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In the Matter of the Petition of DIECA)
Communications Inc., d/b/a Covad Communications)
Company for Arbitration of Interconnection) Case No. TO-2000-322
Rates, Terms, Conditions and Related Arrange-)
ments with Southwestern Bell Telephone Company.)

ORDER ADOPTING PROCEDURAL SCHEDULE

On November 9, 1999, DIECA Communications Inc., d/b/a Covad Communications Company (Covad), filed its petition for arbitration with the Commission pursuant to the Telecommunications Act of 1996 (the Act) and Section 386.230 of the Revised Statutes of Missouri.¹ The petition asks the Commission to arbitrate open issues related to Covad's request for an interconnection agreement with Southwestern Bell Telephone Company (SWBT).

On December 22, 1999, a prehearing conference was held in this matter pursuant to the Commission's Order Regarding Arbitration issued on November 29, 1999. Pursuant to the Commission's order the parties had previously agreed to a procedural schedule that the Commission's Staff filed on December 20, 1999, in a Motion to Establish Procedural Schedule.

The proposed procedural schedule was reviewed and discussed at the prehearing conference and one change was made. The Commission has reviewed the proposed schedule and finds the dates appropriate for this case. The Commission has also made two additions to the proposed procedural schedule

¹All references herein to the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of 1994.

related to scheduling witnesses for the hearing and to provide for the parties to file proposed findings of fact, conclusions of law and ordered paragraphs. Therefore, the Commission adopts the proposed schedule and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) COVAD and SWBT shall agree on and file a list of issues (issues statement) to be arbitrated herein by the Commission. Any issue not included in the issues statement will be presumed to not require arbitration by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called.

(D) Each party shall file a statement of its position on each disputed issue, including a summary of the factual and legal points relied on by the party. Such statement shall be simple and concise, shall follow the issues set out in the issues statement, and shall not contain argument about why the party believes its position to be the correct one. The position statement shall be filed in both paper form and electronically, either on computer disk or by e-mail. Electronically submitted documents

shall be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: kthornbu@mail.state.mo.us.

(E) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. In this matter the parties have requested an expedited transcript due to the limited time period allowed for the arbitration process. In this case transcripts shall be ordered within three working days.

(F) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080 except as otherwise directed in this order.

The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission. Each principal brief shall not exceed 50 pages in length. In this proceeding simultaneous briefs are being ordered. Thus, there will be no reply briefs.

(G) Each party shall submit proposed findings of fact, conclusions of law, and ordered paragraphs, in both paper form and electronically, either on computer disk or by e-mail. Electronically submitted documents shall be in Word, WordPerfect, or ASCII format. The Regulatory Law Judge's e-mail address is: kthornbu@mail.state.mo.us.

(H) All parties are required to bring an adequate number of copies of exhibits, which they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only three copies of the exhibit are necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to the three copies for the

court reporter, copies for the five Commissioners, the regulatory law judge, and all counsel.

IT IS THEREFORE ORDERED:

1. That the following procedural schedule is adopted for this case:

Issues Statement (COVAD/SWBT)	January 5, 1999 3:00 PM
Simultaneous Direct Testimony (COVAD/SWBT)	January 7, 2000 3:00 PM
Rebuttal Testimony (COVAD/SWBT/STAFF)	January 28, 2000 3:00 PM
Position Statements (COVAD/SWBT/STAFF)	February 1, 2000 3:00 PM
Simultaneous Surrebuttal Testimony (COVAD/SWBT/STAFF)	February 3, 2000 3:00 PM
List and Order of Witnesses	February 4, 2000 3:00 PM
Evidentiary Hearing	February 8-9, 15, 2000 9:00 AM
Simultaneous Briefs (COVAD/SWBT/STAFF)	Ten Days After Expedited Transcript
Proposed Findings of Fact, Conclusions of Law, and Ordered Paragraphs (if any)	Ten Days After Expedited Transcript

The hearing will be held on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Any person with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10)

days prior to the hearing at one of the following numbers: Consumer Services Hotline - 1-800-392-4211, or TDD Hotline - 1-800-829-7541.

2. That this order shall become effective on December 27, 1999.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section
386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 27th day of December, 1999.

RECEIVED

DEC 27 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION