

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T BROADBAND PHONE OF WASHINGTON, LLC,)	
)	
Complainant,)	Docket No. UT-020388
)	
v.)	AT&T BROADBAND
)	SUPPORT FOR
QWEST CORPORATION,)	EXPEDITED RELIEF
)	
Respondent.)	
_____)	

Pursuant to the Commission’s Notice of Emergency Hearing; Notice of Prehearing Conference (April 12, 2002) (“Notice”), AT&T Broadband Phone of Washington, LLC (“AT&T Broadband”), provides the following statement of its reasoning and factual support for its contention that this matter falls within the emergency adjudication provisions of the APA and Commission rules or otherwise should be considered on an expedited basis.

STATEMENT

The APA authorizes the Commission to “use emergency adjudicative proceedings in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.” RCW 34.05.479. The Commission’s rules also provide for such proceedings. WAC 480-09-510. Other than proceedings to enforce interconnection agreements, the Commission’s rules do not expressly provide for expedited Commission consideration of time-sensitive disputes. Accordingly, AT&T Broadband alleged in its complaint that Qwest’s “reverse slamming” violations of WAC 480-120-139 create “an immediate danger to the public welfare requiring immediate action by the Commission.”

Complaint ¶ 22.

The Commission has only generally established the type of matters that are eligible for consideration in an emergency adjudication. Obviously, Qwest's unauthorized imposition of freezes on customers' choice of local service and failure to timely remove those freezes do not create "danger" in terms of threatening bodily injury, extensive property damage, or lack of access to basic utility service. Qwest's actions, however, substantially burden customers' choice of local telephone service provider and effectively thwart the development of effective local exchange competition, particularly in the residential consumer market.

The Commission has demonstrated little tolerance for "slamming" and has taken swift action to preclude carriers from engaging in such practices. Qwest's conduct is no less egregious than switching consumers' telephone service from their authorized carrier to an unauthorized carrier. Qwest is effectively providing unauthorized service to customers that have chosen to obtain their local service from AT&T Broadband. The Commission should take immediate action to halt those practices, even if they do not pose what the Commission considers to be a "danger to the public health, safety, or welfare" as contemplated in the APA and Commission rules. As requested in the Notice, attached as Exhibit A are confidential and proprietary documents that support the allegations in AT&T Broadband's Complaint. Pending issuance of a protective order in this docket, these confidential documents are being provided to the Commission and Commission staff pursuant to RCW 80.04.095 and to Qwest under the confidentiality provisions of the parties' interconnection agreement.

CONCLUSION

AT&T Broadband, therefore, respectfully requests that the Commission consider the merits of the Complaint and grant the requested relief as expeditiously as possible.

DATED this 10th day of April, 2002.

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