

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of)
Communications Options, Inc. for)
Arbitration of Interconnection Rates, Terms,)
and Conditions and Related Arrangements) Case No. 08-45-TP-ARB
with United Telephone Company of Ohio)
dba Embarq Pursuant to Section 252(b) of the)
Telecommunications Act of 1996.)

ENTRY

The attorney examiner finds:

- (1) On January 16, 2008, Communication Options, Inc. (COI) filed a petition for arbitration (the Petition) of numerous issues to establish an interconnection agreement (ICA) with United Telephone Company of Ohio dba Embarq (Embarq). COI filed the petition pursuant to Section 252(b) of the Telecommunications Act of 1996 (1996 Act).
- (2) Following a prehearing conference on February 21, 2008, and continued negotiations between the parties, a status conference call was scheduled for June 27, 2008, prior to a previously scheduled July 1-3, 2008, hearing. At the status conference call, the parties disagreed on evidentiary issues regarding cost studies that were included within Embarq's prefiled testimony. Consequently, the attorney examiner concluded that the hearing must be postponed to a later date in order to first address the pending evidentiary issues. In accordance with the June 27, 2008, status conference, on June 27, 2008, the attorney examiner issued an entry postponing the scheduled hearing and directing COI to file a motion to strike the portions of Embarq's prefiled testimony that it found objectionable. COI was directed to file its motion on or before June 30, 2008. Embarq was directed to file its memorandum contra on or before July 2, 2008.
- (3) On June 30, 2008, COI filed a motion to strike (COI Motion) the testimony of Embarq witness Christy Londerholm (Londerholm Testimony), as well as the accompanying cost study disc (New Cost Study).

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician TM Date Processed 7/30/2008

- (4) Embarq filed its memorandum contra and an alternative motion to strike testimony (Embarq Memorandum) on July 2, 2008.
- (5) By entry issued on July 15, 2008, the attorney examiner denied both motions to strike and directed COI and Embarq to file supplemental direct testimony, to the extent that each party's previously stated position had changed following a review of the opposing party's prefiled testimony. The last date for filing supplemental direct testimony was scheduled for July 25, 2008. In addition, a status conference was scheduled for July 31, 2008, at 1:30 p.m., for the purpose of establishing an arbitration hearing schedule and for addressing any remaining procedural issues.
- (6) On July 18, 2008, and later on July 23, 2008, counsel for COI contacted the attorney examiner and requested that the date for filing supplemental direct testimony be extended to August 15, 2008. Counsel for COI added that counsel for Embarq had agreed to the August 15, 2008, deadline.
- (7) The attorney examiner finds COI's request for more time to file supplemental direct testimony to be reasonable and, therefore, extends the deadline for filing such testimony to August 15, 2008. In addition, the status conference that had been scheduled for July 31, 2008, is rescheduled for August 21, 2008, at 3:00 P.M. The parties are to call 614-644-1099 to participate in the conference.

It is, therefore,

ORDERED, That the parties may file supplemental direct testimony in accordance with Finding (6). It is, further,

ORDERED, That a status conference is scheduled in accordance with Finding (7). It is, further,

ORDERED, That a copy of this Entry be served upon all parties of record and interested persons.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By: James M. Lynn
James M. Lynn
Attorney Examiner

grg
/ct

Entered in the Journal

JUL 30 2008

Reneé J. Jenkins

Reneé J. Jenkins
Secretary