

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 29th day of June, 2001.

CASE NO. 00-0318-T-GI

General Investigation Regarding Possible Reductions in
BA-WV's Intrastate Access Charges.

and

CASE NO. 00-0705-T-PC

BELL ATLANTIC - WEST VIRGINIA, INC.

Petition for consent and approval of a new
Incentive Regulation Plan to become effective
on or after January 1, 2001.

and

CASE NO. 01-0364-T-PC

VERIZON WEST VIRGINIA INC.

Petition of the Consumer Advocate Division
requesting the Commission to initiate proceedings
to require Verizon West Virginia Inc. to show
cause why its rates for telecommunications
services should not be lowered.

and

CASE NO. 01-0482-T-P

VERIZON WEST VIRGINIA INC.

Petition to cease rate regulation of certain
long distance, private line, WATS, directory
assistance, and centrex services.

COMMISSION ORDER

This order discusses the procedural section of each of the above referenced cases separately. This creates some overlap where documents were filed under multiple case numbers.

Case No. 00-0318-T-GI (Access Charge)

On June 1, 2001, the Commission issued an order in the above-referenced case in which, among other things, it required a reduction in the intrastate access charges of Verizon West Virginia Inc. (Verizon-WV). On June 6, 2001, Verizon-WV filed a "Motion To Enlarge Time For Filing Of Petition for Reconsideration." Commission Staff filed a "Commission Staff's Response to Verizon West Virginia Inc.'s Motion to Enlarge Time" on June 7, 2001. Commission Staff had no objection to such an enlargement of time provided such 10-day extension applied to all parties appearing in the proceeding.

On June 6, 2001, the Commission issued a corrective order to modify a reference to a date contained in the June 1, 2001, order.

On June 8, 2001, the Commission issued a "Commission Order Extending Time For Parties to File a Petition for Reconsideration" granting all parties an extension of time until Thursday, June 21, 2001, to file a petition for reconsideration in this matter.

On June 11, 2001, MCI WorldCom Communications, Inc. (MCI WorldCom) filed "MCI WorldCom Communication Inc.'s Petition for Clarification." Therein MCI WorldCom noted that though the Commission required IXCs to pass through savings arising from the reduction in access rates and directed that all IXCs file a reduction plan, including modified tariffs, the Commission did not place a deadline on Verizon-WV for filing its tariffs. MCI WorldCom requested that the Commission clarify its order to specify a date certain for Verizon-WV to file its tariff revisions, that the date for filing of the reduction plan and tariff revisions by facilities-based IXCs, including MCI WorldCom, be extended until thirty (30) days after the date of the tariff filings by Verizon, and that the date for the filing of reduction and tariff revisions by the reseller IXCs be extended to sixty (60) days after the date of the tariff filings by Verizon.

On June 18, 2001, Verizon-WV filed a "Reply of Verizon West Virginia Inc. to MCI WorldCom Communication Inc.'s Petition For Clarification." Verizon-WV stated it had no objection to MCI WorldCom's proposed time table, but urged the Commission to make clear that any access charge reductions that may be required will not be made effective as to any particular IXC until that IXC's reduction plan and revised tariffs had been approved by the

Commission. Verizon-WV proposed that its revised tariffs be filed within thirty (30) days of a final order but that those reductions not be made effective for any particular IXC until that IXC's reduction plan and revised tariffs have been approved by the Commission.

On June 19, 2001, Commission Staff filed "Commission Staff's Motion For Further Extension of Time For Filing Petitions For Reconsideration." Therein Staff noted that since the issuance of the Commission's June 1, 2001, and subsequent orders, Staff, the CAD, and Verizon had met to discuss a comprehensive settlement of issues raised in Case Nos. 00- 0705-T-PC, 01-0364-T-PC, and 01-0482-T-PC. Staff noted that the parties are currently working on a settlement but that additional meetings may be necessary. Accordingly, Staff, requested a 14-day further extension of time within which the parties to the proceeding may file petitions for reconsideration of the Commission's June 1, 2001, order. If granted, the extension would require all parties to file any petitions for reconsideration by July 5, 2001.

