

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

WASHINGTON EXCHANGE)	DOCKET NO. UT-031472
CARRIER ASSOCIATION, ET AL.)	
)	
Complainants,)	ORDER NO. 03
)	
v.)	
)	PREHEARING ORDER
LOCALDIAL CORPORATION,)	CONCERNING INTERVENOR
)	AND INTERESTED PERSON
Respondent.)	STATUS
.....)	

1 **PREHEARING CONFERENCE:** On September 4, 2003, the United States District Court, Western District of Washington at Tacoma, Judge Ronald B. Leighton presiding, entered its Stay Order and Order of Referral to WUTC [Washington Utilities and Transportation Commission], in Case No. C03-5012, a civil complaint proceeding styled *Washington Exchange Carrier Association, et al., Plaintiffs, v. LocalDial Corporation, an Oregon Corporation, Defendant*. The Commission conducted a prehearing conference on October 20, 2003, before Chairwoman Marilyn Showalter, Commissioner Patrick J. Oshie, and Administrative Law Judge Dennis J. Moss.

2 **PARTIES:** Richard A. Finnigan, attorney, represents the Washington Exchange Carrier Association (WECA). Arthur Butler and Lisa Rackner, Ater Wynne Hewitt Dodson & Skeritt, Seattle and Portland, represent LocalDial Corporation (LocalDial). Brooks E. Harlow, Miller Nash LLP, Seattle, Washington, represents the Broadband Communications Association of Washington. Mary B. Tribby and Letty S.D. Friesen, AT&T Law Department, Denver, Colorado, represent AT&T Communication of the Pacific Northwest (AT&T). Robert Cromwell, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Office of Washington Attorney General. Jonathan Thompson, Assistant

Attorney General, represents the Commission's regulatory staff ("Commission Staff" or "Staff").¹

3 **PETITIONS TO INTERVENE; REQUESTS FOR INTERESTED PERSON**

STATUS: The following persons filed petitions to intervene and subsequently confirmed that they wish to participate as parties:

1. AT&T Communications of the Pacific Northwest, Inc., and
AT&T Local Services on behalf of TCG Seattle and TCG Oregon;
and
2. Broadband Communications Association of Washington

No party objects to either petition to intervene. The petitioners have demonstrated that they may have a substantial interest in the outcome of this proceeding and that their participation, which will not broaden the issues in this proceeding, is in the public interest.

4 The following persons, some of whom previously filed petitions to intervene, now request status as interested persons ("IP"):²

1. Level 3 Communications, LLC;
2. Javelin Inc.;
3. Sprint;
4. Net2Phone, Inc.;
5. ICG Communications, Inc.;
6. Vonage Holdings Corp.;

¹ In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding ALJ, and the Commissioners' policy and accounting advisors from all parties, including Staff. *RCW 34.05.455*.

7. Voice on the Net Coalition;
8. Verizon Northwest, Inc.;
9. MCI;
10. 8x8, Inc.;
11. Focal Communications Corporation
12. XO Washington, Inc. (“XO”); and
13. Qwest.

These persons all are granted status as Interested Persons and will be served with all Commission notices and orders entered in this proceeding. Interested Persons may obtain copies of any documents filed in this proceeding by accessing the Commission’s web pages on the Internet at www.wutc.wa.gov/031472. Interested Persons may request parties to provide them with courtesy copies of any filings made in this proceeding.

5 **DISCOVERY; PROTECTIVE ORDER:** Only parties are entitled to discovery. Interested persons that may wish to file an amicus brief may subscribe to, and be bound by, the Protective Order in this proceeding for the limited purpose of obtaining access to any confidential information included in the stipulated facts upon which it is anticipated this proceeding will be determined.

6 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2) and WAC 480-09-760. Absent such objections, this prehearing order will control further proceedings in this matter, subject to Commission review.**

² The Commission establishes a list of IPs in individual proceedings. IPs are entitled to receive documents served by the Commission during the course of the proceeding, including notices and orders, but are not parties.

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DATED at Olympia, Washington, and effective this 14th day of November 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX A
PARTIES' REPRESENTATIVES
(*Lead Counsel designated for receipt of official service)

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updated 11/13/2003

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL ADDRESS
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LocalDial	Arthur Butler* AterWynne LLP 601 Union St., Suite 5450 Seattle, WA 98101-2327	(206) 623-4711	(206) 467-8406	aab@aterwynne.com
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AT&T	Mary B. Tribby Letty S.D. Friesen AT&T Law Department 1875 Lawrence Street Suite 1575 Denver, CO 80202	(303) 298-6475	(303) 298-6301	lfriesen@lga.att.com
Broadband Communications Association of Washington	Brooks E. Harlow Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101	(206) 622-8484	(206) 622-7485	Brooks.harlow@millernash.com
Commission Staff	Jonathan Thompson Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	(360)-664-1160	(360)-586-5522	jthomps@wutc.wa.gov
Public Counsel	Robert Cromwell Public Counsel Section Office of Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012	(206)-464-7744	(206)-389-2058	RobertC1@atg.wa.gov

APPENDIX B
INTERESTED PERSONS

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	Andrew O. Isar Miller Isar Inc. 7901 Skansie Avenue Suite 240 Gig Harbor, WA 98335	253 851 6700	253 851 6474	
Sprint	William E. (Tre) Hendricks Sprint – Attorney 902 Wasco Street Hood River, OR 97031	(541) 387-9439	(541) 387-9753	tre.e.hendricks.iii@mail.sprint.com
Vonage; ICG Communications, Inc. ; Net2Phone	William B. Wilhelm, Jr. Ronald W. Del Sesto, Jr. Michael Sloan Tamar E. Finn Swidler Berlin Shereff Friedman, LLP 3000 K Street, N.W. Suite 300 Washington, DC 20007	(202) 424-7500	(202) 424-7643	Rwdelsesto@swidlaw.com
Vonage	John Rego Chief Financial Officer Vonage Holdings Corp. 2147 Route 27 Edison, NJ 08817			
ICG Communications, Inc.	Scott Beer ICG Communications, Inc. Director and Counsel, Industry and Corporate Affairs 161 Inverness Drive West Englewood, CO 80112			
Net2Phone, Inc.	Elana Shapochnikov Net2Phone Legal Department 520 Broad Street—8 th Floor Newark, NJ 07102	(973) 438-3688	(973) 439-3100	eshapo@exchange.net2phone.com
Covad Communications, Inc.	Karen S. Frame Senior Counsel Covad Communications Co. 7901 Lowry Boulevard Denver, CO 80230	720 208 1069	720 208 3350	

Voice on the Net Coalition	Susan M. Hafeli Shaw Pittman LLP 2300 N Street, N.W. Washington, DC 20037-1128	(202) 663-8000	(202) 663-8007	Susan.hafeli@shawpittman.com
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	Chuck Carrathers Verizon—Legal Department 600 Hidden Ridge, MC: HQE02H20 Irving, CA 95038			Chuck.Carrathers@verizon.com
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	Michael A. Schneider Gray Cary Ware & Freidenrich LLP 701 Fifth Avenue, Suite 7000 Seattle, WA 98104-7044			
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