

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A GENERAL INVESTIGATION)
INTO THE EXHAUST OF THE 405 NPA: APPLICATION) CAUSE NO. PUD 201800086
OF THE NORTH AMERICAN NUMBERING PLAN)
ADMINISTRATOR ON BEHALF OF THE OKLAHOMA)
TELECOMMUNICATIONS INDUSTRY) ORDER NO. **702283**

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HEARING: August 15, 2019, in Courtroom B
2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105
Before Dustin R. Murer, Administrative Law Judge

APPEARANCES: Lauren D. Hensley, Assistant General Counsel *representing* Public Utility
Division, Oklahoma Corporation Commission
Jared B. Haines and A. Chase Snodgrass, Assistant Attorneys General
Counsel *representing* Office of Attorney General, State of Oklahoma

ORDER GRANTING MOTION TO ESTABLISH PROCEDURAL SCHEDULE

The Corporation Commission ("Commission") of the State of Oklahoma being regularly in session and the undersigned Commissioners present and participating, there comes on for consideration and action the Motion To Establish Procedural Schedule ("Motion"), filed by the Public Utility Division ("PUD") on August 8, 2019. The Motion was set for hearing on August 15, 2019, and was heard and recommended by the Administrative Law Judge ("ALJ") on that date. There were no objections to the Motion.

On August 14, 2019, the Office of the Oklahoma Attorney General ("Attorney General") entered an appearance in this Cause. The Attorney General was represented at the hearing on the Motion, but made no official comment at the hearing concerning the procedural schedule. The Applicant, the North American Numbering Plan Administrator ("NANPA"), was apprised of the proposed schedule, but was not represented by counsel at the hearing on the Motion. The ALJ recommended the Commission adopt the following:

I. PROCEDURAL SCHEDULE

<u>DATE</u>	<u>ACTION</u>
September 25, 2019	Deadline for PUD to accomplish publication of notice of this Cause
October 2, 2019	Technical Advisory Group ("TAG") Meeting at 1:30 p.m. in Courtroom 301 of the Jim Thorpe Building
October 17, 2019	Direct testimony to be filed
October 21, 2019	Statement of Position to be filed
October 31, 2019	Rebuttal testimony to be filed, if any
November 20, 2019	Hearing on the Merits at 1:30 p.m. in Courtroom B
December 3, 2019	Proposed Findings of Fact & Conclusions of Law filed
January 7, 2020	Proposed ALJ Report due

The Hearing on the Merits (“Hearing”) shall commence on November 20, 2019, at 1:30 p.m. and shall continue until the record is closed. The Hearing shall be held each subsequent business day beginning at 10:00 a.m. unless otherwise directed by the ALJ. The Hearing will be held in Courtroom B located on the first floor of the Jim Thorpe Office Building, unless the ALJ directs otherwise. If the parties are able to dispose of the issues of this Cause by way of negotiated settlement, the dates contained herein may be modified.

Order and Presentation of Witnesses:

The following order of witnesses shall be followed unless otherwise directed by the ALJ:

1. NANPA
2. Intervenors
3. Attorney General
4. PUD

Pre-filed Testimony:

The order of proof shall be governed by OAC 165:5-13-3(e) which states in part that the applicant who institutes a cause may open and close the proof.

After admittance of the pre-filed testimony (direct, rebuttal) into the record, each witness shall then be permitted to offer oral surrebuttal testimony in response to any new matters raised in the rebuttal testimony of the other parties. Pre-filed testimony may not be read into the record at the Hearing unless leave to do so is granted by the Commission or the ALJ. All pre-filed testimony shall be sworn testimony and notarized reflecting such.

After the pre-filed testimony (direct, rebuttal) and oral surrebuttal testimony of the witness have been submitted into the record, the witness shall be tendered for oral cross examination and re-direct examination. Any redirect examination will be limited to issues which were raised during cross examination.

Sur-surrebuttal issues:

Due to Applicant having the burden of proof, after other parties have presented their testimony, statements of position, and surrebuttal testimony, Applicant may be allowed to present oral sur-surrebuttal testimony provided Applicant can show that other parties have raised new issues. The oral sur-surrebuttal shall be strictly limited to the new issues raised in surrebuttal testimony.

Once Applicant has presented its oral sur-surrebuttal testimony, the witness shall be tendered for cross and redirect examination. Any cross-examination shall be limited to the issues addressed in the sur-surrebuttal testimony; likewise, the redirect examination will be limited to issues which were raised during cross-examination.