On June 22, 2001, the Commission issued an order which stayed implementation of its June 1, 2001, order until July 20, 2001. Additionally, the order granted the parties until July 20, 2001, to file petitions for reconsideration.

Case No. 00-0705-T-PC (Incentive Regulation Plan)

On April 12, 2001, Verizon-WV filed a "Motion for Temporary Stay" of all the proceedings in Case Nos. 00-0318-T-GI (Access), 00-0705-T-PC (Incentive Regulation Plan), and 01-0364-T-PC (Show Cause) pending the entry of a final order by the Commission in Case No. 01-0382-T-PC (Deregulation Proceeding). Verizon-WV argued that as rates are set for future periods, the Commission takes care to ensure that the test year mix of revenue, expense, and investment is reasonably representative of the financial mix that can be expected to be obtained during the period when new rates are in effect. Thus, the reasonableness of any rate changes the Commission might prescribe, whether in the consolidated access charge case, the IRP proceeding, or the CAD's show cause, can be properly assessed only within the context of the future period during which the rates will actually be in effect.

On April 17, 2001, the CAD filed "Consumer Advocate Division's Response in Opposition to Verizon's Motion for Temporary Stay." The CAD argued that Verizon-WV's motion is an attempt to forestall reduction of Verizon-WV's rates and should be summarily denied. The CAD argued that the access charge case was filed in February 2000 and the Incentive Regulation Plan (IRP) case was initiated in May 2000 with both cases being heard and submitted in October, 2000. The CAD argued that except for changing underlying levels of costs and revenues of varying services, a decision rendered in either or both of those cases would have no impact on a subsequent Commission proceeding to consider Verizon-WV's deregulation petition. The CAD further argued that West Virginia Code § 24-2-3c explicitly

provided that access service may not be rate deregulated by the Commission. The CAD stated it agreed with Verizon-WV's observation that rates are to be set for a future period but argued that any changes in revenues and costs brought about by Verizon-WV's petition to deregulate should be incorporated in the show cause proceeding as going-level adjustments. The CAD requested that the Commission reject Verizon-WV's motion, issue decisions in the access and IRP cases, and immediately institute a show cause proceeding to examine the overall level of Verizon-WV's rates in West Virginia.

On April 19, 2001, AT&T Communications of West Virginia, Inc. (AT&T), filed a "Response in Opposition to the Motion for Temporary Stay." AT&T, for several stated reasons, requested the Commission deny the Verizon-WV motion for temporary stay.

On May 3, 2001, Verizon-WV filed its "Reply of Verizon West Virginia Inc. to Consumer Advocate Division's and AT&T Communications' Opposition to Motion for Temporary Stay." Verizon-WV argued that the CAD's show cause proceeding should not be docketed, if ever, until the deregulation case is decided.

Case No. 01-0364-T-PC (Show Cause)

On March 15, 2001, the Consumer Advocate Division (CAD) filed the "Petition of the Consumer Advocate Division Requesting the Commission to Initiate Proceedings to Require Verizon West Virginia, Inc. to Show Cause Why Its Rates For Telecommunications Services Should Not Be Lowered." Therein, the CAD noted that by order dated February 26, 1998, in Case No. 97-0613-T-PC the Commission approved the Stipulation dated October 17, 1997, among Verizon-WV, Staff and the CAD which continued Verizon-WV's incentive regulation plan (IRP) until January 1, 2001. The CAD noted that by the terms of the Stipulation, Verizon-WV was precluded from filing a rate case to increase its rates and the CAD and Staff were precluded from filing a show cause proceeding to reduce Verizon-WV's rates until January 1, 2001. The CAD further noted that the date of January 1, 2001, had passed without the advent of a new IRP. The CAD argued that in the earnings report filed with the Commission on February 28, 2001, for the twelve months ended December 31, 2000, Verizon-WV reported earning a per books net income of \$69.6 million on intrastate operations. CAD calculated this equated to a return of 25.83% on an equity base of \$269.6 million. CAD further calculated that intrastate net income had increased from \$52.3 million to \$69.6 million since the entry of the order in Verizon-WV's last IRP case.

