Qwest's Compliance with Section 272 of the Telecommunications Act of 1996's Separate Affiliate Requirement

PUC Docket No. P-421/CI-01-1372
OAH Docket No. 7-2500-14487-2

In the Matter of a Commission Investigation into Qwest's Compliance with Section 271(d)(3)(C) of the Telecommunications Act of 1996 That the Requested Authorization is Consistent with the Public Interest, Convenience and Necessity

PUC Docket No. P-421/CI-01-1373
OAH Docket No. 6-2500-14488-2

In the Matter of the Commission's Review and Investigation of Qwest's Unbundled Network Element (UNE) Prices

PUC Docket No. P-421/CI-01-1375
OAH Docket No. 12-2500-14490-2

In the Matter of the Request of Covad to Define and Price a Line Sharing over DLC UNE to be offered by Qwest

PUC Docket No. P-421/CI-02-293
OAH Docket No. 12-2500-14765-2

SIXTEENTH PREHEARING ORDER

These matters came on for prehearing conference before Administrative Law Judges Richard C. Luis and Steve M. Mihalchick on April 24, 2002. The conference was conducted by telephone.

The following persons noted their appearances at the prehearing conference:

Robert Cattanach and Jason Topp, for Qwest.

Priti Patel, Assistant Attorney General, for the Department of Commerce.

Jeanne M. Cochran and Mary Crowson, Assistant Attorneys General, for the OAG-RUD.

Lesley Lehr and Chad Warner for WorldCom.

Mary Tribby for AT&T.

Morton Posner for Allegiance Telecom of Minnesota.

Allen Barnard for Popp Telecom.

Cecilia Ray for the CLEC Coalition.

Diane Wells, for the Commission Staff.

SCHEDULING ORDER AMENDMENTS

1. Reconsideration of the schedule in the OSS docket (1371) is needed due to the announcement that the ROC OSS final report would be available on May 28, 2002. Prior to the telephone conference, Qwest provided a proposed schedule for the docket, proposing to move Qwest's filing date with the FCC to September 13, 2002.^[1] The movement of the filing date was conditioned on Qwest having two weeks to reply to the other parties' responses in the OSS docket. Qwest's proposed schedule has Qwest making a supplemental filing (commenting on the ROC OSS final report) on May 30, 2002. Responses to Qwest's filing are proposed for June 6, 2002. Qwest would make its Reply filing on June 20 and surreplies would be filed on July 3, 2002. The hearing would begin on July 9 and continue through July 19, 2002. The proposed schedule anticipates that the ALJ Report will be issued by August 22, 2002.

2. Worldcom indicated that a technical conference between the ROC participants was scheduled for May 14-16. The scope of the changes between the draft and final reports of the ROC OSS should be apparent by that time. AT&T noted that it could file the testimony already in preparation for similar proceedings in other states on an earlier date and supplement that filing with responses directed toward changes between the draft and final reports from the ROC OSS. Even with this earlier filing, AT&T maintains that more time is needed to supplement its testimony because its

witnesses will be involved in other states' proceedings the week of June 3. Commerce objected to making two responses, and maintained that the appropriate deadline for the responses was between June 6 and June 13, 2002. No other party made any suggestions on when responses should be filed.

3. After consulting with the parties, the following amendments to the Current Schedule are needed for the OSS docket (1371). The final report from the ROC OSS will be issued on May 28, 2002. Qwest shall file its supplemental testimony on May 30, 2002. Responses (Intervenors' testimony, including comments on the ROC OSS) are due on June 10, 2002. Qwest's reply is due on June 24, 2002. All surreplies shall be filed by July 3, 2002. The hearing will begin at 9:00 a.m. on July 9, 2002. The witness schedule will be agreed to among the parties.

4. A copy of the current schedule, updated to reflect the changes in the OSS docket (1371) made by this Order, is attached.

POPP TELECOM PETITION FOR INTERVENTION

5. The Administrative Law Judge received a Petition to Intervene from Popp Telecom, Inc. (Popp Telecom) for intervention in the OSS Checklist (1371) and Public Interest (1373) dockets. No party objected to Popp Telecom being allowed in to those dockets as a full party on a prospective basis. Intervention will be granted prospectively to avoid prejudice to the other parties who participated in earlier proceedings.

6. Popp Telecom's Petition to Intervene is GRANTED and Popp Telecom is admitted as a full party in the OSS Checklist (1371) and Public Interest (1373) dockets. All persons serving documents in those dockets are instructed to add Barbara M. Ross of Best & Flanagan to their mailing list for nonproprietary paper filings. The list for email should add the address bross@bestlaw.com.

ALLEGIANCE TELECOM PETITION FOR INTERVENTION

7. The Administrative Law Judge received a Petition to Intervene from Allegiance Telecom of Minnesota, Inc. (Allegiance Telecom). The Petition requested intervention in the NonOSS Checklist (1370), Public Interest (1373), and UNE Pricing (1375) dockets. At the conference, Allegiance Telecom indicated that it seeks to submit briefs and provide comment in the three named dockets. No party had any objection to Allegiance Telecom being afforded interested person status. As an interested person, Allegiance Telecom can submit briefs and comment on proceedings in the two dockets where the record remains open (1373 and 1375) without having any of the other rights of a party.^[2] Intervention will be granted prospectively to avoid prejudice to the other parties who participated in earlier proceedings.

8. Allegiance Telecom's Petition to Intervene is GRANTED and Allegiance Telecom is admitted as an INTERESTED PERSON in the Public Interest (1373) and UNE Pricing (1375) dockets. All persons serving documents in these dockets are instructed to add Morton Posner to their mailing list for nonproprietary paper filings. The list for email should add the address Morton.Posner@algx.com.

9. The parties are advised that Thomas Bailey is no longer representing OAG-RUD in this matter. Assistant Attorney General Peter Marker is now representing OAG-RUD. Mr. Marker is already on the service list and he has requested that the parties ensure that he receive only one copy of the paper filings in this matter. An updated service list accompanies this Order.

Dated: April 26, 2002

/s/ Richard C. Luis
RICHARD C. LUIS
Administrative Law Judge

^[1] Qwest noted that it would only file earlier with the FCC if the PUC concludes its consideration of the Qwest 271 Application dockets earlier than September 13, 2002.

^[2] See Minn. Rule 1400.6200, subp. 3.A.