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BEFORE THE WASHINGTON

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UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of the Second)	UT-043007
Six-Month Review of)	Volume I
QWEST CORPORATION'S)	Pages 1-30
Performance Assurance Plan.)	

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A pre-hearing conference in the

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above-entitled matter was held at 1:33 p.m. on

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Wednesday, February 11, 2004, at 1300 South Evergreen

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Park Drive, Southwest, Olympia, Washington, before

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Administrative Law Judge ANN E. RENDAHL.

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The parties present were as follows:

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QWEST CORPORATION, by Douglas N. Owens,
Attorney at Law, 1325 Fourth Avenue, Suite 940,
Seattle, Washington 98101.

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COMMISSION STAFF, by Gregory J.
Trautman, Assistant Attorney General, 1400 S.
Evergreen Park Drive, S.W., P.O. Box 40128, Olympia,
Washington, 98504-1028.

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ESCHELON TELECOM, INC., by Ray Smith,
Attorney at Law, 730 Second Avenue South, Suite 1200,
Minneapolis, Minnesota 55402-2456 (via teleconference
bridge.)

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Barbara L. Nelson, CCR

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Court Reporter

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1 COVAD COMMUNICATIONS COMPANY, by Karen
2 Shoresman Frame, Attorney at Law, 7901 Lowry
3 Boulevard, Denver, Colorado 80320 (via teleconference
4 bridge.)

5 WORLDCOM, INC., d/b/a MCI, INC., by
6 Michel Singer Nelson, Attorney at Law, 707 17th
7 Street, Suite 4200, Denver, Washington, 80202 (via
8 teleconference bridge.)

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1 JUDGE RENDAHL: Let's be on the record.

2 Good afternoon. I'm Ann Rendahl, the Administrative
3 Law Judge. Well, let's be off the record for a
4 moment.

5 (Discussion off the record.)

6 JUDGE RENDAHL: I was just saying, we'll be
7 back on the record, that this is Ann Rendahl. I'm
8 the Administrative Law Judge presiding over this
9 proceeding. And we're here before the Washington
10 Utilities and Transportation Commission this
11 Wednesday, February 11th, 2004, for a pre-hearing
12 conference in Docket Number UT-043007, in the matter
13 of the second six-month review of Qwest's Performance
14 Assurance Plan.

15 By way of background, the Commission
16 concluded its first six-month review of Qwest's
17 Performance Assurance Plan, or QPAP, in January 2004,
18 in Docket UT-033020, entering Order Number 05, an
19 order on issues pending in the first six-month review
20 period. The Commission entered an order on
21 clarification, Order Number 07 in that docket, on
22 February 6th, 2004.

23 The second six-month review period began in
24 January 2004, and on January 27th, the Commission
25 issued a notice of pre-hearing conference in this

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1 docket to commence the Commission's second six-month
2 review of Qwest's Performance Assurance Plan. While
3 the notice stated that the conference will be held in
4 the Commission's main hearing room, we moved the
5 conference to Room 108 at the Commission's offices
6 due to some unexpected roofing work above the main
7 hearing room.

8 Now, the purposes of our pre-hearing this
9 morning -- this afternoon, excuse me, is to take the
10 appearances of any parties, consider any petitions to
11 intervene, discuss the current status of the
12 Long-Term PID Administration collaborative process,
13 identify any issues for this proceeding, establish
14 any schedule for discovery or evidentiary hearings,
15 and identify any other matters we need to discuss
16 today.

17 So before we go any farther, we'll take
18 appearances. Because this is the first prehearing or
19 the first hearing in this matter, we usually take the
20 full appearances of all parties. However, based on
21 your recommendation, I have the master service list
22 in front of me, and I will just consult with the
23 parties that are present as to whether their
24 information remains the same as in the last, and
25 provide that information to the court reporter so we

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1 don't have to spend as much time going through
2 details.