Accordingly, the CAD requested:

1. That the Commission immediately institute a proceeding involving Verizon West Virginia, Inc., in order that Verizon-WV be required to show cause why its rates for communications services should not be lowered;

2. That an investigation be instituted for the purpose of determining just and reasonable rates for Verizon-WV;
3. That a procedural schedule involving filing dates of Rule 42 data by Verizon-WV, filing dates for testimony, and hearing dates be established; and
4. That a final order be issued by this Commission establishing just and reasonable rates for Verizon-WV on a prospective basis.

On March 21, 2001, Verizon-WV filed a "Motion to Dismiss." Verizon-WV argued that the Commission has afforded all parties in the proceeding who have an interest in the level Verizon-WV's earnings, to submit such evidence as they deemed necessary to support their respective positions concerning those earnings and the rates that Verizon-WV ought to be allowed to charge on a going-forward basis in Case Nos. 00-0318-T-GI and 00-0705-T-PC. Verizon-WV argued that the pendency of a prior action, predicated upon the same cause of action and between the same parties or interests, constitutes a sufficient ground for dismissing, or abating, the second action. Verizon-WV recommended the Commission first make a determination regarding the two pending cases before it initiated the CAD's show cause proceeding.

Commission Staff filed an "Initial Joint Staff Memorandum" on March 26, 2001. Therein, Staff provided a historical overview of Case Nos. 00-0318-T-GI and 00-0705-T-PC. Staff provided the following conclusions and

recommendations:

(1) The Staff's February 14, 2001, memorandum had recommended the Commission proceed to render a decision on the intrastate access charges while adopting a new procedural schedule for use in the IRP case.

(2) Staff now believes that further proceeding in Case No. 00-0705-T-PC would be inappropriate. Staff argued that with the demise of the IRP, the opening of local markets to competition, and the likelihood of a state universal service fund, the Commission should concern itself with only whether Verizon-WV's earnings are excessive, and, if so, to what extent Verizon-WV's rates should be reduced. Thus, Staff recommended the Commission dismiss Case No. 00-0705-T-PC and grant CAD's petition to initiate a show cause proceeding regarding Verizon-WV's earnings and rates.

(3) Staff recommends that in connection with the new proceeding, the Commission should establish new rates for unbundled network elements (UNEs), interconnection and resold local telecommunications services.

The CAD filed, on March 26, 2001, the "Consumer Advocate Division's Response to Verizon's Motion to Dismiss." The CAD argued, among other things, that the doctrines of abatement, res judicata, collateral estoppel, and stare decisis generally do not apply to administrative rate making proceedings. The CAD requested that the show cause proceeding should be initiated immediately with any rate and revenue impacts from the decisions in the IRP and Access cases incorporated in the show cause proceeding as going level adjustments.

On March 28, 2001, AT&T Communications of West Virginia, Inc. (AT&T), submitted a petition to intervene. Additionally, on March 29, 2001, FiberNet, LLC filed a petition to intervene.

On March 30, 2001, Verizon-WV filed a "Motion For an Extension of Time" to respond to the Staff Memorandum. This motion was granted by an order issued March 30, 2001.

On April 3, 2001, the West Virginia Enhanced 9-1-1 Council (Council) filed a "Petition of the West Virginia Enhanced 9-1-1 Council to Intervene." The Council noted its interest in a statewide mapping program whose funding may be a part of Verizon-WV's new incentive regulation plan.

On April 3, 2001, the Council also filed a "Response of the West Virginia Enhanced 9-1-1 Council to Show Cause Petition and Initial Joint Staff Memorandum." The Council noted the interrelationships among the various cases and recommended the Commission continue its deliberations on the cases before it and issue an opinion in those cases.

