

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1437

In the Matter of)	Citizens' Utility Board of Oregon's
)	Motion for Scheduling Conference to
TRACFONE WIRELESS, INC.)	Consider Further Amendment of
Application for Designation as an Eligible)	Schedule Expedited Review
Telecommunications Carrier)	Requested
)	
)	

The Citizens' Utility Board of Oregon ("CUB") hereby requests that the Administrative Law Judge convene a Scheduling Conference with all parties for consideration of amendment of the current schedule in this docket. **Expedited review of this Scheduling Conference Request is requested.** This request is based upon TracFone's filing of Friday, August 13, 2010, TRACFONE WIRELESS INC.'S NOTICE OF EXPANDED LIFELINE OFFERING which adds significant new facts to this proceeding requiring additional time for discovery and testimony.

CUB has confirmed with the other active parties to this docket, by email, their position as to this request:

The following parties do not object to CUB's request:

1. Staff supports this motion and asks that CUB so note. Staff's Counsel Michael Weirich will be on vacation from 8/16 through 8/24. Stephanie Andrus will handle matters related to this case in his absence.

The following parties do object to CUB's request.

1. TracFone opposes this motion.

As of the time of filing no other parties had contacted CUB as to their position on this motion.

The current procedural schedule was adopted on July 20, 2010. That schedule provided that parties could "Respond" to TracFone's filing on August 3, 2010 and that "all parties" including

UM 1437 Citizens' Utility Board of Oregon's Motion for Scheduling Conference to Consider Further Amendment of Schedule **Expedited Review Requested**

TracFone would “Reply” on August 23, 2010 to all other parties’ filings. The fact that TracFone waited until 10 (ten) days after the intervenors and Staff had filed their Response Testimony means that there is no testimony in the docket related to the new facts and that there are now fewer than 10 days until Reply testimony is due – the current schedule allows for only these two rounds of testimony. This means that there is insufficient time for intervenors and Staff to submit and receive answers to data requests related to the new facts. It also means that intervenors such as CUB, whose main witness is scheduled to be on vacation three days next week and all of the following week, will have no opportunity to conduct the necessary discovery. Furthermore TracFone has Noticed the depositions of Bob Jenks for August 31, 2010, Kay Marinos for September 2, 2010 and John Cray for September 2, 2010. Meaning that these depositions will not be conducted until after all party Reply testimony is due under the current schedule.

In addition to the above CUB’s Motion to Compel and Supplemental Motions to Compel are still pending in this matter as is TracFone’s Motion to Deny Intervention to CUB. This docket can not proceed without rulings on those motions and such rulings are necessary prior to the filing of any additional testimony – TracFone has yet to fully and completely answer many of the data requests submitted by both Intervenors and Staff.

Based upon the above, CUB therefore, respectfully requests that the Administrative Law Judge convene a scheduling conference for the purpose of amending the current schedule to permit the Administrative Law Judge time to rule on the pending motions, to permit the intervenors and Staff time to conduct necessary additional discovery, and to receive answers to their prior discovery

requests, all prior to the time set for Reply testimony. CUB anticipates that a delay in the Reply Testimony date will also necessitate changes to the previously agreed upon briefing schedule.

DATED this 16th day of August, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. Catriona McCracken', written in a cursive style.

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UM 1437 – CERTIFICATE OF SERVICE

I hereby certify that, on this 16th day of Aug., 2010, I served the foregoing CITIZENS' UTILITY BOARD OF OREGON'S MOTION FOR SCHEDULING CONFERENCE TO CONSIDER FURTHER AMENDMENT OF SCHEDULE **EXPEDITED REVIEW REQUESTED** in docket UM 1437 upon each party listed in the UM 1437 PUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending an original and 1 copy by U.S. mail, postage prepaid, to the Commission's Salem offices.

(W denotes waiver of paper service)

(C denotes service of Confidential material authorized)

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UM 1437 - CITIZENS' UTILITY BOARD OF OREGON'S MOTION FOR SCHEDULING CONFERENCE TO CONSIDER FURTHER AMENDMENT OF SCHEDULE **EXPEDITED REVIEW REQUESTED**

**OREGON DEPARTMENT OF
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Respectfully submitted,



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