3 So let's start with Qwest. And Mr. Owens,
4 you're representing Qwest?

5 MR. OWENS: I am, Your Honor, and there are
6 no changes from the service list information for the
7 last case.

8 JUDGE RENDAHL: Okay. So you will receive
9 paper and fax service in this matter?

10 MR. OWENS: Yes.

11 JUDGE RENDAHL: Is Ms. Anderl and Mr. Sherr
12 still on the list?

13 MR. OWENS: Yes, Your Honor.

14 JUDGE RENDAHL: Okay. Mr. Reynolds is here.
15 And Ms. Brohl, you're on the bridge; correct?

16 MS. BROHL: Yes, I am, Judge. I do have a
17 change of address and phone number, but I can provide
18 those to Mr. Owens to provide you subsequent to this,
19 if you prefer.

20 JUDGE RENDAHL: Why don't we just do it now,
21 and I can update it. So your address is now --

22 MS. BROHL: 1801 California Street.

23 JUDGE RENDAHL: Yes.

24 MS. BROHL: 49th Floor, Denver, Colorado,
25 80202. And my telephone number is 303-672-2716, and

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1 I don't know if you need a fax number, but it's
2 303-295-7069.

3 JUDGE RENDAHL: So your telephone number is
4 303-672-2716?

5 MS. BROHL: Yes, it is.

6 JUDGE RENDAHL: And your e-mail remains the
7 same?

8 MS. BROHL: Yes, it did.

9 JUDGE RENDAHL: Okay.

10 MS. BROHL: Thank you.

11 JUDGE RENDAHL: Great. Okay. For, let's
12 see, Staff.

13 MR. TRAUTMAN: Greg Trautman, for Commission
14 Staff, and there are no changes.

15 JUDGE RENDAHL: Okay, thank you. For Covad,
16 Ms. Frame?

17 MS. FRAME: Yes, Your Honor. No changes for
18 Covad, either.

19 JUDGE RENDAHL: Okay. We still have Mr.
20 Watkins on our list. Should we delete him from the
21 list?

22 MS. FRAME: Yes, please. Thank you.

23 JUDGE RENDAHL: Okay. That was my only
24 question. And also, Mr. Harlow and Mr. Rice, are
25 they still receiving e-mail service, or do you want

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1 me to take them off the list?

2 MS. FRAME: Why don't you take them off the
3 list. Thank you.

4 JUDGE RENDAHL: Should I keep Mr. Zulevic
5 on?

6 MS. FRAME: You can keep Mr. Zulevic on,
7 yes, that's correct.

8 JUDGE RENDAHL: Okay. So you'll be
9 receiving the paper and fax service --

10 MS. FRAME: That's correct.

11 JUDGE RENDAHL: -- as well as e-mail, and
12 Mr. Zulevic will just have e-mail service?

13 MS. FRAME: That's correct.

14 JUDGE RENDAHL: Okay. For Eschelon, Mr.
15 Smith?

16 MR. SMITH: No changes.

17 JUDGE RENDAHL: Okay. And right now I have
18 you receiving the paper and fax service, as well as
19 e-mail, and Ms. Clauson receiving e-mail service
20 only.

21 MR. SMITH: That's correct.

22 JUDGE RENDAHL: Okay. For WorldCom, MCI,
23 Ms. Singer Nelson.

24 MS. SINGER NELSON: Michel Singer Nelson,
25 appearing on behalf of MCI. Your Honor, I don't

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1 think we have any changes. If I'm receiving the fax,
2 e-mail, and paper service, and then Chad is on --
3 Chad Warner is on the e-mail service, then that
4 should be sufficient.

5 JUDGE RENDAHL: Okay. Then I think that's
6 what we have. So I will attach a revised party
7 representative list to the prehearing conference
8 order and provide a copy of my now very messy
9 marked-up service list from the last docket to the
10 court reporter, and we should be okay.

11 Okay. So the next thing we need to talk
12 about is really where we're going to go in this
13 proceeding. We had reserved a number of issues to
14 the Long-Term PID Administration, as well as this
15 next proceeding in the last six-month review process.

16 And I guess I just need to hear from all of
17 you as to, A, where we are on the LTPA, when we're
18 ready to take issues from that process into the
19 second six-month review, if there are issues that are
20 not being dealt with in the LTPA that we need to
21 address here, kind of where we are, and also any
22 other things I haven't talked about.