On April 9, 2001, Verizon-WV filed a "Reply of Verizon West Virginia, Inc. to Initial Joint Staff Memorandum." Therein Verizon-WV argued: (1) the Commission should neither dismiss Verizon-WV's IRP proceeding nor docket the CAD's show cause proceeding, and (2) that Staff's proposed UNE rate investigation should be rejected. Verizon-WV argued that it is regrettable that the parties have been unable to fashion a new IRP but that such inability is not justification to abandon efforts at creating an IRP and to return to rate base/rate of return regulation.

On April 11, 2001, Verizon-WV filed its "Opposition of Verizon West Virginia, Inc. to FiberNet LLC's Petition to Intervene." Therein, Verizon-WV argued that FiberNet failed to establish a legal interest in this proceeding pursuant to Rule 12.6 of the Commission's Rules of Practice and Procedure.

On April 11, 2001, Verizon-WV filed its "Opposition of Verizon West Virginia, Inc. to Petition to Intervene of AT&T Communications of West Virginia, Inc."

On April 12, 2001, Verizon-WV filed a "Motion for Temporary Stay" of all the proceedings in Case Nos. 00-0318-T-GI (Access), 00-0705-T-PC (Incentive Regulation Plan), and 01-0364-T-PC (Show Cause) pending the entry of a final order by the Commission in Case No. 01-0382-T-PC (Deregulation Proceeding). (See the discussion in the procedural section for Case No. 00-0705-T-PC, above.)

On April 17, 2001, the CAD filed "Consumer Advocate Division's Response in Opposition to Verizon's Motion for Temporary Stay." (See the discussion in the procedural section for Case No. 00-0705-T-PC, above.)

Commission Staff filed “Commission Staff's Response to Verizon West Virginia Inc.'s April 10, 2001, Reply,” on April 17, 2001. Therein, Staff argued, (1) dismissing the pending IRP proceeding is appropriate and reasonable, and (2) recalculating Verizon-WV's rates for unbundled network elements, interconnection, and resold services is likewise reasonable and is not precluded by the Telecommunications Act of 1996. Staff recommended the Commission adopt the recommendations as set forth by Staff in the March 26, 2001, “Initial Joint Staff Memorandum” and issue orders in the access case, the IRP proceeding, initiate CAD's petition to show cause, and declare that rates for UNE connection, collocation, and prices for resold telecommunications services will be recalculated as part of the show cause proceeding.

On April 19, 2001, the Communications Workers of America (CWA) filed a “Petition to Intervene of the Communications Workers of America,” as representative of approximately 2,600 Verizon-WV employees in West Virginia. CWA stated that it favors the continuation of the incentive form of regulation. The CWA also stated that it represents an interest in the proceeding which can not be adequately represented by any other party.

On April 19, 2001, AT&T Communications of West Virginia, Inc. (AT&T), filed a “Response in Opposition to the Motion for Temporary Stay.”

On April 23, 2001, FiberNet, LLC (FiberNet) filed “FiberNet, LLC's Response to Opposition of Verizon West Virginia, Inc. to Petition to Intervene of FiberNet, LLC.” FiberNet requested the Commission grant FiberNet's petition to intervene and establish an aggressive procedural schedule for the timely processing of the docket.

On April 23, 2001, AT&T filed “Response to Verizon's Opposition to Petition to Intervene.” AT&T acknowledged that its petition to intervene was brief but that it had demonstrated a legal interest in the proceeding, as it is Verizon-WV's largest customer and largest competitor.

On April 24, 2001, MCI WorldCom Communications, Inc. (MCI WorldCom) filed a “Petition to Intervene” on the grounds that MCI WorldCom is directly affected by the subject matter in this proceeding.

On May 3, 2001, Verizon-WV filed its “Reply of Verizon West Virginia Inc. to Consumer Advocate Division's and AT&T Communications' Opposition to Motion for Temporary Stay.” Verizon-WV argued that the CAD's request to show cause proceeding should not be docketed, if ever, until the deregulation case is decided.

