

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, on June 27, 2008, the attorney examiner issued an entry postponing the hearing and directing COI to file, no later than June 30, 2008, a motion to strike the portions of Embarq's prefiled testimony that COI found objectionable. 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).
- (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

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supplemental direct testimony no later than July 25, 2008, to the extent that each party's previously stated position had changed following a review of the opposing party's prefiled testimony. In addition, a status conference call was scheduled for July 31, 2008, to establish an arbitration hearing schedule and to address 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) By entry issued July 30, 2008, the attorney examiner extended the deadline for filing supplemental direct testimony to August 15, 2008, and rescheduled the status conference call to August 21, 2008.
- (8) COI contacted the attorney examiner on August 13, 2008, to state that Embarq had agreed that COI could file the supplemental direct testimony on August 20, 2008. The attorney examiner did not object and, accordingly, rescheduled the status conference call to August 28, 2008. COI filed its supplemental direct testimony on August 20, 2008.
- (9) At the August 28, 2008, status conference call, Embarq stated that it considered the supplemental direct testimony filed by COI to be rebuttal testimony and added that Embarq would file a motion to strike such testimony. Upon learning this, COI indicated that it would file a memorandum contra. After discussion with the attorney examiner, it was agreed that Embarq must file its motion to strike no later than September 5, 2008, and COI must file its memorandum contra no later than September 12, 2008. In addition, the parties agreed to a hearing date of October 28-29, 2008, in Hearing Room 11-G at 9:00 A.M. at the Commission offices, 180 E. Broad Street, Columbus, Ohio 43215.

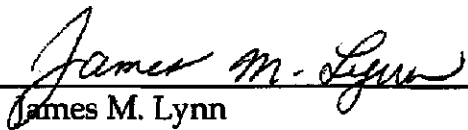
It is, therefore,

ORDERED, That Embarq file its motion to strike the supplemental direct testimony no later than September 5, 2008, and that COI file its memorandum contra no later than September 12, 2008. It is, further,

ORDERED, That a hearing in this matter is scheduled as described in Finding (9). It is, further,

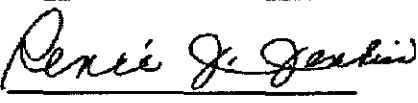
ORDERED, That a copy of this Entry be served upon all parties of record and interested persons.

THE PUBLIC UTILITIES COMMISSION OF OHIO

By:   
James M. Lynn  
Attorney Examiner

/ct

Entered in the Journal  
SEP. 05 2008

  
Renee J. Jenkins  
Secretary