READING FILE

Service Date: September 24, 1985

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER Of The Connection Of Customer Owned Coin Telephones To The Local Exchange Network.	))))	UTILITY DIVISION DOCKET NO. 84.10.68

PROCEDURAL ORDER

Under the authority of the Administrative Rules of Montana, the Commission establishes the following procedure for Docket No. 84.10.68.

1. In this order the term "parties" includes all intervenors in this docket. Individuals or entities listed on the "service list" for this docket are not "parties" to this docket unless they have been granted intervention by the Commission.

2. Copies of all pleadings, motions, discovery requests, prefiled testimony and briefs filed with the Commission shall be served on all parties to this docket. A copy of a cover letter or transmittal letter describing the filing shall also be served on the remainder of the "service list" who are not parties to this docket. In submitting prefiled testimony, the original and ten copies must be filed with the Commission. Failure to provide the required number of copies will constitute a defective filing and may result in the testimony not being allowed into the record.

3. All dates listed in the following schedule are mailing dates. Parties must mail all material by the most expeditious method available at reasonable cost.

SCHEDULE

4. The following schedule shall apply in Docket No. 84.10.68:

a. October 7, 1985: Final day for timely filing of Petitions to Intervene by parties who are interested in and directly affected by this Docket.

b. October 15, 1985: Final day for filing of initial prefiled testimony by all parties.

c. November 4, 1985: Final day as a matter of right for post-testimony written discovery and data requests from parties to other parties.

d. November 18, 1985: Final day for response to written discovery and data requests submitted pursuant to 4c.

e. December 9, 1985: Final day for filing of rebuttal testimony by all parties.

f. January 28, 1986: Opening day of hearing in Docket 84.10.68.

Issues

5. The Commission wishes to address the following issues in this Docket:

a. Should all regulated telephone companies in the state be required to allow connection of privately owned coin telephones to the telephone company network?

b. Should connection be allowed in all exchanges or only those were some kind of usage based rate is currently available?

c. If connection is allowed what rates should be charged for the telephone company access line?

d. Should telephone companies be allowed to charge for certain services now provided coin customers at no charge, such as directory assistance and 911 calls?

e. Should there be any changes in Mountain Bell's current Local Public Access Line rates?

f. Should any conditions be placed on providing service to coin telephone owners (such as 911 compatibility and operator first service)?

g. Does the allowance of customer owned coin telephones constitute competition adequate to justify eliminating

some or all of the regulation of telephone company public and semi-public coin phones?

Intervention

6. Parties seeking to intervene after October 7, 1985, must file a Petition to Intervene with the Commission. The petition shall demonstrate (A) the position the intervenor will take if the intervention is granted, (B) that the proposed intervenor has an interest in and is directly affected by this Docket, (C) that the intervention, if granted, will not delay or prejudice the proceeding in the Docket, and (D) good cause why the petition was not timely filed. (ARM Section 38.2.2401 *et seq*.)

Discovery

7. The term "discovery" as used in this order includes all forms of discovery authorized by the Montana Rules of Civil Procedure, as well as informal "data requests". The Commission urges all parties to conduct their discovery through the use of data requests as much as possible.

8. Written discovery and data requests will be served on all parties. Hopefully this will serve to reduce the number of duplicate requests. Unless otherwise agreed between individual parties, copies of answers to all written discovery and data requests will be served only on parties specifically requesting them and on the Commission. If any party wants material requested by any other party, it should so inform the party to whom the data request or written discovery was directed.

9. The party receiving written discovery or data requests has five (5) days from receipt of the same within which to voice any objections it has to the request. The objection and notice thereof shall be served upon the Commission and all parties of record. The Commission may dispose of such objections by prompt ruling, or may schedule arguments on the objections. Failure to object promptly will be deemed acceptance of the request.

