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3-2500-18059-2

P-466, 575/M-07-495

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

In the Matter of the Petition of  
Woodstock Telephone Company for  
Arbitration of an Interconnection  
Agreement with Sprint  
Communications Company, LP,  
Pursuant to 47 U.S.C. § 252(b)

**FIRST PREHEARING ORDER**

This matter came on for a telephone prehearing conference before Administrative Law Judge Kathleen D. Sheehy on May 29, 2007.

M. Cecilia Ray, Moss & Barnett, 4800 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402, appeared for Woodstock Telephone Company.

Philip R. Schenkenberg, Briggs and Morgan, 2200 IDS Center, 80 South Eighth Street, Minneapolis, Mn 55402, appeared for Sprint Communications Company, LP (Sprint).

Linda S. Jensen, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131, appeared for the Department of Commerce (Department).

Based on the discussions during the prehearing conference, and all the files and proceedings herein, the Administrative Law Judge makes the following:

**ORDER**

**Parties and Participants**

1. The parties to this matter as named in the Commission's Order Referring Matter to OAH for Arbitration and Assigning Arbitrator, dated May 14, 2007, are Woodstock Telephone Company, Sprint, and the Department.

2. Pursuant to Minn. R. 7812.1700, subp. 10, others wishing to participate in an interconnection arbitration are limited to status as observers. Any person wishing to participate in the hearing as an observer must make such a request by July 2, 2007.

## **Schedule**

3. The following schedule is adopted:

Direct Testimony (All parties)	July 12, 2007
Reply Testimony (All parties)	July 24, 2007
Evidentiary Hearing, beginning at 9:00 a.m. at the PUC	August 3, 2007
Initial Post-Hearing Briefs	August 20, 2007
Reply Briefs	August 27, 2007

## **Procedure**

4. The Administrative Procedure Act and the rules of the Office of Administrative Hearings govern the conduct of this matter, and the Professionalism Aspirations adopted by the Minnesota Supreme Court will be observed.

## **Filing of Documents**

5. Prefiled testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.

6. Persons capable of doing so should E-file electronic versions of their documents on the E-File system of the Public Utilities Commission (the E-File system). Prefiled testimony should be filed separately for each witness.

7. All documents filed, including prefiled testimony, but excluding information requests and responses, shall be filed as follows:

- A. The original document shall be filed using the E-file system wherever feasible. Otherwise, the original document shall be filed by delivery or mail to:

Administrative Law Judge Kathleen D. Sheehy  
Office of Administrative Hearings  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

- B. After the Administrative Law Judge's Report is issued, the parties shall file the original of all documents with the Executive Secretary of the Commission, in the manner provided for by the Commission.

8. Copies of all documents shall be served on the persons listed on the attached service list, in the number indicated. E-filing constitutes service on those parties who have agreed to accept e-filed documents in this docket. The list will be revised as necessary by the Office of Administrative Hearings. Service shall be made according to the most current service list served upon the parties by the Office of Administrative Hearings.

9. The effective date of filing shall be the date the document is E-filed, mailed by U.S. Mail, or delivered to the Administrative Law Judge or the Executive Secretary of the Commission.

10. Proof of service shall be filed with each filed document or within three business days thereafter. Parties using the E-filing system must retain the unique document identifier as proof of service through that system.

11. If nonpublic data is filed with the Administrative Law Judge or the Commission, it shall be prepared and marked in accordance with the Commission's September 1, 1999, Revised Procedures for Handling Trade Secret and Privileged Data. Those procedures may be viewed at [www.puc.state.mn.us/docs/tradsecret.pdf](http://www.puc.state.mn.us/docs/tradsecret.pdf). Nonpublic data must be served in hard-copy format by U.S. Mail or personal deliver.

## **Discovery**

12. Discovery between parties shall be by Information Request and Response. All requests for information shall be made in writing or by e-mail to the party from whom the information is sought, and a copy shall be mailed or e-mailed to all parties. Any request received after 4:30 p.m. on a business day, on a weekend day, or on a state holiday is considered received on the next business day.

13. For Information Requests served before July 12, 2007, the party responding to the request shall provide the requested information to the requesting party within eight business days of receipt of the request. For Information Requests served after July 12, 2007, the party responding to the request shall provide the requested information to the requesting party within three business days of receipt of the request. A business day does not include weekend days or state holidays.

14. Responses to information requests shall be submitted on or before 4:30 p.m. on the due date.

15. In the event that requested information cannot be supplied within the required response time, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information and to work out a schedule of compliance with the requesting party.

16. Parties asked to provide Confidential or Trade Secret Information may require the requesting party to comply with the terms of a reasonable protective agreement or the Minnesota Government Data Practices Act. A protective order may be obtained on application to the Administrative Law Judge.

17. Disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Notice of such a motion should be made by e-mail if possible, and the motion may be heard by telephone conference scheduled by the Administrative Law Judge.

### **Prefiled Testimony and Order of Testimony**

18. At the hearing, prefiled testimony and exhibits shall be offered and received as hearing exhibits, and exhibit numbers shall be assigned at that time. Prefiled testimony that is amended, or not offered into the record, shall be considered withdrawn, and the sponsoring witness may not be cross-examined concerning the withdrawn testimony. Except for good cause shown, all substantive revisions or corrections to any prefiled testimony shall be filed with the Administrative Law Judge and served on the parties no later than three days before the evidentiary hearing starts. E-filing shall be used where possible.

19. Except for good cause shown, any new affirmative matter that is not offered in reply to another party's direct case will not be allowed in reply or surreply testimony and exhibits.

20. Unless the parties agree otherwise, the order of testimony and questioning in the evidentiary hearing shall be: Sprint, Woodstock, and the Department. The parties shall attempt to agree on the order of presentation of issues and witnesses.

### **Examination of Witnesses**

21. Witnesses shall be allowed ten minutes to summarize their prefiled testimony. For good cause shown, witnesses will be permitted to respond to any new matters not addressed in prefiled testimony through direct examination by counsel.

22. Parties shall examine and cross-examine witnesses through their attorneys.

23. Except for good cause shown, objections by any party relating to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states its objection by motion made to the Administrative Law Judges, and serves a copy of such objections on the parties, no later than three days before the hearing begins. If an objection is made by a party, the party shall be permitted to lay further foundation for the objection through cross-examination of the witness. Any prefiled testimony that is not objected to shall be admitted during the evidentiary hearings without the necessity of laying foundation for the testimony.

Dated: June 5, 2007.

s/Kathleen D. Sheehy

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KATHLEEN D. SHEEHY  
Administrative Law Judge