On May 18, 2001, Verizon-WV filed the “Opposition of Verizon West Virginia Inc. to Petition to Intervene of MCI WorldCom Communications, Inc.” Verizon-WV argued that MCI WorldCom has failed to establish a sufficient legal interest in the proceeding and should therefore not be granted intervenor status.

Case No. 01-0482-T-PC (Deregulation Proceeding)

On April 10, 2001, Verizon-WV filed a “Petition to Cease Rate Regulation of Certain Workably Competitive Telecommunications Services.” Therein, Verizon-WV petitioned the Commission to cease regulation of the rates charged by Verizon-WV for its various long distance, private line, Wide Area Telephone Service (WATS), local and national directory assistance (411 and N411), and Centrex services. Verizon-WV argued that the markets in which those services were offered are all characterized by ease of market entry, the presence of other competitors, and the availability of like or substitute services. As such, Verizon-WV argued that the services were subject to “workable competition” within the meaning of West Virginia Code § 24-2-3c and should therefore be permanently rate deregulated.

On April 12, 2001, Verizon-WV filed a “Motion for Temporary Stay” of all the proceedings in Case Nos. 00-0318-T-GI (Access), 00-0705-T-PC (Incentive Regulation Plan), and 01-0364-T-PC (Show Cause) pending the entry of a final order by the Commission in Case No. 01-0482-T-PC (Deregulation Proceeding). (See the discussion in the procedural section for Case No. 00-0705-T-PC, above.)

On April 12, 2001, the Consumer Advocate Division filed “The Consumer Advocate Division's Petition to Intervene.” Therein, the CAD argued that Verizon-WV's Petition to cease rate regulation of certain workably competitive telecommunications services constitutes a proceeding with potential for adverse effects on residential consumers of telecommunications services in West Virginia.

On April 17, 2001, the CAD filed “Consumer Advocate Division's Response in Opposition to Verizon's Motion for Temporary Stay.” (See the discussion in the procedural section for Case No. 00-0705-T-PC, above.)

On April 19, 2001, AT&T Communications of West Virginia, Inc. (AT&T), filed a “Petition to Intervene” noting that it is certificated to provide interexchange and local exchange services in West Virginia.

On April 19, 2001, AT&T filed a “Response in Opposition to the Motion for Temporary Stay.” AT&T, for several stated reasons, requested the Commission deny the Verizon-WV motion for temporary stay.

On April 24, 2001, Verizon-WV filed “Objection of Verizon West Virginia Inc. to Consumer Advocate Division's First Request for Information.” Therein, Verizon-WV filed an objection to Data Requests Nos. 2 and 4 of the CAD's First Request for Information. Verizon-WV objected to the CAD's Data Request No. 2 stating that West Virginia Code § 24-2-3c sets out a three-part test that must be met in order for service to be found subject to workable competition. Verizon-WV argued that determining the cost of a particular service is not a part of that test and is therefore irrelevant to the issue of whether the services that have been submitted for rate deregulation are subject to workable competition. Verizon-WV noted that the CAD Data Request No. 4 seeks information regarding number of lines and minutes of use during the year 2000 associated with the Centrex lines. Verizon-WV stated that it is asking that Centrex features be rate deregulated, not Centrex lines, and accordingly believed that the request for information is irrelevant.

On May 3, 2001, Verizon-WV filed its “Reply of Verizon West Virginia Inc. to Consumer Advocate Division's and AT&T Communications' Opposition to Motion for Temporary Stay.” Verizon-WV argued that the CAD's request to show cause proceeding should not be docketed, if ever, until the deregulation case is decided.

