

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6298

In Re: Resale Agreement between New England )  
Telephone and Telegraph Company d/b/a Bell )  
Atlantic-Vermont and Essential.Com, Inc. )  
)

Order entered: 11/2/99

**PREHEARING CONFERENCE MEMORANDUM**

**BACKGROUND**

On September 30, 1999, a Resale Agreement between New England Telephone and Telegraph Company d/b/a Bell Atlantic-Vermont ("Bell Atlantic") and Essential.Com, Inc. ("Essential") was filed with the Public Service Board. A prehearing conference in this proceeding was held on October 21, 1999. The following persons entered appearances: Gregory Kennan, Esq., for Bell Atlantic; John Sayles, for the Vermont Department of Public Service ("Department"); and Eric Krathwohl, Esq., and Peter Mills for Essential.

**MOTIONS**

During the prehearing conference Eric Krathwohl, Esq., requested the Hearing Officer to grant a Motion to Waive Public Service Board Rule 2.201(C) to permit him to serve as counsel of record to Essential in the above referenced docket. As the request was unopposed, I granted the Motion to Waive Public Service Board Rule 2.201(C).<sup>1</sup>

**SCHEDULING**

The primary focus of the prehearing conference was the establishment of the schedule for this proceeding. Under section 252(e) of the federal Telecommunications Act of 1996 (the "Act"), the Board must issue its final decision within 90 days of the submission of an interconnection agreement. The parties agreed that the Board must make its final decision in this matter by December 29, 1999, to meet this deadline.

The Act, which governs this proceeding, does not require that the Board conduct evidentiary hearings. The parties thus agreed to a procedural schedule whereby the Hearing Officer would draft a Proposal for Decision ("PFD"), which would then be circulated to the

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1. Mr. Krathwohl's Motion for Leave to Appear Pro Hac Vice was filed with the Board on October 25, 1999.

parties. Following issuance of the PFD, the Department and other parties may submit comments on the proposed resale agreement and the PFD. At this time, it appears unlikely that a hearing will be needed, so the procedural schedule does not contain specific hearing dates.

I wish to remind parties that, under 3 V.S.A. § 811, they have the right to comment upon my PFD and request oral argument before the Board. Assuming the parties can reach agreement on an appropriate resolution of this docket, the parties may want to consider waiving their rights under this section, in writing, to allow issuance of a final Board order more rapidly.

SO ORDERED.

DATED at Montpelier, Vermont, this 2nd day of November, 1999.

s/Gregg C. Faber

Gregg C. Faber  
Hearing Officer

OFFICE OF THE CLERK

FILED: November 2, 1999

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board of any technical errors, in order that any necessary corrections may be made.*