

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UT-130477
)	
THE CENTURYLINK)	
COMPANIES—)	ORDER 01
QWEST CORPORATION,)	
CENTURYTEL OF WASHINGTON,)	
CENTURYTEL OF INTER ISLAND,)	PREHEARING CONFERENCE
CENTURYTEL OF COWICHE, AND)	ORDER;NOTICE OF HEARING
UNITED TELEPHONE COMPANY)	(Set for October 15-17, 2013)
OF THE NORTHWEST)	
)	
To be Regulated Under an Alternative)	
Form of Regulation Pursuant to RCW)	
80.36.135)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On April 1, 2013, the CenturyLink companies – Qwest Corporation; CenturyTel of Washington; CenturyTel of Inter Island; CenturyTel of Cowiche; and United Telephone Company of the Northwest (Collectively referred to as CenturyLink) filed with the Washington Utilities and Transportation Commission (Commission) a petition to be regulated under an alternative form of regulation pursuant to RCW 80.36.135.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on May 1, 2013, before Administrative Law Judges Gregory J. Kopta and Stephany A. Watson.

3 **APPEARANCES.** Lisa A. Anderl, Seattle, Washington, represents CenturyLink. Simon J. ffitich and Lisa W. Gafken, Seattle, Washington, represent the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel). Jennifer Cameron-Rulkowski, Assistant Attorney General Olympia, Washington,

represents the Commission's regulatory staff (Commission Staff or Staff).¹ Stephen S. Melnikoff and Kyle J. Smith, Fort Belvoir, Virginia, represent the United States Department of Defense and All Other Federal Executive Agencies (DoD/FEA). Douglas Denney, Portland, Oregon, represents Integra Telecom Inc. (Integra). Judith A. Endejan, Seattle, Washington, represents Sprint Nextel Corporation (Sprint Nextel). Contact information for the parties' representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** On April 22, 2013, DoD/FEA filed a petition to intervene, Integra filed a petition to intervene on April 26, and Sprint Nextel filed a petition to intervene on April 29. CenturyLink objected to the petition to intervene of DoD/FEA, arguing that it does not have a substantial interest in this proceeding and has sufficient bargaining power to protect its interests in its dealings with the Company. CenturyLink acknowledged, however, that DoD/FEA purchases some tariffed services from CenturyLink, which the AFOR would impact regardless of whatever ability DOD/FEA has to negotiate rates, terms, and conditions for other services. The Commission finds under these circumstances that DoD/FEA has a substantial interest in this proceeding and overrules CenturyLink's objection. The Commission also holds that both Integra and Sprint Nextel have established a substantial interest in this proceeding. The participation of all the intervenors is in the public interest, and all of the petitions to intervene are GRANTED.

5 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket to protect the confidentiality of proprietary information. The Commission finds that confidential information is likely to be requested or filed in this docket and will enter the standard protective order.

6 **DISCOVERY.** The parties asked that the Commission's discovery rules be available in this docket. This matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are available. All responses to discovery requests are due on or before 10 business days from the date of the request until August 22, 2013, after

¹ In a formal proceeding, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

which all responses to discovery requests are due on or before seven business days from the date of the request.

- 7 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B. This schedule is based, in part, on CenturyLink's agreement to waive the date by which Commission must act on the Company's Petition to January 17, 2014.
- 8 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and submit electronically all proposed cross-examination exhibits by 2:00 p.m. on October 10, 2013. The Commission requires five (5) copies of the unredacted version of any exhibits containing confidential information and two (2) copies of a redacted set of any such exhibits.
- 9 Except as otherwise agreed between parties, proposed cross-examination exhibits must be served on all parties at the time they are filed with the Commission. Two (2) copies must be furnished to the party sponsoring the witness the party intends to cross examine with the exhibits. Parties may waive the right to service of cross-examination exhibits in whole or in part. This may be appropriate, for example, when a proposed exhibit has been previously furnished during the discovery process.
- 10 The exhibits must be accompanied by an exhibit list and must be organized into sets that are **tabbed, labeled, and grouped** according to the witness the party intends to cross examine with the exhibits. Cross-examination exhibits not conforming to these requirements may be rejected. Each party's cross-examination exhibit list must be filed with the Commission and served on all parties by 2:00 p.m. on October 10, 2013.
- 11 **NOTICE OF HEARING.** The Commission schedules a hearing in this matter, to commence on **Tuesday, October 15, 2013, at 9:30 a.m.**, in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The hearing will continue from day to day, and will conclude on Thursday, October 17, 2013.

- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus four (4) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 13 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 14 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a flash drive or CD including the filed documents. Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files. The parties agree that the Commission may serve all Commission orders, notices, and other issuances on the parties via e-mail delivery to the parties at the addresses set forth in Appendix A.
- 15 **ELECTRONIC SERVICE.** All parties agreed to electronic service of notices and orders the Commission issues or enters in this docket at such time as the Commission is authorized to make such service and implements that authority.
- 16 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus four (4) paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's web portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judges as well as to the parties to the proceeding.

- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within 10 calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective May 6, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

GREGORY J. KOPTA
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-130477**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
CenturyLink	Mark Reynolds 1600 7 th Avenue Room 1506 Seattle, WA 98191			Mark.reynolds3@centurylink.com
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	Adam Sherr			adam.sherr@centurylink.com
	John Felz			john.felz@centurylink.com
	Maura Peterson			Maura.peterson@centurylink.com
Commission Staff	Jennifer Cameron-Rulkowski Assistant Attorney General 1400 S. Evergreen Park Drive S.W. Olympia, WA 98504-0128	360-664-1186	360-586-5522	jcameron@utc.wa.gov
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	Roger Hahn			rhahn@utc.wa.gov
	John Cupp			jcupp@utc.wa.gov
	Virgil Santos			vsantos@utc.wa.gov
Integra Telecom of Washington, Inc.	Douglas Denney Vice President, Costs & Policy 1201 NE Lloyd Blvd. Suite 500 Portland, OR 97232	503-453-8285	503-453-8223	dkdenney@integratelecom.com
	Kim Isaacs			kdisaacs@integratelecom.com
	Kim Wagner			kim.wagner@integratelecom.com

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
United States Department of Defense (DOD/FEA)	Kyle J. Smith, Esq. General Attorney Regulatory Law Office (JALS-RL) U.S. Army Legal Services Agency 9275 Gunston Road Fort Belvoir, VA 22060-5546	703-693-1274	703-806-0123	Kyle.j.smith124.civ@mail.mil
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APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-130477

EVENT	DATE
AFOR Plan and Company Direct Testimony and Exhibits	April 1, 2013
Prehearing Conference	May 1, 2013
Settlement Conference (parties only)	June 28, 2013 (Friday)
Public Notice Report	June 28, 2013 (Friday)
Staff, Public Counsel and Intervenor Response Testimony and Exhibits Due	August 22, 2012 (Thursday)
Public Comment Hearings (Number and Location TBD)	TBD
Company Rebuttal Testimony and Exhibits	September 19, 2012 (Thursday)
All Parties File and Distribute Cross Examination Exhibits and Provide Witness and Exhibit Lists and Time Estimates for Cross-Examination to Other Parties and the ALJs.	October 10, 2013 (Thursday)
Evidentiary Hearings	October 15-17, 2013 (Tuesday – Thursday)
Simultaneous Post-Hearing Briefs	November 14, 2013 (Thursday)
Deadline for Action	January 17, 2014 (Friday)