After Applicant’s sur-surrebuttal testimony and cross-examination, if any other party(ies) deems it necessary to request of the ALJ to be allowed to present further surrebuttal type testimony, the ALJ shall evaluate the request and make a determination based on the following criteria:

- a. Whether or not any new issue(s) has been raised.
- b. Whether or not the party was able to adequately respond to the new issue(s) during cross-examination.
- c. Whether or not additional testimony/evidence is needed as a matter of due process to the requesting party.
- d. Whether or not the additional testimony/evidence is necessary to perfect the record.
- e. Whether or not additional testimony/evidence is cumulative in nature and has been previously and sufficiently addressed.
- f. Whether or not any statutorily imposed time will permit further testimony and/or evidence.

Discovery and Objections:

Discovery shall be conducted pursuant to OAC 165:5-11-1. Any discovery request received after 3:00 p.m. shall be deemed received the next regular business day as provided for in OAC 165:5-11-1(e)(6). Data requests are limited to no more than twenty-five (25) per day, per party, and responses must be served by electronic transmission, facsimile, or hand-delivery to all parties of record.

Any objections to the testimony of any witness filing pre-filed testimony or qualification of any such witness shall be filed no later than November 7, 2019. Any objections to the testimony or qualification of any witness shall include a filed notice of hearing. Any such motion shall be heard on any regularly scheduled motion docket that precedes the commencement of the prehearing conference, or at the prehearing conference, whichever occurs first, unless otherwise directed by the ALJ.

Notice:

PUD shall provide notice of the TAG Meeting scheduled to take place on October 2, 2019, at 1:30 p.m. at the Oklahoma Corporation Commission, Jim Thorpe Building, Courtroom 301 via the GovDelivery notification system. Notice of the Hearing shall be provided to the Attorney General and NANPA at least ten (10) days prior to the Hearing in this Cause. Further, PUD shall publish notice of the filing of this Cause on or before September 25, 2019, in order to assist with public education concerning this Cause.

PUD's notice to educate the public of the Cause will be published in the following newspapers: the *Watonga Republican*, *The Anadarko Daily News*, the *Enid News & Eagle*, the *Pauls Valley Democrat*, *The Express-Star*, the *Holdenville News*, *The Kingfisher Times & Free Press*, *The Lincoln County News*, the *Guthrie News Leader*, the *Perry Daily Journal*, the *Okemah News Leader*, *The Oklahoman*, the *Stillwater News Press*, *The Wewoka Times*, and *The Cordell Beacon*. Said notice will advise the public that the Commission intends to address matters related to the initiation, development, and implementation of area code relief planning in the 405 NPA. The notice will further advise of the time, date, and location of the TAG Meeting as well as the Hearing. The notice will also provide links to the Commission's website as well as information to locate PUD's social media platforms for additional information concerning the Cause.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

THE COMMISSION FINDS that it is vested with jurisdiction in this Cause pursuant to Art. IX, § 18 of the Oklahoma Constitution and 17 O.S. §§ 131 *et seq.*

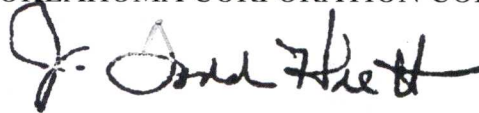
THE COMMISSION FURTHER FINDS that the Procedural Schedule and the General Provisions set forth herein should be adopted by the Commission and adhered to by the Parties.

III. ORDER

THE COMMISSION THEREFORE ORDERS that the Procedural Schedule and the General Provisions set forth herein shall be adhered to by and between the Parties to this Cause and the same shall become the Order of the Commission.

THIS ORDER SHALL BE EFFECTIVE immediately.

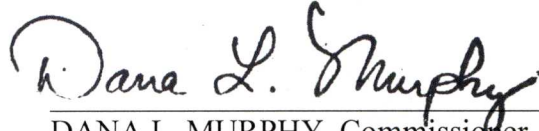
OKLAHOMA CORPORATION COMMISSION



J. TODD HIETT, Chairman



BOB ANTHONY, Vice Chairman



DANA L. MURPHY, Commissioner

CERTIFICATION

DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this 17th day of September, 2019.

[Seal]


PEGGY MITCHELL, Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing findings, conclusions and order are the report and recommendation of the undersigned Administrative Law Judge.


DUSTIN R. MURER
Administrative Law Judge

9-4-19
Date