23 I know you all are filing administrative PID
24 changes on the 17th of this month --

25 MR. OWENS: Yes.

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1 JUDGE RENDAHL: -- that have already been
2 agreed to. I'm talking about other matters. I'm
3 assuming those administrative changes would be dealt
4 with separately?

5 MR. OWENS: Yes.

6 JUDGE RENDAHL: Not in this review. Mr.
7 Owens?

8 MR. OWENS: We agree with that.

9 JUDGE RENDAHL: Okay.

10 MR. OWENS: I probably am not as intimately
11 involved in the LTPA process as Ms. Brohl and Mr.
12 Buhler. Since they're on the line, perhaps they
13 could inform you. I do know that the process is
14 ongoing. We have weekly matrix updates, there are
15 weekly meetings, and there are a number of issues
16 which are under consideration. I think the total
17 number of issues, not including sub-issues, is 37
18 right now.

19 And it's my understanding that all of the
20 issues that the Commission directed to be addressed
21 in the LTPA as part of the decision in Order Number
22 05 are going to be, if not already being addressed in
23 that forum, so -- but to the extent you wanted to
24 know, did you want to know on an issue-by-issue basis
25 or --

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1 JUDGE RENDAHL: No, I think I just need to
2 know, maybe first from Qwest and then from other
3 parties, as to what you think we ought to be dealing
4 with here in the six-month review, what's going to be
5 ripe for us to deal with in this six-month review.
6 My understanding, from the status report that was
7 filed, is that the discussions are -- and the weekly
8 discussions are ending sometime in March.

9 MR. OWENS: Yes.

10 JUDGE RENDAHL: So what would be a good time
11 for us to, you know, based upon that endpoint, if
12 that does -- you know, discussions do end in March,
13 to start up our six-month review based on what's
14 happening from the LTPA and what topics are likely to
15 be, if any, are likely to be ready to go. So that's
16 kind of --

17 MR. OWENS: Okay.

18 JUDGE RENDAHL: Where should we be going,
19 what's the scope of our work here, and the timing,
20 that sort of --

21 MR. OWENS: I guess maybe we could, in a
22 minute, ask Ms. Brohl or Mr. Buhler as to when in
23 March they expect the discussions to end, and then
24 when thereafter we would be in a position to present
25 formulated issues to the Commission. I would assume

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1 that they would fall into two categories. One as to
2 issues that have been closed by agreement and would
3 need nothing more than, more or less, an
4 administrative filing and the Commission to consider
5 them, and then there would be other issues as to
6 which agreement wasn't reached and there would be
7 some need for the Commission to take them up in this
8 case. And there are some issues from the weekly
9 matrix that are open today, but of course there's no
10 way to know whether all of those will still be open
11 when discussions are ended.

12 But Barbara or Dean, did you have a better
13 idea than I do as to when in March the discussions
14 will be concluded?

15 MR. BUHLER: We have actually planned for a
16 face-to-face meeting in March. I don't have my
17 calendar in front of me, but I believe it's the 11th
18 and the 12th, or around that time frame, where we
19 will -- all the parties who would like to meet
20 face-to-face here in Denver will do so. We have
21 looked at that face-to-face meeting as an opportunity
22 for addressing those issues that remain, need
23 resolution, are still disputed.

24 We had started off late last year submitting
25 issues and tackling what we thought would be the

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1 easier ones to resolve first. We have closed a
2 number of those. We continue to discuss some issues
3 multiple times, because they are the ones that are
4 more challenging. We have not yet addressed all of
5 the issues, but they will be slated on the agenda
6 between now and when the face-to-face meeting will
7 occur.

8 So I would believe that after the
9 face-to-face meeting we will have a much better idea
10 of those issues that remain disputed, if any, and
11 that sometime shortly thereafter, they probably would
12 be managed through the impasse process. So I would
13 think that, at the end of March, perhaps the first
14 part of April, we would have resolutions either by
15 agreement or by the impasse process.

