

1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

3 In the Matter of the)Docket No. UT-011219
4 Development of Universal Terms)Volume III
5 and Conditions for)Pages 68-78
6 Interconnection and Network)
7 Elements to be Provided by)
8 Verizon Northwest, Inc.)
9 _____)

10 A prehearing in the above matter
11 was held on May 12, 2003, at 9:32 a.m., at 1300
12 Evergreen Park Drive Southwest, Olympia, Washington,
13 before Administrative Law Judge THEODORA MACE.

14 The parties were present as
15 follows:

16 VERIZON NORTHWEST, INC., by W.
17 Jeffery Edwards and Meredith Miles, Attorneys at Law,
18 Hunton & Williams, Riverfront Plaza, East Tower, 951
19 East Byrd Street, Richmond, Virginia 23219 (Appearing
20 Via Conference Bridge.)

21 FOX COMMUNICATIONS, TIME WARNER
22 TELECOM OF WASHINGTON, AND XO WASHINGTON, by Gregory
23 J. Kopta, Attorney at Law, Davis, Wright, Tremaine,
24 LLP, 2600 Century Square, 1501 Fourth Avenue,
25 Seattle, Washington 98101 (Appearing Via Conference
26 Bridge.)

27 WORLD.COM, INC., by Michel Singer
28 Nelson, Attorney at Law, 707 17th Street, #4200,
29 Denver, Colorado, 80202 (Appearing Via Conference
30 Bridge.)

31 AT&T, by Letty S.D. Friesen,
32 Attorney at Law, 1875 Lawrence Street, Room 1575,
33 Denver, Colorado 80202 (Appearing Via Conference
34 Bridge.)
35 Barbara L. Nelson, CCR
36 Court Reporter

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1 INTEGRA, by Karen J. Johnson,
2 Attorney at Law, 19545 N.W. Von Neumann Drive, Suite
3 200, Beaverton, Oregon 97006 (Appearing Via
4 Conference Bridge.)

5 THE COMMISSION, by Mary M.
6 Tennyson, Senior Assistant Attorney General, 1300
7 Evergreen Park Drive, S.W., P.O. Box 40128, Olympia,
8 Washington 98504-0128.

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1 JUDGE MACE: Let's go on the record in
2 Docket UT-011219. This is captioned In the matter of
3 the development of universal terms and conditions for
4 interconnection and network elements to be provided
5 by Verizon Northwest, Inc.

6 Today's date is May 12, 2003. We are
7 convened in the Commission's Hearing Room 206, in
8 Olympia, Washington. My name is Theodora Mace. I'm
9 the Administrative Law Judge who's been assigned to
10 hold this hearing.

11 I'd like to have appearances from counsel
12 now, and I'll begin with Verizon. Let me indicate
13 for the record that several counsel are appearing by
14 means of the conference bridge this morning. And Mr.
15 Edwards, of Verizon, I believe you'll be the first of
16 those counsel to enter an appearance.

17 MR. EDWARDS: Jeff Edwards and Meredith
18 Miles, on behalf of Verizon Northwest.

19 JUDGE MACE: Thank you. AT&T.

20 MS. FRIESEN: Letty Friesen, on behalf of
21 AT&T.

22 JUDGE MACE: Ms. Friesen, your connection
23 is a little bit -- there's static or there are gaps
24 in your connection. Can you -- I don't know what
25 you're doing back there, but --

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1 MS. FRIESEN: Is this any better?

2 JUDGE MACE: There's still a problem. Make
3 sure that you go very slowly. Are you speaking
4 through a speaker phone or directly into a phone?

5 MS. FRIESEN: Directly into the phone now.
6 I could try and call back in.

7 JUDGE MACE: Well, let's see what happens.
8 That was a little better this last time, so let's see
9 what happens. Mr. Kopta.

10 MR. KOPTA: Gregory Kopta, of the Law Firm
11 Davis, Wright, Tremaine, LLP, on behalf of XO
12 Washington, Fox Communications and Time Warner
13 Telecom of Washington.

