Service Date: September 10, 1986

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

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IN THE MATTER of the Application Of The Regulated Members of TELEPHONE EXCHANGE CARRIERS OF MONTANA (TECOM) For Authority To Increase Rates For Intrastate Access Services.	))))))	UTILITY DIVISION DOCKET NO. 86.7.34

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PROCEDURAL ORDER

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Under the authority of the Administrative Rules of Montana and following a Prehearing Conference held August 29, 1986, the Commission establishes the following procedure for Docket No. 86.7.34.

1. In this order the term parties includes the regulated members of TECOM (hereafter the Applicant) and all intervenors including the Montana Consumer Counsel. 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.

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. Unless otherwise herein specified, the following schedule shall apply in Docket No. 86.7.34:

(a) September 19, 1986: Final day for written discovery and data requests directed to Applicant; final day to intervene as a matter of right.

(b) October 3, 1986: Final day for Applicant to respond to the written discovery and data requests of other parties.

(c) October 17, 1986: Final day for completion and service on Applicant and other parties of prefiled testimony and exhibits of all parties except Applicant.

(d) October 31, 1986: Final day as a matter of right for Applicant's written discovery and data requests to all parties and final day for intervenor's data requests to parties other than Applicant.

(e) November 14, 1986: Final day to answer discovery and data requests made pursuant to paragraph 4(d).

(f) November 28, 1986: Final day for service of Applicant's rebuttal testimony and testimony of other parties which is in rebuttal to testimony filed pursuant to paragraph 4(c). Final day for any party to conduct depositions as a matter of right.

(g) December 5, 1986: Final day for discovery and data requests to Applicant based on rebuttal testimony.

(h) December 12, 1986: Applicant's responses to data and discovery in 4(g) due.

(i) December 19, 1986: Final day for any party intending to introduce into evidence data requests or other discovery to notify all parties of the specific data requests or other discovery.

(j) January 3, 1987: Final day to provide the Commission and parties with a witness list indicating the sequence that witnesses will be called by the parties at the hearing.

(k) January 6, 1987: Opening day of hearing in Docket No. 86.7.34.

Intervention

5. Parties seeking to intervene after September 19, 1986, must file a Petition to Intervene with the Commission. The petition shall demonstrate (A) the position that 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

6. 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.

7. Written discovery and data requests will be served on all parties 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 inform the party to whom the data request or written discovery was directed.

8. The party receiving the written discovery or data request has five (5) days from receipt of the data request to file 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 within five days will be deemed acceptance of the request.

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

10. 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.

11. Specific provision is made herein for post-rebuttal discovery.

12. 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 within thirty (30) days.

13. 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 request is satisfied.

Testimony and Evidence

14. 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. Parties are required to identify for other parties those individuals who should receive data requests and responses to data requests if other than or in addition to counsel of record. At the hearing, prefiled 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.

15. 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.

16. When cross-examination is based on a document, not previously field with the Commission, copies of the document

will be made available to the Commission 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 Commissioner, the Commission staff, and all parties.

17. 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.

18. Citizens and citizen groups will, at the Commission's discretion, be allowed to make statements 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.

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

Prehearing Motions and Conferences

20. 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.

21. The Commission may, at any time prior to the hearing, set a final Prehearing Conference. At that prehearing conference there may be discussed, among 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 to the hearing, and such other matters as may aid in the disposition of the proceeding or settlement thereof.

22. 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 AND DATED THIS 4th day of September, 1986 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

HOWARD L. ELLIS, Commissioner

TOM MONAHAN, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Acting Secretary

(SEAL)