16 JUDGE RENDAHL: Okay. Any Staff or MCI or
17 Eschelon wish to weigh in on that time frame?

18 MR. TRAUTMAN: This is Greg Trautman, for
19 Commission Staff. That was the time frame that Staff
20 was also envisioning, which would provide perhaps two
21 to three weeks after the meetings in Denver to
22 determine which issues have been resolved and which
23 ones are still at an impasse.

24 MS. SINGER NELSON: This is Michel Singer
25 Nelson, from MCI. Chad, I would just ask you to

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1 chime in, too, as to what your understanding would be
2 of the time frame.

3 MR. WARNER: What Qwest stated seemed to
4 follow along with the time frames that we have
5 discussed in the Long-Term PID Administration --

6 JUDGE RENDAHL: Can you speak up?

7 MR. WARNER: Yes, I'm sorry. Can you hear
8 me better?

9 JUDGE RENDAHL: Yes.

10 MR. WARNER: I would agree with the
11 assessment that Qwest just gave regarding to the
12 timing related to the meeting and then subsequently.
13 We'll either have agreement or impasse shortly
14 thereafter, I would think, so I don't have anything
15 else to add.

16 JUDGE RENDAHL: Thank you. Ms. Frame or Mr.
17 Smith?

18 MS. FRAME: That's -- Your Honor, this is
19 Karen Frame. That's my understanding, as well. When
20 you get to it, Covad does have two issues, or kind of
21 one issue with a related issue, that we would like to
22 raise in this six-month period, but I know we're not
23 there yet.

24 JUDGE RENDAHL: Okay. Thank you.

25 MR. SMITH: Eschelon agrees.

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1 JUDGE RENDAHL: Okay, thanks. So it looks
2 like, in terms of scheduling, the Commission wouldn't
3 be hearing from any of the parties until, at the very
4 least, the end of April and probably the early -- I
5 mean, the end of March, possibly early April. So
6 let's hold that thought at this point, but I would
7 imagine we'd be doing nothing in this case until that
8 time.

9 And it also appears that there's no way of
10 truly knowing what the issues are going to be until
11 the LTPA collaborative discussions play out and we
12 know what will be at impasse and what will be agreed
13 to. Is that correct?

14 MR. OWENS: Yes, Your Honor. That's how we
15 understand it.

16 JUDGE RENDAHL: Okay. So in terms of trying
17 to identify issues this afternoon, it's rather
18 difficult to hone in on exact issues, it sounds like.

19 MR. OWENS: From Qwest's perspective, we
20 don't have any that we know of that aren't in the
21 LTPA process.

22 JUDGE RENDAHL: Okay. So let's turn to the
23 next issue, which, Ms. Frame, you just discussed, and
24 we'll begin with you and then turn to others. Are
25 there issues that are not being addressed in the LTPA

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1 process that we need to incorporate in the six-month
2 review?

3 MS. FRAME: Yes. It's my understanding,
4 after talking with Megan Doberneck, who's been
5 handling our end of the LTPA process, that there is
6 no PID to trace Qwest's performance in the QPAP, so
7 that's, you know, that -- she said that needs to be
8 addressed in this six-month review.

9 JUDGE RENDAHL: No PID to trace Qwest's
10 overall performance in the QPAP?

11 MS. FRAME: That's correct. The CPAP has
12 something similar in it. The measurement is okay,
13 but the calculation has a problem in it, and so we'd
14 like to use the CPAP as a starting point so we're not
15 just recreating the wheel here, but fix the issue
16 that is the CPAP.

17 JUDGE RENDAHL: And is there a reason why
18 this wasn't brought up in the LTPA?

19 MS. FRAME: Your Honor, I don't really know.
20 I'm sorry.

21 JUDGE RENDAHL: Okay.

22 MS. FRAME: I'll have to ask Ms. Doberneck
23 about that.

24 JUDGE RENDAHL: Okay. Because I think that
25 will be important in terms of how this Commission

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1 addresses the issue.

