

Original: 2082



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

March 22, 2001

The Honorable John R. McGinley, Jr.
Chairman
Independent Regulatory Review Commission
14th Floor, HARRISTOWN II
333 Market Street
Harrisburg, PA 17101

Re: L-990141/57-210
Proposed Rulemaking
Re Competitive Safeguards for
Telecommunications Utilities
52 Pa. Code, Chapter 63

Dear Chairman McGinley:

This letter will serve to inform you that the Pennsylvania Public Utility Commission (Commission) has withdrawn proposed rulemaking No. 57-210, Re Competitive Safeguards for Telecommunications Utilities, Docket No. L-990141. This regulation is being withdrawn pursuant to 71 P.S. § 745.5, which provides that a rulemaking be deemed withdrawn if the legislative standing committees are prevented from completing their 20-day review period prior to sine die adjournment. Because of the unique circumstances surrounding the much-extended public comment period afforded this rulemaking, legislative review was not completed before sine die adjournment occurred.

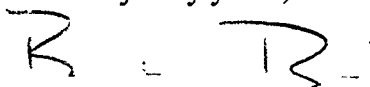
Through this letter, the Commission will inform the Office of Budget, the Office of Attorney General, the Pennsylvania Code and Bulletin, the Legislative Standing Committees and all parties who filed comments in this proceeding of its withdrawal of proposed rulemaking No. 57-210, Re Competitive Safeguards for Telecommunications Utilities.

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Finally, it is the Commission's intention, consistent with the Joint Motion approved at its Public Meeting today, to reopen the instant rulemaking proceeding on an expedited basis for the purpose of receiving comments and reply comments on the appropriate Code of Conduct to adopt. In this regard, the Commission has directed that the record in its separate structural separation proceeding at Docket No. M-00001353 be incorporated into this rulemaking. At the conclusion of this expedited review, the Commission intends to submit a revised proposed rulemaking concerning competitive safeguards for consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Barbara Bruin', written in a cursive style.

Barbara Bruin
Executive Director

cc: Chief Counsel Pankiw
Regulatory Coordinator DelBiondo
Assistant Counsel Hisiro
Mr. Wagner
Office of Budget
Office of Attorney General
Pennsylvania Code and Bulletin
Legislative Standing Committees
All Commenting Parties



COMMONWEALTH OF PENNSYLVANIA
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February 24, 2000

Original: 2082

Harbison

cc: Sandusky
 Jewett, Nanorta,
 Smith, Legal

REGULATORY
 REVIEW COMMISSION

To: All Telecommunications Utilities, the Office of Consumer Advocate, and the Small Business Advocate

Re: Rulemaking Re Generic Competitive Safeguards Under 66 Pa. C.S. §§ 3005(b) and 3005(g)(2), Docket No. L-00990141

By Order entered November 30, 1999, this Commission adopted a proposed rulemaking establishing competitive safeguards in further of the provisions of Chapter 30 of the Public Utility Code, 66 Pa. C.S. §§ 3001-3009. The Proposed Rulemaking Order requires that comments be filed within thirty (30) days of publication in the Pennsylvania Bulletin, which occurred on January 29, 2000. Comments, therefore, are due February 28, 2000.

On February 23, 2000, the Pennsylvania Telephone Association ("PTA") filed a letter with the Commission requesting that the comment period be stayed until further notice. By letter dated February 24, 2000, ALLTEL Pennsylvania, Inc. ("ALLTEL") joined in this request for a stay. In making this request, the PTA and ALLTEL argue that the proposed competitive safeguards, which are in the form of a Code of Conduct, are closely modeled after the Code of Conduct adopted for Bell Atlantic - Pennsylvania, Inc. ("BA-PA") in the Global proceeding Order entered September 30, 1999, at Docket Nos. P-00991648 and 00991649. The parties further allege that the Global Order, including the proposed Code of Conduct for BA-PA, however, is in a state of uncertainty given several outstanding appeals currently pending in state court. The two letters conclude that it would be premature to ask for comments in the instant proceeding until there is greater finality in the Global proceeding.

Because we agree that resolution of the Code of Conduct issue in the Global proceeding may be of relevance in the instant proceeding, we will grant a 60-day extension for the filing of comments to April 28, 2000.

Very truly yours,

James J. McNulty
 James J. McNulty
 Secretary

cc: Robert E. Nyce, Executive Director
 Independent Regulatory Review Commission
 Majority and Minority Chairmen, House Committee on Consumer Affairs
 Majority and Minority Chairmen, Senate Committee on Consumer
 Protection and Professional Licensure



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
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Original: 2082

April 26, 2000

To: All Telecommunications Utilities, the Office of Consumer Advocate, and the Small Business Advocate

Re: Rulemaking Re Generic Competitive Safeguards Under 66 Pa. C.S. §§ 3005(b) and 3005(g)(2), Docket No. L-00990141

By Order entered November 30, 1999, this Commission adopted a proposed rulemaking establishing competitive safeguards in further of the provisions of Chapter 30 of the Public Utility Code, 66 Pa. C.S. §§ 3001-3009. The Proposed Rulemaking Order required that comments be filed within thirty (30) days of publication in the Pennsylvania Bulletin, which occurred on January 29, 2000. Comments were, therefore, originally due February 28, 2000.