14 JUDGE MACE: Ms. Johnson.

15 MS. JOHNSON: Karen Johnson, on behalf of
16 Integra Telecom of Washington.

17 JUDGE MACE: And Ms. Singer Nelson.

18 MS. SINGER NELSON: Michel Singer Nelson,
19 on behalf of MCI.

20 JUDGE MACE: Are there any other
21 appearances from the bridge line? Go ahead, Ms.
22 Tennyson.

23 MS. TENNYSON: Mary Tennyson, on behalf of
24 Commission Staff.

25 JUDGE MACE: Thank you. The two main

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1 purposes for this prehearing conference are to
2 discuss a new schedule for this proceeding and to
3 discuss and define Staff's role in this proceeding.

4 I want to advise the parties, I'm sure
5 they're already aware, that I have received a
6 proposed schedule from Mr. Edwards. Have all the
7 parties had a chance to review that proposed
8 schedule? Let's start with Verizon. Well, obviously
9 you've had a chance to review it. AT&T.

10 MS. FRIESEN: We have, Your Honor.

11 JUDGE MACE: And do you agree with that
12 schedule?

13 MS. FRIESEN: We do agree with it.

14 JUDGE MACE: Mr. Kopta.

15 MR. KOPTA: Yes, Your Honor, we've reviewed
16 the schedule and we agree with it. It was one that
17 was actually discussed among the parties at one of
18 our negotiation sessions, so it's consistent with
19 those discussions and we agree with the schedule.

20 JUDGE MACE: Thank you. Ms. Johnson.

21 MS. JOHNSON: Integra agrees, Your Honor.

22 JUDGE MACE: Ms. Singer Nelson.

23 MS. SINGER NELSON: MCI agrees.

24 JUDGE MACE: And Commission Staff.

25 MS. TENNYSON: Yes, Your Honor.

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1 JUDGE MACE: Thank you. Let me indicate
2 for the record that the schedule is as follows: The
3 parties would file a disputed issues matrix on
4 December 16th, 2003. Initial testimony would be
5 filed February 6th, 2004. Staff would file response
6 testimony -- although my copy says February 27th,
7 2003, I assume that means 2004?

8 MS. TENNYSON: Yes, that's correct.

9 JUDGE MACE: File rebuttal testimony on
10 March 19th, 2004. There would be a prehearing
11 conference April 7th, 2004. Evidentiary hearing
12 would take place April 19th through 28th, 2004.

13 I have checked with our schedule in ALD, as
14 well as the Commission's overall schedules, and the
15 hearing dates that you propose for the prehearing
16 conference and the evidentiary hearing are
17 acceptable. And based on the agreement of the
18 parties, this will become now the schedule of the
19 proceeding.

20 The next thing we need to address is the
21 question of Staff's role. And Ms. Tennyson, I'm
22 wondering if you would talk a little bit about what
23 you perceive to be Staff's role in this proceeding at
24 this point.

25 MS. TENNYSON: Well, Your Honor, as you're

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1 aware, we've discussed it at earlier prehearing
2 conferences, and the Commission had determined that
3 Staff should take an advocacy role in the
4 proceedings.

5 However, as this is an interconnection
6 agreement or in the nature of an interconnection
7 agreement with general conditions that competitive
8 parties can opt into, Staff is not in a position to
9 offer a significant amount of detail or input at this
10 stage of the process. The parties are negotiating
11 and addressing their individual concerns indicating
12 where there are disputes.

13 We have been scheduling and Staff has been
14 participating in conference calls, one or two a week,
15 usually about three and a quarter hours each call,
16 and Staff has, on occasion, been called on to give
17 input in to the parties on the Commission's policies
18 or practices. That has been, by and large, Staff's
19 role.

20 We do not have members of the Commission
21 Staff who have significant expertise in negotiating
22 interconnection agreements, nor does Staff, as a
23 party, have a particular interest to pursue certain
24 points within the interconnection agreement.