2 MS. FRAME: Okay. I will certainly get back
3 with the Commission about that.

4 JUDGE RENDAHL: Okay. Are there other
5 issues -- now, you mentioned that there were two
6 issues?

7 MS. FRAME: Well, it's really a related
8 issue having to do with this particular PID that we'd
9 like included. The way the Colorado PAP currently
10 stands is, as I said, there's a measurement there,
11 but the calculation is incorrect in that it actually
12 attributes the pricing on a category basis, as
13 opposed to a per-CLEC basis. So instead of let's say
14 having a tier one pricing of \$75, and \$75 going to
15 each CLEC, it's \$75 that's apportioned between all
16 the CLECs. So that's a related issue.

17 JUDGE RENDAHL: I see, okay. Are there any
18 other parties who have issues they'd like to address
19 in the six-month review process that are not being
20 raised in the Long-Term PID Administration
21 collaborative?

22 MR. SMITH: Yes, Ray Smith, with Eschelon.
23 We would be requesting in the review some sort of
24 publication of Qwest's aggregate QPAP payments in the
25 state of Washington on a monthly basis. Eschelon is

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1 comfortable waiting until the late March, April time
2 frame to discuss that issue, however.

3 JUDGE RENDAHL: So making public Qwest's
4 aggregate payments under the QPAP in Washington is
5 your issue?

6 MR. SMITH: Yes.

7 JUDGE RENDAHL: Okay. Are there any other
8 issues that people -- that parties wish to raise at
9 this time? We're not -- at this point, we don't need
10 to debate them. I just want to get a sense of what
11 parties wish to raise. There will be plenty of time
12 to argue over them later. Any other issues that
13 parties wish to put on the plate here?

14 MR. OWENS: Your Honor.

15 MR. WARNER: I'm sorry, this is Chad, with
16 MCI. I can barely hear. It's kind of cutting in and
17 out. So I don't know if it's me or if there's a
18 problem with the bridge.

19 JUDGE RENDAHL: Can you hear me now?

20 MR. WARNER: I can. Much better. I think
21 you were asking if anyone else had any -- this is
22 Chad, with MCI. I don't have anything to add at this
23 point.

24 JUDGE RENDAHL: Okay. I think Mr. Owens has
25 something to say.

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1 MR. OWENS: Yes, Your Honor, thank you.
2 This is not an argument; it's a point of
3 clarification. I was wondering if Ms. Frame could
4 identify what PID to which she referred in Colorado
5 that had this problem of pricing on a category basis,
6 rather than per CLEC?

7 MS. FRAME: I'm sorry, Doug, I really don't
8 know. I haven't really -- I would have to get back
9 with you about that.

10 MR. OWENS: Thank you.

11 JUDGE RENDAHL: Okay. I'd suggest that
12 maybe Ms. Frame and Mr. Owens, you might get Ms.
13 Doberneck, as well, on the line with you and see if
14 you can hash out what this issue is.

15 MS. FRAME: I can actually ask Ms.
16 Doberneck. I don't want to -- she's working on some
17 other issues right now, and I'll get back to Doug.

18 JUDGE RENDAHL: Okay.

19 MR. OWENS: Thank you.

20 JUDGE RENDAHL: Okay. So it doesn't sound
21 like there are any other issues. Does Staff have any
22 issue at this point?

23 MR. SPINKS: No specific issues.

24 MR. TRAUTMAN: We have no specific issues.

25 JUDGE RENDAHL: Okay.

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1 MR. SPINKS: Your Honor, this is Tom Spinks,
2 from the Commission Staff. I just wanted to point
3 out a couple of areas that may come into play during
4 the six-month review. One is additional PIDs that
5 need to be developed in the context of the TRO.
6 While they're scheduled for the -- they're in the
7 matrix, there's no timeline set out for them yet. I
8 don't believe we've even started work on them. A
9 particular concern may be the batch hot-cut needing
10 to be put into place in conjunction with TRO work,
11 depending on what happens there.

12 The other is -- the other issue that may
13 come into play, not a specific issue, but rather the
14 general notion that some PIDs are now diagnostic and
15 may need to be changed to a standard, as well as
16 payment levels may need to be reviewed.

17 At this point, Staff has not conducted any
18 specific look at those things, but wanted to bring
19 them to your attention as possibly being on the table
20 in review.

21 JUDGE RENDAHL: Mr. Owens.

22 MR. OWENS: Point of clarification, Your
23 Honor. Is Staff speaking of, at least in that second
24 category, of PIDs in addition to those that are being
25 considered in the LTPA for change from diagnostic to

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1 standard?

