MEMORANDUM

TO:COMMISSIONER HANSEN

COMMISSIONER NELSON

COMMISSIONER SMITH

FROM:WELDON B. STUTZMAN

DATE:February 17, 1998

RE:MOTION FOR PROCEDURAL ORDER BY GTE AND THE COST MODEL CASE.

On January 12, 1998, the Commission issued Order No. 27310 to provide a schedule for processing the telecommunications cost model case, Case No. GNR-T-97-22.  The parties contemplated, because information regarding the cost models typically is readily provided, that it might not be necessary to conduct formal discovery.  Instead, the parties agreed that information would be provided to each other as requested.  Accordingly, Order No. 27310 says nothing about discovery, but states that “the parties shall cooperate to expeditiously provide information regarding the cost models to each other in order to avoid delays in the completion of this case.”

On February 17, 1998, GTE filed a motion for expedited discovery to shorten the usual discovery time frames so that discovery can be completed before the hearings on March 9 and 10.  Noting that the Commission’s rules allow 14 days to object to discovery requests and 28 days to answer, GTE states that discovery would be useless because the responses would not be due until after the hearing.  GTE asks that the Commission issue an Order requiring responses to discovery requests to be filed in ten days or less and objections to be made within three working days.

Although I expect the parties to continue to provide information informally  as requested, there should be no harm in issuing an Order to shorten discovery times in the event parties believe that discovery is necessary.  Accordingly, attached is a proposed Procedural Order the Commission could issue in response to GTE’s Motion.

Weldon B. Stutzman

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