On May 3, 2001, the CAD filed the “Consumer Advocate Division's Motion to Compel Answers to Requests for Information.” The CAD argued regarding the objection to data request no. 2 as follows:

Verizon-WV objected to Data Request 2 because “...determining the cost of a particular service is not a part of that [three-part] test and is therefore irrelevant to the issue of whether the services that have been submitted for rate deregulation are subject to workable competition.” (Verizon-WV Objections, p.2). Contrary to Verizon-WV's arguments, the CAD believes the information requested in Data Request 2 is central to the Commission's task under West Virginia Code 24-2-3c. The Commission must have before it information on

both the revenues and costs of a particular service in order to know the impact of a decision to deregulate a particular service. Without such information it will be impossible for the Commission to determine whether or not rate deregulation of a particular service will have any effect - positive or negative - on basic local service. Since rate deregulation of a service will now remove the contribution of that service to the support of basic rates, the Commission must be very sensitive to the impact of any deregulation decision on the ultimate level of basic rates. Adoption of Verizon-WV's position would totally eviscerate the Commission's ability to determine whether Verizon- WV's petition would “...adversely affect the continued availability of adequate, economical and reliable local exchange telephone service...” The requested information on the cost of each service requested to be deregulated is directly relevant [sic] to the issues presented by Verizon-WV's petition

Regarding Verizon-WV's objection to Data Request 4, the CAD argued as follows:

Verizon-WV objected to the relevance of this data request because “Verizon- WV is asking that Centrex features be rate deregulated, not Centrex lines.” (Verizon-WV Objections, p.3). The CAD acknowledges that Verizon-WV's deregulation request is limited to Centrex “features,” such as call forwarding, call waiting, etc. However, since the billing determinants for Centrex features are potentially based on the number of lines associated with these features, this information is central to understanding the revenue and cost impact of any deregulation of these Centrex services.

On May 4, 2001, FiberNet, LLC (FiberNet) filed “FiberNet, LLC's Petition to Intervene” in this proceeding. FiberNet argued that as a certificated competitive local exchange carrier, it is both a customer and competitor of Verizon-WV, and that the outcome of the instant proceeding has potential to significantly impact upon FiberNet's business relationship with Verizon-WV, as well as upon FiberNet's own business operations in the state of West Virginia. FiberNet further argued that no party in the proceeding can adequately represent the interests of FiberNet.

On May 11, 2001, Verizon-WV filed a "Reply of Verizon West Virginia Inc. to Consumer Advocate Division's Motion to Compel Answers to Requests for Information." The filing noted that data request No. 2 of the CAD's "First Request for Information" asked Verizon-WV to provide a detailed, account-level breakdown of the indebted costs incurred during the year 2000 in furnishing each of the services that Verizon-WV is seeking to have rate deregulated. Verizon-WV has objected to the production of that cost information on the grounds that it is neither reasonably available nor is it relevant to any proper issue in this proceeding.

On May 22, 2001, Verizon-WV filed the "Motion of Verizon West Virginia Inc. to Limit Intervention of AT&T Communications of West Virginia, Inc." Verizon-WV argued that neither contention raised by AT&T was valid and as such should not be permitted as issues in this proceeding.

On May 22, 2001, Verizon-WV filed a "Motion of Verizon West Virginia Inc. to Limit Intervention of FiberNet, LLC." Verizon-WV argued that the only issue in this case is whether the services that are subject Verizon-WV's petition meet the three-part statutory test for workable competition.

AT&T filed its "Response of AT&T Communications of West Virginia, Inc. to Motion of Verizon West Virginia Inc. to Limit Intervention" on June 1, 2001. AT&T argued that Rule 12.6 of the Commission's Rules of Practice and Procedure permits parties with a legal interest to intervene in cases before the Commission and to participate fully as a party throughout the proceeding. AT&T argued that as the largest IXC in the state it is Verizon- WV's largest access customer and thus has a direct and substantial interest in any effort by Verizon-WV which, through deregulation of certain services, may lead to pressures to maintain unreasonably high access charges. AT&T argued that it had not sought to enlarge the scope of the proceeding in any way and that it will direct its presentation in this case to whether Verizon-WV's are subject to workable competition.

On June 5, 2001, Citizens of Telecommunications Company of West Virginia (CTC- WV) filed a "Petition to Intervene" stating that it, like Verizon-WV, is a West Virginia LEC and as such is subject to West Virginia Code § 24-2-3c. Furthermore, as CTC-WV and its affiliates compete with Verizon-WV with respect to certain services at issue, granting the petition in this case would have a significant impact on CTC-WV and its affiliates as a competitor of Verizon-WV. CTC-WV stated that it believes Verizon-WV is correct that the services at issue are workably competitive and supported Verizon-WV's petition.