2 MR. SPINKS: I don't know at this point.

3 MR. OWENS: Thank you.

4 JUDGE RENDAHL: Okay. Well, it looks like

5 we best talk about schedule and other matters.

6 First, do the parties wish to invoke the discovery

7 rule? In the Commission's new procedural rules,

8 those rules are WAC 480-07-400 through 425. Is that

9 something the parties wish to invoke? Don't need to

10 at this time. We can always do so later, if it

11 appears necessary.

12 MR. OWENS: Qwest doesn't see any need to,

13 Your Honor.

14 JUDGE RENDAHL: I mean, the parties are

15 working through this in the LTPA, for the most part,

16 and any issues that arise are likely to be fully

17 fleshed out there, as I understand. And how about a

18 protective order at this point?

19 MR. OWENS: Qwest sees no need for that, of

20 course subject to some individual situation, needing

21 to move, for one, but at least based on the first

22 six-month review, it didn't seem necessary.

23 JUDGE RENDAHL: Okay. Any objection to not

24 issuing a protective order in this proceeding?

25 MS. SINGER NELSON: Your Honor, again, this

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1 is Michel Singer Nelson, from MCI. I think the rule
2 suggested, with regard to discovery, it's probably
3 good for the protective order, as well, if something
4 comes up where we think that it's necessary, then one
5 of the parties can raise it. And I think that's what
6 I heard Mr. Owens suggested, as well.

7 JUDGE RENDAHL: Yes, that's what he said.
8 If it's not coming through clearly, that's what we're
9 suggesting at this point, that there'd be no invoking
10 the discovery rule or issuing a protective order at
11 this point, but if we need to, a party -- any party
12 can file a motion requesting that.

13 Okay. So I guess the next thing we need to
14 talk about is a schedule. We've already done some of
15 that discussion. And it seemed that the paper
16 process worked just fine on this end for the
17 Commission. I think the Commissioners would support
18 the paper process in this proceeding, as well. Do
19 you all -- what was your experience with the last
20 process? Did it work well or do you see the need for
21 an evidentiary hearing in this proceeding?

22 MR. OWENS: From Qwest's perspective, the
23 paper process worked well. We see no need to move to
24 an evidentiary process.

25 MR. TRAUTMAN: Staff concurs that the paper

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1 process was satisfactory.

2 MS. SINGER NELSON: Your Honor, this is
3 Michel Singer Nelson. I thought that the paper
4 process worked out well for the last set of issues,
5 but depending upon what comes out of the LTPA
6 process, we may want to have some testimony. It just
7 depends on what comes out of it.

8 So at this point, I wouldn't want to waive
9 our ability to have an evidentiary hearing, but at
10 this point, I don't know if it would be necessary,
11 either, so wherever you want to go with that.

12 JUDGE RENDAHL: Okay. Ms. Frame and Mr.
13 Smith?

14 MS. FRAME: Covad is fine with the proposal.

15 JUDGE RENDAHL: With a paper process?

16 MS. FRAME: Yes.

17 MR. SMITH: Eschelon is fine with a paper
18 process.

19 JUDGE RENDAHL: Okay. I guess what I'm
20 considering is the time frame, as I mentioned off the
21 record, is exactly overlapping the time this
22 Commission would have to get an order out in the
23 Triennial Review Order, should we still be under that
24 requirement. We'd have to try to finalize the -- the
25 Commission would try to finalize its review in this

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1 process by June 30th, so we can begin the next review
2 process. And that's when the order really needs to
3 be done in the Triennial.

4 If we do indeed go on a paper process, it
5 seemed to work just fine to have two rounds of
6 filings, each party -- because everybody will have
7 been involved in the LTPA process. We could have one
8 initial round, and I'm assuming this is on the
9 impasse issues. If they're agreed-to issues, then it
10 seems we can, you know, address those just by filing
11 them with the Commission through the usual process
12 for SGAT changes. So I'm thinking of the impasse
13 issues.