On February 24, 2000, this Commission granted a 60-day extension for the filing of comments to April 28, 2000, in the above-captioned matter after receiving requests for a stay from the Pennsylvania Telephone Association ("PTA") and ALLTEL Pennsylvania, Inc. ("ALLTEL"). In making this request, the PTA and ALLTEL argued that the proposed competitive safeguards, which are in the form of a Code of Conduct, are closely modeled after the Code of Conduct adopted for Bell Atlantic – Pennsylvania, Inc. ("BA-PA") in the Global proceeding Order entered September 30, 1999, at Docket Nos. P-00991648 and 00991649. They further alleged that the Global Order, including the proposed Code of Conduct for BA-PA, however, is in a state of uncertainty given several outstanding appeals currently pending in state court. In granting the 60-day extension, we agreed with the parties that it would be premature to ask for comments in the instant proceeding until there is greater finality in the Global appeals.

On April 20, 2000, ALLTEL again filed a letter with the Commission, copied to all parties, asking that we stay, until further notice, the comment period in the above-referenced matter because of the continuing uncertainty in the pending Global appeals and the relevance their resolution may bear on this rulemaking proceeding. Given the continuing uncertainty in the pending Global appeals, we agree with this request and, therefore, will grant a stay, until further notice, of the comment period.

Very truly yours,

James J. McNulty
James J. McNulty
Secretary

cc: Robert E. Nyce, Executive Director
Independent Regulatory Review Commission
Majority and Minority Chairmen, House Committee on Consumer Affairs
Majority and Minority Chairmen, Senate Committee on Consumer Protection and Professional Licensure

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2000 APR 28 AM 8:48
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN R. MCGINLEY, JR., ESQ., CHAIRMAN
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ARTHUR COCCODRILLI
ROBERT J. HARBISON, III
JOHN F. MIZNER, ESQ.
ROBERT E. NYCE, EXECUTIVE DIRECTOR
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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

May 2, 2000

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
206 North Office Building
Harrisburg, PA 17105-3265

Re: Proposed Regulation 57-210 (IRRC # 2082)
Generic Competitive Safeguards For Telecommunication Utilities

Dear Mr. McNulty:

Thank you for advising me that the close of the public comment period for the above regulation will be stayed until further notice. Our chief counsel, Mary S. Wyatte, discussed your letter with your counsel, Carl Hisiro. This letter will confirm their conversation.

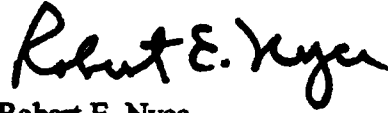
As you may be aware, the start of the committees' and the Commission's comment period is triggered by the close of the public comment period. Therefore, it is imperative that we know exactly when the public comment period ends. It is also important for commentators to know the time frame in which they must act.

To avoid confusion, we recommend that you publish a notice in the *Pa. Bulletin*, indicating that the close of the public comment period will be stayed until further notice. In addition, the PUC should announce the close of the public comment period in the *Pa. Bulletin*, 30 days in advance.

Hon. James J. McNulty
May 2, 2000
Page 2 of 2

Thank you for your cooperation in this matter. We are available to assist you in any way we can. If you have any questions, please call me at 783-5506.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce". The signature is written in a cursive style with a large, prominent initial "R".

Robert E. Nyce
Executive Director

^{msw}
cc: Honorable Chris Wogan
Honorable Keith R. McCall
Honorable Clarence D. Bell
Honorable Lisa M. Boscola



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

Original: 2082

January 3, 2001

To: All Telecommunications Utilities, Telecommunication Associations, the Office of Consumer Advocate, and the Small Business Advocate


Re: Rulemaking Re Generic Competitive Safeguards Under 66 Pa. C.S. §§ 3005(b) and 3005(g)(2), Docket No. L-00990141

By Order entered November 30, 1999, this Commission initiated a proposed rulemaking proceeding to establish competitive safeguards in furtherance of the provisions of Chapter 30 of the Public Utility Code, 66 Pa. C.S. §§ 3001-3009. The Proposed Rulemaking Order required that comments be filed within thirty (30) days of publication in the Pennsylvania Bulletin, which occurred on January 29, 2000. Comments were, therefore, originally due February 28, 2000.

On two separate occasions, this Commission granted extensions for the filing of comments in the above-captioned matter after receiving requests for a stay because of the uncertainty surrounding the pending Global appeals and the relevance their resolution may bear on this rulemaking proceeding. Specifically, the November 30, 1999 Order proposed a Code of Conduct that is modeled closely after the Code of Conduct adopted for Verizon Pennsylvania Inc (formerly Bell Atlantic-Pennsylvania, Inc.) in the Global Order entered September 30, 1999, at Docket Nos. P-00991648 and P-00991649. The second extension granted by this Commission by Secretarial Letter dated April 26, 2000, stayed, until further notice, the comment period in the above-referenced matter.

On October 25, 2000, the Commonwealth Court unanimously upheld the Commission's Global Order, including the aforementioned Code of Conduct. On November 22, 2000, Verizon filed a petition for allowance of appeal with the Pennsylvania Supreme Court without further challenging the Commonwealth Court's decision relating to the Code of Conduct. Given this changed circumstance removing the prior uncertainty, we believe it is now appropriate to re-establish a comment period for the proposed rulemaking. We, therefore, direct that comments be filed on or before Friday, February 23, 2001, and that a copy of this letter be published in the Pennsylvania Bulletin.

Very truly yours,


James J. McNulty
Secretary

cc: Robert E. Nyce, Executive Director, Independent Regulatory Review Commission
Majority and Minority Chairmen, House Committee on Consumer Affairs
Majority and Minority Chairmen, Senate Committee on Consumer Protection and Professional Licensure