

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, NW, SECOND FLOOR, WEST TOWER
WASHINGTON, DC 20005**

ORDER

December 2, 2014

**FORMAL CASE NO. 1102, IN THE MATTER OF THE INVESTIGATION INTO THE
CONTINUED USE OF VERIZON WASHINGTON, DC, INC.'S COPPER
INFRASTRUCTURE TO PROVIDE TELECOMMUNICATIONS SERVICES, Order No.
17718**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) grants the Joint Motion to Postpone the Evidentiary Hearing (“Joint Motion”) filed by Verizon Washington, DC Inc. (“Verizon DC” or “Company”) on behalf of itself and the Office of the People's Counsel (“OPC”) and the Communications Workers of America, AFL-CIO (“CWA”), the other two parties in this proceeding.¹ The Commission postpones the evidentiary hearing scheduled in this proceeding for December 3 and 4, 2014, pending the completion of settlement negotiations. The Commission directs the parties to file an updated settlement conference report no later than December 12, 2014, providing a status report on the settlement negotiations.

II. BACKGROUND

2. In Order No. 17045, the Commission opened this proceeding to investigate Verizon DC’s continued use of its copper infrastructure for the provision of telecommunications services in the District of Columbia and whether, and under what circumstances, the Company plans to transition customers from the telecommunications services provided over copper facilities to telecommunications services provided over fiber facilities. As a part of this proceeding, the Commission indicated that it planned to, among other actions, request specific information from Verizon DC and seek input from interested persons.²

3. After extensive discovery and numerous filings by the parties, the Commission determined that there were factual issues in dispute regarding the copper-to-fiber facilities transition that merited an evidentiary hearing.³ On July 28, 2014, in Order No. 17563, the

¹ *Formal Case No. 1102, In the Matter of the Investigation into the Continued use of Verizon Washington, DC, Inc.'s Copper Infrastructure to Provide Telecommunications Services (“Formal Case No. 1102”), Joint Motion to Postpone the Evidentiary Hearing (“Joint Motion”), filed November 26, 2014.*

² *Formal Case No. 1102, Order No. 17045, rel. January 17, 2013.*

³ *Formal Case No. 1102, Order No. 17528, rel. July 3, 2014.*

Commission finalized the Issues List and procedural schedule for this case.⁴ In that Order, the Commission established December 3 and 4, 2014, as the dates for an evidentiary hearing on the nine (9) Issues.⁵ The final procedural schedule also called for settlement negotiations between the parties.

4. On November 20, 2014, Verizon DC filed a Joint Settlement Conference Report (“Joint Report”) on behalf of the parties. In the Joint Report, Verizon DC represents that the parties held their first settlement conference on November 14, 2014.⁶ Verizon DC indicates that the settlement discussions were productive. Verizon DC contends that the parties discussed the fact that the Federal Communications Commission (“FCC”) had on its November 21, 2014, open meeting agenda a “Notice of Proposed Rulemaking, Declaratory Ruling, and Order to facilitate the transition to next-generation networks by promoting and preserving the FCC’s public safety, consumer protection, and competition goals.”⁷ Verizon DC asserts that the parties determined that a review of these documents would be beneficial to the settlement discussions. Verizon DC indicates that the parties planned to meet on November 24 or 25, 2014, to discuss specific settlement proposals after reviewing the FCC’s actions.⁸

5. On November 26, 2014, Verizon DC filed the Joint Motion requesting the Commission to postpone the evidentiary hearings.

III. DISCUSSION

6. In support of the Joint Motion, Verizon DC represents that the parties held another productive settlement negotiation on November 25, 2014, and agreed to continue discussions. However, due to the Thanksgiving holiday, Verizon DC indicates that the parties believe that an additional two (2) weeks are necessary to continue the discussions and reach an agreement. Thus, Verizon DC contends that the parties request that the Commission postpone the evidentiary hearing to permit the parties to continue their discussions during the first two (2) weeks of December. For scheduling purposes, Verizon DC represents that the parties are available the week of January 19, 2015, for either a public interest hearing in the event a settlement agreement is filed or for the evidentiary hearing in the case of a breakdown in settlement negotiations.⁹

7. In reviewing the Joint Motion, the Commission notes that the parties provide good cause for postponing the evidentiary hearing. Since the Commission encourages

⁴ *Formal Case No. 1102*, Order No. 17563, rel. July 28, 2014.

⁵ Order No. 17563, ¶ 47.

⁶ *Formal Case No. 1102*, Joint Settlement Conference Report (“Joint Report”), filed November 20, 2014.

⁷ Joint Report at 1, citing <http://www.fcc.gov/document/fcc-hold-open-commission-meeting-friday-november-21-2014>.

⁸ Joint Report at 1-2.

⁹ Joint Motion at 1.

settlements that are in the public interest, it is consistent with Commission policy to permit the parties additional time to try and reach a resolution on all of the Issues in this proceeding. Thus, the Commission grants the Joint Motion and permits the parties additional time to pursue their settlement negotiations. However, the parties are directed to file an updated report on the status of the settlement negotiations by December 12, 2014.

THEREFORE, IT IS ORDERED THAT:

- 8. The Joint Motion to Postpone the Evidentiary Hearing is **GRANTED**;
- 9. The evidentiary hearing in this proceeding scheduled for December 3 and 4, 2014, is **POSTPONED**; and
- 10. The parties are to file an updated report on the status of their negotiations in this proceeding by December 12, 2014.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**