

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Filing by US WEST)
Communications, Inc., a Revised Tariff)
to Discontinue Centrex Plus Service to)
New Customers.)

DOCKET NO. 96-049-T05

ORDER

ISSUED: March 5, 1998

By the Commission:

On January 7, 1998, McLeodUSA Telecommunications Services Inc. ("McLeod") filed a Petition with the Commission to modify its Second Report and Order issued April 29, 1997, in the above entitled proceeding. McLeod specifically requested that the Commission rescind the temporary restrictions placed on the resale of Centrex Plus services based upon the Federal Communications Commission's (FCC) pre-emption of Texas law permitting Southwestern Bell Telephone Company restrictions on Centrex resale.

On February 4, 1998, the Division of Public Utilities ("Division") filed a Response to McLeod indicating that it disagreed with McLeod that the FCC had pre-empted the states on the issue of the resale of Centrex services. The Division, however, recommended that the Commission re-open the docket for the purposes of reviewing the legal and/or service requirements for retaining the resale restrictions contained in its Second Report and Order.

On February 6, 1998, the Commission, in Docket No. 94-999-01 (Phase 3a Avoided Cost), issued an order indicating that the parties stipulated that the issues raised in AT&T's Application for Rehearing with respect to the Centrex Plus resale restriction discussed at p. 29 of the Report and Order would be taken up by the Commission in deciding McLeod's Petition in this Docket.

On February 2, 1998, the Commission issued a Notice of Further Proceeding and Notice of Scheduling Hearing. In its Notice the Commission indicated that it would proceed in considering McLeod's Petition and that US WEST Communications would be allowed to file response to the Petition within thirty days from the date of the Notice. The Commission also set the matter for a Scheduling Hearing on February 10, 1998, at which time the parties agreed to the following schedule for the case:

March 4, 1998 - US WEST response to McLeod's Petition

March 23, 1998 - Direct Testimony of McLeod and any other party supporting McLeod's position.

April 20, 1998 - US WEST and DPU rebuttal testimony

May 4, 1998 - Reply testimony by McLeod and other parties and US WEST surrebuttal testimony to DPU and DPU surrebuttal testimony to US WEST.

May 11, 1998 - Hearing, 9:00 a.m., Heber M. Wells Office Building, 160 East 300 South, Salt Lake City, Utah.

14-day turn around for discovery by the Division and McLeod.

20-day turn around for discovery by US WEST.

Based upon the foregoing, and good cause appearing, therefore, the Commission makes the following:

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the Procedural Schedule in this matter established at the February 10, 1998, Scheduling Hearing and as set forth above is approved.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the hearing should notify Julie Orchard, Commission Secretary, at 160 East 300 South, Salt Lake City, Utah, 84111, (801)530-6713, at least three working days prior to the hearing.

DATED at Salt Lake City, Utah, this 5th day of March, 1998.

/s/ Stephen F. Mecham, Chairman

(SEAL) /s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary