

STATE OF VERMONT  
PUBLIC UTILITY COMMISSION

Case No. 23-4353-PET

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Joint petition of Consolidated Communications Holdings, Inc., Consolidated Communications of Northland Company, Consolidated Communications of Vermont Company, LLC, Consolidated Communications Enterprise Services, Inc., and Condor Holdings LLC for approvals pursuant to 30 V.S.A. §§ 107, 109, and 311	
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Order entered: 02/02/2024

**SCHEDULING CONFERENCE ORDER**

This case involves a joint petition filed by Consolidated Communications Holdings, Inc.; Consolidated Communications Enterprise Services, Inc.; Consolidated Communications of Northland Company; Consolidated Communications of Vermont Company, LLC (together “Consolidated”); and Condor Holdings LLC, a wholly-owned subsidiary of Searchlight III CVL, L.P. (“Condor”) (collectively the “Joint Petitioners”), pursuant to 30 V.S.A. §§ 107, 109, and 311, for approval of a transaction that will result in Condor acquiring all issued and outstanding stock in Consolidated. If approved, Consolidated will be converted from a publicly traded to a privately held company.

On February 1, 2024, the Commission held a scheduling conference in this matter. Appearances were entered by Alexander Wing, Esq. and Caroline Daniels, Esq., on behalf of the Vermont Department of Public Service (“Department”); Owen McClain, Esq., Sheehey Furlong & Behm P.C., on behalf of Consolidated; Nancy Malmquist, Esq., Downs Rachlin & Martin PLLC, on behalf of Condor; and Benjamin M. Byrd, Esq. and Amanda M. Calloway, Esq., Hudak & Harris, LLP, on behalf of Charter Fiberlink-VT, CCO, LLC (“Charter”).<sup>1</sup>

At the scheduling conference, the parties developed the following proposed procedural schedule, which we adopt:<sup>2</sup>

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<sup>1</sup> Charter filed a motion to intervene, which remains pending, in this case on February 1, 2024.

<sup>2</sup> “Non-petitioners” are all parties to this case other than the petitioner; non-petitioners include intervenors and statutory parties.

<b>Date</b>	<b>Event</b>
February 9, 2024	Joint Petitioners file draft customer notice of public hearing and information session
March 7, 2024	Public hearing and information session hosted by the Department (to be held remotely)
March 14, 2024	Deadline to file motions to intervene
March 21, 2024	Deadline to file responses to motions to intervene
March 29, 2024	Discovery served on Joint Petitioners
April 12, 2024	Joint Petitioners respond to discovery
May 3, 3024	Non-petitioners file direct testimony
May 17, 2024	Discovery served on Non-petitioners
May 31, 2024	Non-petitioners respond to discovery requests
June 14, 2024	Joint Petitioners file rebuttal testimony
June 28, 2024	Non-petitioners file surrebuttal
July 10 and 11 (if needed)	Evidentiary hearing
Three weeks after hearing transcript is available	Deadline to file briefs
Two weeks after briefs are filed	Deadline to file reply briefs

The parties' proposed schedule contemplates that informal rolling discovery will be conducted during the rebuttal and surrebuttal phases of testimony. Because these rounds of discovery are proposed to be conducted informally, we are not incorporating discovery deadlines

into the procedural schedule following the filing of rebuttal or surrebuttal testimony. If the parties determine that deadlines for these rounds of discovery will be needed, they must file appropriate motions with the Commission requesting amendments to this schedule. The parties, however, should not expect that the Commission will extend the scheduled dates for the evidentiary hearing if additional deadlines are necessary for the exchange of discovery during the rebuttal and surrebuttal phases of this case.

Also, when the Joint Petitioners file their proposed customer notice, they are directed to also describe the method and timing that will be used to ensure that the notice is provided to Consolidated's customers in advance of the public hearing. The Commission will hold the public hearing, which is scheduled for March 7, 2024, remotely using GoToMeeting software. The Clerk of the Commission will provide the Joint Petitioners with login and call-in information for the public hearing as soon as it is available.

If motions for summary judgment are filed in this case, then, consistent with Commission Rule 2.219(B) and unless different deadlines are established by the Commission, (1) responses are due 30 days after the motion is filed; and (2) replies to any responses are due 14 days after the responses are filed. If motions to dismiss are filed in this case, then, consistent with Commission Rule 2.206(E), (1) responses are due 30 days after the motion is filed; and (2) replies to any responses are due 14 days after the responses are filed.<sup>3</sup> For any other motions, then, consistent with Commission Rule 2.206(E) and unless different deadlines are established by the Commission, (1) responses are due 14 days after the motion is filed; and (2) replies to any responses are due 14 days after the responses are filed. Consistent with Commission Rule 2.206(F), surreplies may only be filed with permission from the Commission.

Parties are reminded that documents submitted in pdf format should be in an "unlocked" format, i.e., searchable and extractable, rather than in an image format.

Members of the public interested in this proceeding may participate by submitting public comments or by intervening as a formal party to the case. Members of the public may also simply monitor the Commission's actions in a specific case. Guidance on how to monitor, comment on, or actively participate in Commission proceedings is available in the document

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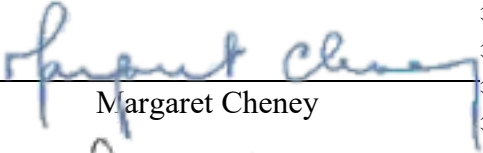
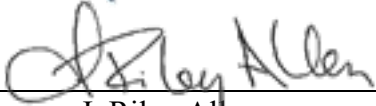
<sup>3</sup> Commission Rule 2.206(E) provides the Commission with discretion to set response and reply deadlines that differ from the 14 days normally provided by that rule.

“Public Participation and Intervention in Proceedings before the Public Utility Commission,” which is available on the Commission’s website at: <https://puc.vermont.gov/document/public-participation-and-intervention-proceedings-public-utility-commission>.

Pursuant to 30 V.S.A. §§ 20 and 21, the Petitioners will be responsible for court reporter costs incurred by the Commission during the course of this proceeding and billed back to the Petitioners. Unless the Petitioners inform the Commission otherwise, the Commission will mail the invoice for these costs to the attorney of record or the official representative for Consolidated.


**SO ORDERED.**

Dated at Montpelier, Vermont, this 2nd day of February, 2024.

 _____ )	) PUBLIC UTILITY
Edward McNamara )	
) )	
 _____ )	) COMMISSION
Margaret Cheney )	
) )	) OF VERMONT
 _____ )	
J. Riley Allen )	

OFFICE OF THE CLERK

Filed: February 2, 2024

Attest:   
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Clerk of the Commission

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [puc.clerk@vermont.gov](mailto:puc.clerk@vermont.gov))*

PUC Case No. 23-4353-PET - SERVICE LIST

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^Motion to Intervene pending.