14 So all parties could file an initial round
15 and then file a simultaneous responsive round, and
16 then the Commission can take it under advisement for
17 a final order, much as we did the last time. It
18 might require you all to waive an initial order on my
19 part. So I guess I'd ask at this point, would you
20 all waive the initial order requirement in this
21 proceeding if we get to that point?

22 MS. SINGER NELSON: Your Honor, this is
23 Michel Singer Nelson, from MCI. We would waive it.
24 We would waive the initial order requirement.

25 JUDGE RENDAHL: Okay.

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1 MR. TRAUTMAN: Staff would waive it.

2 MS. FRAME: Covad would waive it, as well,
3 Your Honor.

4 MR. SMITH: Eschelon would waive.

5 MR. OWENS: Qwest would join in the group
6 waiver.

7 JUDGE RENDAHL: Okay. Maybe the best thing
8 for you all is to let me know, as things proceed,
9 when the impasse process is likely to conclude. I
10 mean, at this point we have a sense that it is the
11 end of March, possibly early April, but you all would
12 need some time to put together your presentations to
13 this Commission. We can set a time now that we then
14 modify -- let's see. There's a calendar over there.
15 I forgot to bring mine.

16 So if we assume that the impasse process
17 ends by April 9th, can you get your initial filings
18 to the Commission the week of the 26th or, you know,
19 sometime that week? It doesn't matter to me what
20 day.

21 MR. OWENS: Qwest could do that, Your Honor.

22 JUDGE RENDAHL: Would you prefer the Monday
23 or the Friday or somewhere in between? I don't
24 really -- it doesn't really matter to me. I think
25 that --

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1 MR. OWENS: I think Friday.

2 MR. TRAUTMAN: Friday would be the best.

3 JUDGE RENDAHL: Friday, the 30th, okay. So
4 let's assume that the first simultaneous filing date
5 would be on April 30th, and then -- is two weeks
6 sufficient for response? So the 14th of May.

7 MR. OWENS: I think that's enough for Qwest.

8 MR. SPINKS: Depends on the issues.

9 JUDGE RENDAHL: Depends on the issues?

10 MR. OWENS: But I think, Your Honor, didn't
11 you say that we would have the opportunity to ask for
12 some change in the schedule if it turned out that we
13 had some issues that required more time?

14 JUDGE RENDAHL: Yes. So we could set it for
15 the 14th, and I'm always open for requests for
16 extensions, if it's necessary. And that would
17 hopefully give the Commission enough time in the
18 midst of everything else to get an order out by the
19 end of June or early July. Does that work for
20 everyone?

21 MR. TRAUTMAN: Yes.

22 JUDGE RENDAHL: Okay. Well, the only thing
23 I'm wondering about is whether it would be helpful to
24 have another prehearing conference to maybe get an
25 issues list, an agreed-to issues list, or if the

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1 parties wished to just do so on their own and we'd
2 have a filing date for an agreed-to issues list so
3 everybody knows what issues they'll be briefing.
4 That includes not only the LTPA issues, but the
5 issues raised this morning by Covad and Eschelon --
6 this afternoon by Covad and Eschelon and Staff,
7 should there be any other issues.

8 So I guess the question is do you want to
9 just work amongst yourselves and, say, file something
10 by April 9th that is sort of your agreed-to issues
11 list that you'll be working from, or do you want me
12 to schedule a pre-hearing conference to get everybody
13 on the same page?

14 MR. OWENS: Qwest would be happy to work
15 with the parties and put together a list that
16 includes everybody's issues.

17 JUDGE RENDAHL: Okay. Well, why don't we
18 include an agreed-to issues list, require the filing
19 of that issues list, and maybe I'll put that burden
20 on Qwest to coordinate with the other parties and
21 file that list by April 9th. That is a Friday, isn't
22 it? April 9th, yes, it's a Friday.

23 MR. TRAUTMAN: Yes.

24 JUDGE RENDAHL: Okay. Well, I think that
25 will work, and I assume you all will let me know if

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1 you need more time or --

2 MR. OWENS: Yes, Your Honor. And it occurs
3 to me, because I haven't been that intimately
4 involved in the LTPA process, that we are making some
5 assumptions about how quickly the issues will be
6 crystallized after the face-to-face in the middle of
7 March. And I'm just hoping that if it turns out that
8 April 9th isn't enough time, that we can get a little
9 flexibility on that.