10. In the event any requesting party is dissatisfied with the response to any written discovery or data request, such party must, within five (5) days after receipt of such response, serve in writing upon the Commission and simultaneously upon all parties, its objections to such response. The Commission may dispose of such objection by prompt ruling, or may schedule argument on the objections. If objections are sustained, a time period will be set within which a satisfactory response must be made.

11. Submission of written discovery or data requests after the period established for the same will be allowed by leave of the Commission only. Such requests will not be permitted unless the party making the request shows good cause as to why the request was not submitted within the time period allowed.

12. Although no specific provision is made herein for post-rebuttal discovery it is not the intent of the Commission to forbid or discourage discovery subsequent to the receipt of rebuttal testimony. The Commission hopes that all parties will work together to facilitate any post-rebuttal discovery.

13. The Commission and the Commission staff are not bound by the discovery deadlines set forth in this Order. All parties will respond to Commission and staff data requests as expeditiously as possible. However, all such responses will be sent within thirty (30) days.

14. Unless excused by the Commission, failure by a party to answer data requests or other discovery from any party may result in:

a. An order refusing to allow the disobedient party to support or oppose related claims, or prohibiting that party from introducing related matters in evidence;

b. An order striking pleadings, testimony or parts thereof, or staying further proceedings until the requests is satisfied.

Testimony and Evidence

15. The Commission contemplates a progressive narrowing of issues as prefiled testimony proceeds from direct to rebuttal. Introduction of new issues or data in new areas will be carefully scrutinized and disallowed unless reasonable related to issues earlier identified in Commission orders or in testimony prefiled in conformance with this order.

16. At the hearing, prefiled initial and rebuttal testimony will be adopted into the record without the need of recitation by the witness. This procedure will eliminate retyping of prepared testimony into the hearing transcript and save substantial time during the hearing process.

17. All proposed exhibits and prefiled written testimony shall be marked for the purposes of identification prior to the start of the hearing. Parties shall arrange in advance with the court reporter the manner of identifying their exhibits.

18. When cross-examination is based on a document, not previously filed with the commission, copies of the document will be made available to the Commission and other parties unless good cause is shown why copies are not available. Parties introducing data requests or other discovery must have copies of each request and response available at the hearing for the court reporter, each Commission, the Commission staff and all parties.

19. Parties may be permitted to present "live" rebuttal testimony only if it is in direct response to an issue raised for the first time in cross-examination or the testimony of a public witness. Such testimony will be allowed only by leave of the presiding officer.

20. Citizens and citizen groups will, in the discretion of the Commission, be allowed to make statement without having submitted prepared written testimony; in addition, if they have prepared written testimony they may read it if they desire, or they may have it adopted directly into the record.

21. The rules of evidence applicable in District Courts of the State of Montana will be used at the hearings.

Prehearing Motions and Conferences

22. Motions by any party, including motions to strike prefiled testimony and motions concerning any procedural matter connected with this docket shall be raised at the earliest possible time. Prehearing motions shall be submitted on briefs unless otherwise requested by a party. If oral argument is requested, and the request is granted, the party requesting oral argument shall notice the same for hearing before the Commission.

23. The Commission may, at any time prior to the hearing, set a final Prehearing Conference. At the prehearing conference there may be discussed, amount other things, the feasibility of settlement of any issues in the proceeding, simplification of issues, possibility of obtaining admissions of fact and documents, the distribution and marking of written testimony and exhibits prior the hearing, and such other matters as may aid in the disposition of the proceeding or settlement thereof.

24. Nothing in this order shall be construed to limit the legally established right of the Commission or its staff to inspect the books and accounts of any regulated utility at any time.

DONE in open session in Helena, Montana this 23rd day of September, 1985 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

Clyde Jarvis, Chairman

Howard L. Ellis, Commissioner

John B. Driscoll, Commissioner

Danny Oberg, Commissioner

Tom Monahan, Commissioner

ATTEST:

Trenna Scoffield
Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.406, ARM.