

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET UT-083056
	)	
WASHINGTON INDEPENDENT	)	
TELECOMMUNICATIONS	)	NOTICE OF PETITION FOR
ASSOCIATION and LEWIS RIVER	)	DECLARATORY ORDER
TELEPHONE COMPANY, D/B/A	)	
TDS TELECOM	)	NOTICE OF PREHEARING
	)	CONFERENCE
For Declaratory Ruling	)	<b>(Set for November 24, 2008,</b>
	)	<b>at 1:30 p.m.)</b>
.....	)	

1 On October 28, 2008, Washington Independent Telecommunications Association (WITA) and Lewis River Telephone Company, d/b/a TDS Telecom (TDS) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for a Declaratory Ruling. Specifically, WITA and TDS petition for a declaratory ruling that would determine whether TDS is required to negotiate terms of interconnection pursuant to Section 251 of the Communications Act of 1934, as amended with Comcast Phone of Washington, LLC (Comcast Phone) for the provision of fixed location VoIP services by Comcast Phone or an affiliate of Comcast Phone, or in the alternative determine whether or not Comcast Phone is acting as a Telecommunications Carrier offering Telecommunications Services and whether Comcast Phone’s VoIP service is subject to state regulation for those services as a telecommunications company offering telecommunications within the state of Washington. The Commission reviewed the petition and has determined to set the matter for an adjudicative hearing pursuant to RCW 34.05.413(1). A more detailed account of the matter is reflected in the petition, which is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s web site at [www.utc.wa.gov/083056](http://www.utc.wa.gov/083056).

2 **NOTICE OF FILING.** Pursuant to RCW 34.05.240 and WAC 480-07-930, the Commission hereby gives notice to all persons required by law and such other persons as deemed appropriate of the filing of this petition.

3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of telecommunication companies providing service within the state of Washington. The statutes that apply to this matter include RCW 80.01 and RCW 80.04 relating to rates, including but not limited to RCW 80.01.040 and RCW 80.04.020. The rules that apply to this matter include those within WAC 480-120 relating to telecommunications.

4 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

5 The Commission finds there is good cause to hear this matter on shortened notice. *See WAC 480-07-440(1)(a).*

6 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on Monday, November 24, 2008, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

8 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a).* The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2).* Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

9 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

10 The names and mailing addresses of all known parties and their known representatives are as follows:

Petitioners: Washington Independent Telecommunications  
Association  
2405 Evergreen Park Drive S.W.  
Suite B-2  
Olympia, WA 98502

Lewis River Telephone Company  
d/b/a TDS Telecom  
210 East Fourth Street  
P.O. Box 218  
La Center, WA 98629

Representative: Richard A. Finnigan  
2112 Black Lake Blvd. S.W.  
Olympia, WA 98512  
(360) 956-7001  
[rickfinn@localaccess.com](mailto:rickfinn@localaccess.com)

Respondent: Comcast Phone of Washington, LLC  
Rhonda Weaver, Director, Government Affairs  
440 Yauger Way  
Olympia, WA 98502  
[rhonda\\_weaver@cable.comcast.com](mailto:rhonda_weaver@cable.comcast.com)

11 Administrative Law Judge Ann E. Rendahl, from the Commission's Administrative Law Division, will preside during this proceeding.

- 12 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective November 12, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary  
Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_