10 JUDGE RENDAHL: Like I said, I have no
11 problem with modifying the schedule if we need to.

12 MR. OWENS: Thank you.

13 JUDGE RENDAHL: I think that there's enough
14 give in the schedule that we can move things up or
15 forward if we need to and still give the Commission
16 time to enter an order on or soon after June 30th.

17 MR. OWENS: Thank you.

18 JUDGE RENDAHL: Okay. So is there anything
19 else parties wish to address this afternoon in this
20 docket?

21 MR. SMITH: This is Eschelon. Just a point
22 of clarification. I do think --

23 JUDGE RENDAHL: Mr. Smith, you're somewhat
24 breaking up. Are you speaking into a handset or a
25 speaker phone?

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1 MR. SMITH: I just picked up the handset.
2 Is that better?

3 JUDGE RENDAHL: That's much better. Thank
4 you.

5 MR. SMITH: The issues that Long-Term PID
6 agrees to may spawn PAP issues that were not
7 discussed in LTPA. Perhaps a brief example, the 020
8 PID, once it is agreed upon, may lead to discussions
9 on how to include in the PAP. Currently, LTPA is not
10 discussing those sorts of issues. So it won't just
11 be on the issues list, the impasse issues; there may
12 be other PAP-only issues that are spawned because of
13 those agreed-upon issues.

14 JUDGE RENDAHL: Well, I guess -- let me ask
15 a question here. Right now, discussions in the LTPA
16 are concluding in the March/April time frame. My
17 assumption was that the LTPA would be a continuing
18 process. And so I'm assuming that there will be
19 another round of issues, and that this could -- this
20 type of issue could be brought back into the LTPA for
21 another round. Is that a correct assumption?

22 MR. SMITH: Ray Smith, with Eschelon. I
23 think if the issue is whether the Washington PAP
24 should have a \$75 payment as a Tier 1-B measure or
25 225 remedy as a Tier 1-A measure is likely one that

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1 LTPA would never discuss.

2 JUDGE RENDAHL: Okay. Thanks for that
3 clarification. But are there likely to be other
4 issues that will be addressed in additional LTPA
5 sessions? So say this -- I mean, is my assumption
6 correct that LTPA is ongoing and this set of issues
7 is not it for the LTPA?

8 MR. SPINKS: This is Tom Spinks, for the
9 Staff. Yes, that -- Mr. Kern was selected by the ROC
10 staff to be the facilitator for this LTPA. We would
11 anticipate it continuing. His contract will be up at
12 the end of this LTPA, but we may retain him for
13 subsequent discussions or we may find another
14 facilitator. But to answer your question, we do see
15 this as a continuing process.

16 JUDGE RENDAHL: So to the extent that there
17 are issues that, as you say, Mr. Smith, the LTPA may
18 spawn issues such as the sort of QPAP implementation
19 issues you raised, but I'm assuming there may also be
20 other issues that kind of get brought back into the
21 LTPA.

22 So I guess my suggestion is, as you're
23 discussing the agreed set of issues to be addressed
24 in this second six-month review, and it appears that
25 there's some disagreement, I think you all ought to

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1 let me know and we should have a conference to
2 clarify which issues are going to be addressed in
3 this six-month review and which issues we would bump
4 to the next one. Is that a fair resolution of that?

5 MR. SMITH: Ray Smith. I believe so.

6 JUDGE RENDAHL: Okay.

7 MR. OWENS: Qwest agrees, Your Honor.

8 JUDGE RENDAHL: Okay. Is there anything
9 else we should discuss this afternoon? Hearing
10 nothing, this pre-hearing conference is adjourned.
11 I'll be entering a pre-hearing conference order in
12 the next week that summarizes our discussions, and
13 there will be a notice concerning objecting to the
14 pre-hearing conference order at the end of the order.
15 Hearing nothing else, we'll be off the record.

16 (Proceedings adjourned at 2:13 p.m.)

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