

WILLIAM
W. B. B.

;

Case No. TO-2000-322

TO MODIFY PROCEDURAL SCHEDULE

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The proposed procedural schedule was reviewed and discussed at the prehearing conference. The Commission adopted an Order Adopting Procedural Schedule on December 27, 1999. The procedural schedule set the hearing dates for February 8-9, 2000, and February 15, 2000, if necessary.

On January 27, 2000, Covad filed a Motion to Modify Procedural Schedule and for Expedited Consideration (of the motion) by facsimile transmission. Covad discussed its request with SWBT and SWBT filed its response, Opposition of Southwestern Bell Telephone Company to Covad's Motion to Modify Procedural Schedule, on January 28, 2000. The Commission's Staff filed a response supporting Covad's motion on January 31, 2000.

Covad's request is based upon two reasons. First, the parties have had discovery disputes regarding data requests that required the Commission's action and the disputes have delayed Covad's access to certain information. Covad has requested a delay of the hearing in order to allow it time to view the information provided by SWBT and incorporate that information into Covad's surrebuttal testimony, which is due on February 3, 2000. And, Covad also desires to delay depositions it had noticed for February 3, 2000 (rescheduled from January 26, 2000) in order to have the information provided in the data requests prior to depositions. The second reason stated in support of modifying the procedural schedule is that one of Covad's attorneys, Ms. Laura Izon, has been ill.

SWBT's response opposing the motion states that the parties mutually agreed to the procedural schedule and that a delay could impact the Commission's ability to resolve the issues presented within the time

frame permitted by the Act. SWBT calculates that the Commission must resolve the issues presented by March 19, 2000.

Given the stringent time constraints imposed by the Act, a modification of the procedural schedule that delays submission of the matter to the Commission would not generally be accepted. However, in this case, the request will change the last day for testimony by one day. Consequently, the Commission may grant Covad's motion.

IT IS THEREFORE ORDERED:

1. That the Motion to Modify Procedural Schedule and for Expedited Consideration [of the Motion] filed on January 27, 2000, is granted.

2. The filing date for surrebuttal testimony is modified and changed to February 10, 2000.

3. The hearing dates are modified and changed to February 15-16, 2000, beginning at 9:00 AM.

4. That this order shall become effective on February 3, 2000.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Lumpe, Ch., Crumpton, Drainer,
and Schemenauer, CC., concur.
Murray, C., dissents.

Thornburg, Regulatory Law Judge