25 I mean, for example, one of the items

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1 discussed in the last couple of weeks was the
2 insurance clause of the agreement. Whether a party
3 is, under the agreement, to carry 10 million or \$20
4 million worth of insurance doesn't -- Staff doesn't
5 have an opinion or a basis for assessing what level
6 might be necessary.

7 On the other hand, Staff does believe it
8 can play a role and assist the Commission with
9 reviewing and commenting on testimony and proposed
10 language submitted by the parties once this
11 negotiation process has basically concluded to the
12 point of disputed issues matrix, and then the parties
13 provide the Commission with their argument and
14 reasoning behind -- to support their proposals where
15 there are disputes.

16 And our input at that point would be
17 whether one or the other or, in Staff's view, neither
18 of the proposals are consistent with the public
19 interest and the law in this state with Commission
20 past orders and practices.

21 JUDGE MACE: Does Staff intend to file
22 testimony?

23 MS. TENNYSON: We likely will. I mean,
24 that is the reason for putting it in the schedule.
25 We don't know the extent of that testimony, because

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1 at this point we don't know the extent of the
2 disputes or the nature of the testimony that will be
3 provided by the other parties

4 JUDGE MACE: Surely. I just wanted to
5 clarify that you were intending to make your opinions
6 known through testimony --

7 MS. TENNYSON: Yes, we will.

8 JUDGE MACE: -- as opposed to some other
9 way, brief or whatever.

10 MS. TENNYSON: That is our intention.

11 JUDGE MACE: I mean, I assume you'd also
12 file briefs?

13 MS. TENNYSON: Yes, we would.

14 JUDGE MACE: And you've discussed this with
15 all the parties to the proceeding at this point?

16 MS. TENNYSON: Yes, we have.

17 JUDGE MACE: And my understanding is there
18 is no objection to Staff's sort of withdrawal from
19 negotiations and from the issues matrix and
20 refocusing on commenting on finalized proposals?

21 MS. TENNYSON: That is my understanding,
22 that none of the parties object. Verizon did not
23 join in our discussion in the motion, in part because
24 they felt it wasn't really their role to comment on
25 what the Commission should direct its Staff to do.

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1 And of course, Staff is willing, if the
2 parties are scheduling calls and believe that there
3 is an area or a topic that Staff might have input or
4 that parties are particularly interested in a Staff
5 point of view on something, we would certainly be
6 willing to participate in those calls.

7 JUDGE MACE: Thank you. The parties have
8 heard Ms. Tennyson's representation about Staff's
9 role and her indication that the parties do not
10 object to this sort of realignment of Staff's role in
11 the proceeding. Is there any party that objects to
12 Staff's suggested participation in this proceeding?
13 Okay. I hear no objection.

14 Let me indicate that I will be entering a
15 prehearing conference order. I would need to think
16 over yet one more time the question of Staff's role
17 to make sure that -- and also to consult in ALD about
18 the question of Staff's role, and I'll confirm or, if
19 there are any adjustments to be made with regard to
20 the nature of Staff's presentation, that will come
21 out in the prehearing conference order.

22 MS. TENNYSON: Thank you.

23 JUDGE MACE: Is there anything else that we
24 need to address at this point? I will, as I
25 indicated, be sending out a prehearing conference

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1 order indicating the new schedule and any
2 clarification or decision about Staff's role. That
3 will be confirmed in the prehearing conference order.

4 Down the road, I will be probably sending
5 out some further information about what is necessary
6 for you to bring to the prehearing conference and
7 what -- perhaps I'll have to ask before the
8 prehearing conference questions about expected cross,
9 order of witnesses and so on, but that's in the
10 future.

11 So if there's nothing else at this point,
12 and I don't hear any other comment, then we're
13 adjourned. Thank you.

14 (Proceedings adjourned at 9:44 a.m.)

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