DISCUSSION

Rule 12.6 of the Commission's Rules of Practice and Procedure, reads as follows:

12.6. Interventions.

(a) Any person having a legal interest in the subject matter of any hearing or investigation pending before the Commission may petition or move orally for leave to intervene in such proceeding prior to or at the time it is called for hearing, but not thereafter except for good cause shown. If leave is granted, the petitioner becomes an intervenor and a party to the proceeding with the right to have notice of and appear at the taking of testimony, to

produce and cross-examine witnesses, and to [be] heard on the argument of the case.

The petition or motion shall disclose the name of the party intervening, the name and address of his attorney, if any, a clear and concise statement of the grounds for the proposed intervention, the position and interest of the petitioner or movant in the proceeding, and concise statement of the relief desired. Leave will not be granted except on allegations reasonably pertinent to the issues already presented and which do not unduly broaden them.

Case No. 01-0364-T-PC (Show Cause)

The Commission shall grant the motions to intervene filed by AT&T, FiberNet, MCI WorldCom Communications, Inc., the Enhanced 9-1-1 Council, and the Communications Workers of America filed in Case No. 01-0364-T-PC. Each entity exhibited a sufficient showing to satisfy the requirements of Procedural Rule 12.6. Accordingly, the Commission shall deny Verizon-WV's oppositions to the interventions.

By its April 12, 2001, filing, Verizon-WV requested a temporary stay of all proceedings in the Access, the Incentive Regulation Plan, and the Show Cause cases, pending the entry of a final order in the Deregulation Proceeding. The Commission shall not, at this time, address that motion. However, the Commission shall herein direct the parties to meet, (see below), and to attempt to resolve all remaining issues now that the Commission has issued its decision in Case No. 00-0318-T-GI (Access).

Case No. 01-0482-T-PC (Incentive Regulation)

The Commission shall herein grant the petitions to intervene from CAD, AT&T, and FiberNet filed in Case No. 01-0482-T-PC. Each entity exhibited a sufficient showing to satisfy the requirements of Procedural Rule 12.6. Accordingly, the Commission shall deny Verizon-WV's oppositions to the interventions.

There is currently an outstanding "Objection of Verizon West Virginia Inc. to Consumer Advocate Division's First Request for Information." This document was filed on April 24, 2001. Therein, Verizon-WV objected to Data Request Nos. 2 and 4 of the CAD's first request for information. The Commission will direct the parties as part of the thirty (30) day settlement period, described below, to attempt to resolve this issue as well.

Cases Nos. 00-0318-T-GI, 00-0705-T-PC, 01-0364-T-PC, and 01-0482-T-P

By an order issued June 22, 2001, the Commission delayed the implementation of the order, as well as provided an extension of time in which to file petitions for reconsideration in Case No. 00-0318-T-GI, until July 20, 2001. During this time period the Commission shall require the parties to attempt to resolve all outstanding issues in each of the above referenced pending cases. The parties shall provide the Commission with documentation on or before July 20, 2001, indicating which issues have been settled and which issues remain to be brought before the Commission.

ORDER

IT IS THEREFORE ORDERED that the motions for intervention filed by AT&T, FiberNet, MCI WorldCom, the Enhanced 9-1-1 Council, and the Communications Works of America in Case No. 01-0364-T-PC are hereby granted. The objections to intervention by Verizon-WV are hereby denied.

IT IS FURTHER ORDERED that the petitions to intervene from CAD, AT&T, and FiberNet in Case No. 01-0482-T-PC are hereby granted. The objections to intervention by Verizon-WV are hereby denied.

IT IS FURTHER ORDERED that the parties to Case Nos. 00-705-T-PC, 01-0364-T-PC, and 01-0482-T-P shall provide documentation to the Commission on or before July 20, 2001, indicating remaining outstanding issues in the above referenced cases.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery.

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