STATE OF MAINE
PUBLIC UTILITIES COMMISSION

July 29, 2004

PROCEDURAL ORDER

VERIZON NEW ENGLAND, INC. D/B/A VERIZON MAINE
Request for Commission Investigation for Resold Services (PUC#21) and Unbundled Network Elements (PUC#20)

Docket No. 2002-682

VERIZON NEW ENGLAND, INC. D/B/A VERIZON MAINE
Request for Arbitration of an Amendment to the Interconnection Agreement Between Verizon Maine and CLEC's in the State and CMRS Providers

Docket No. 2004-135

On July 27, 2004, AT&T filed a request for a one-month extension of the deadline for exchanging issues lists among the parties and for negotiations between Verizon and the CLECs. AT&T indicated that Verizon did not object to the request. In response to a Procedural Order issued electronically on July 27, 2004, comments supporting the extension request were filed by the Competitive Carrier Coalition, the Competitive Carrier Group and MCI, Inc. Comments opposing the extension request were filed by Cornerstone Communications, LLC and GWI. After considering the stated reasons for the request and the comments filed by the parties, the request is denied. However, we will extend the deadline for the exchange of issues lists until August 2, 2004.

The Examiner is well aware that the schedule established in the Procedural Order issued on July 15, 2004, is relatively aggressive, particularly in light of previously scheduled summer vacations by some of the participants. The Examiner also recognized in the July 15th Order that a great deal of legal uncertainty surrounds the standards that will be applied to the issues involved in the arbitration and wholesale tariff case, which the Commission consolidated in order to promote efficiency in their processing. From that perspective, the extension request raises no new issues. In the July 15th Order, the Examiner explained that the case must move forward in spite of the legal uncertainties, and the parties must develop a list of unresolved issues and must attempt good faith negotiations to resolve as many issues as possible.

Further, the Examiner stated, as Cornerstone points out in its comments, that a number of issues associated with these cases are not dependent upon TRO interpretation or new FCC rules. Those issues should be identified and addressed in an expeditious manner. The Examiner instructed both sides to make a good faith effort to identify all unresolved issues and attempt to resolve as many as possible. As the

Procedural Order indicates, the issues list is not "set in stone," but rather is a starting point for negotiations and possible arbitration or litigation.

In recognition of the relatively short time for the exchanging of issues lists, and the interruption in the process flow caused by the extension request, we will extend the deadline for exchanging issues lists until Monday, August 2, 2004. While this is only one business day, the Examiner believes the parties should have been working on an exchange of issues lists according the schedule established in the July 15th Procedural Order. There also may be merit in Cornerstone's suggestion that a second track be established for issues that are clearly impacted by the legal uncertainties associated with the TRO and by the FCC's issuance of interim wholesale rules. We will leave it to the parties to discuss Cornerstone's proposal in the context of exchanging issues lists. The parties should keep in mind the Commission's desire to resolve these cases expeditiously, but the parties may want to identify specific issues that fall into Cornerstone's second track proposal. The Examiner will consider suggestions on this matter prior to the dates currently established for negotiations among the parties.

The parties are reminded that the Examiner ordered that any request for extension of a deadline set out in the July 15 Procedural Order must be filed at least one week in advance of the date of the deadline.

Therefore, for the reasons stated above, AT&T's request for a one-month extension of the deadline for exchanging issues lists and for the dates of negotiations IS DENIED. The deadline for exchanging issues lists is extended until **August 2, 2004**.

Dated at Augusta, Maine, this 29th day of July, 2004.

BY ORDER OF THE HEARING EXAMINER

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Trina M. Bragdon