

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

In the Matter of the Petition of:)	
)	DOCKET UT-063006
)	
LEVEL 3 COMMUNICATIONS, LLC,)	ORDER 05
)	
For Arbitration Pursuant to Section)	PREHEARING CONFERENCE
252(b) of the Communications Act of)	ORDER
1934, As Amended by the)	
Telecommunications Act of 1996, and)	
the Applicable State Laws for Rates,)	
Terms, and Conditions of)	
Interconnection with Qwest)	
Corporation)	
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-063006 involves Level 3 Communications, LLC’s (Level 3), request to arbitrate an interconnection agreement with Qwest Corporation (Qwest) under Section 252(b) of the Telecommunications Act of 1996.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on June 30, 2006, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Erik Cecil, Regulatory Counsel, Broomfield, Colorado, and Scott Porter, Regulatory Counsel, Tulsa, Oklahoma, represent Level 3. Thomas M. Dethlefs, Senior Attorney, Denver, Colorado, and Ted Smith, Stoel Rives LLP, Salt Lake City, Utah, represent Qwest. Updated contact information for the parties’ representatives is attached as Appendix A to this order.

4 **CHANGES IN CONTRACT LANGUAGE.** Counsel for Qwest raised the concern that Level 3 may propose changes to contract language at the same time Qwest witnesses are preparing testimony addressing the original contract language. Counsel for Level 3 confirmed that Level 3 is considering proposing new contract language, and asserted the changes are not significant and follow changes the parties have agreed to or considered in proceedings in other states. To ensure the parties are

communicating in a timely manner about changes to contract language, Level 3 must inform Qwest by **Friday, July 7, at noon PST**, of any changes to proposed contract language for Washington State, including the section of the contract to be modified and the nature of the change. If these changes are sufficiently significant, Qwest may request an extension of time to file responsive testimony.

- 5 **DISCOVERY CUT-OFF.** At the request of the parties, the Commission has modified the procedural schedule to extend the deadlines for filing direct and responsive testimony, but has not changed the deadline for discovery to conclude. The parties agreed at the conference to extend the discovery cut-off date to July 26, 2006, consistent with the extensions of time to file testimony.

- 6 **TECHNICAL CONFERENCE.** The parties discussed the merits of holding a technical conference, as well as how such a conference should be structured and when it should be held. The presiding officer determined that a technical conference is necessary. The presiding officer proposed a conference during the week of August 7, 2006, but if the parties are not available, the alternative is to hold the conference the first scheduled day of hearing, Monday, August 21, 2006. If the technical conference is held on August 21, 2006, the hearings will begin on Wednesday, August 23, 2006, and continue until Friday, August 25, 2006, as necessary. **The parties must notify the presiding officer by Thursday, July 6, 2006, of their preferred schedule for the conference.**

- 7 The technical conference will be recorded by a court reporter, and a transcript of the conference will be available to all parties. Should the parties seek expedited availability of the transcript, the parties must make separate arrangements with the court reporter. For each technical witness/expert a party makes available at the conference, the witness may make a brief statement or explanation of technical issues, with supporting documents, which may be offered as evidence. Following the witness' explanation, Commission staff and the presiding officer may ask questions of the witness. The opposing parties' witnesses may then ask questions. No cross-examination by the parties' attorneys will be allowed. The purpose of the conference is to clarify technical issues, both as to networks and technology, as well as technical regulatory issues. Discussion of legal issues should be deferred to the evidentiary hearings and briefs.

8 **CHANGES TO PROCEDURAL SCHEDULE.** The parties agreed to changes to the procedural schedule during the conference. The Commission adopts these changes to the procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference. The schedule does not include deadlines for filing petitions for review of the Arbitrator's Report and Decision, filing of a proposed interconnection agreement, and Commission decision.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **three** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460. We encourage parties to use a three-hole punch with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be submitted either through the Commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via e-mail delivery to records@wutc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

12 **ELECTRONIC SUBMISSION.** As allowed under WAC 480-07-145(6), the parties are granted a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit the document either through the Commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via e-mail to records@wutc.wa.gov, and file an

original, plus **three** paper copies, of the document with the Commission by the following business day.

- 13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective June 30, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-063006**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
LEVEL 3	ERIK CECIL VICTORIA MANDELL RICK THAYER Regulatory Counsel Level 3 Comm., LLC 1025 Eldorado Boulevard Broomfield, CO 80021	720-888-1319 720-888-2439 720-888-2620	720-888-5134 (Same) (Same)	Erik.cecil@level3.com Victoria.mandell@level3.com Rick.thayer@level3.com
	SCOTT PORTER Regulatory Counsel Level 3 Comm., LLC One Technology Center Tulsa, OK 74103	918-547-9880	918-547-9446	Scott.porter@level3.com
	ARTHUR A. BUTLER Ater Wynne LLP 601 Union Street Suite 5450 Seattle, WA 98101-2329	206-603-4711	206-467-8406	aab@aterwynne.com
	ROGELIO E. PEÑA Peña & Associates, LLC 1375 Walnut Street, Suite 220 Boulder. CO 80302	303-415-0409	303-415-0433	repena@boulderattys.com

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
QWEST	LISA A. ANDERL Associate General Counsel Qwest Services Corporation 1600 7 th Ave. – Room 3206 Seattle, WA 98191 THOMAS M. DETHLEFS Senior Attorney Qwest Services Corporation 1801 California, 10 th Floor Denver, CO 80202 TED SMITH Stoel Rives LLP 201 South Main Street Suite 1100 Salt Lake City, UT 84111	206-345-1574 303-383-6646 801-578-6961	206-343-4040 303-298-8197 801-578-6999	Lisa.anderl@Qwest.com Thomas.dethlefs@Qwest.com Tsmith@stoel.com
Presiding Admin. Law Judge	ANN E. RENDAHL 1300 S. Evergreen Park Drive SW PO Box 47250 Olympia, WA 98504-7250	360-664-1144	360-664-2654 (ALD fax only – do not use to file)	arendahl@wutc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-63006**

EVENT	DATE	INTERVAL
Level 3 files Motion to Compel	By March 31, 2006	—
Qwest Reply to Motion to Compel Due	April 11, 2006	11 days
Oral Argument on Motion to Compel	April 18, 2006, at 1:30 p.m.	7 days
Decision on Motion to Compel	April 25, 2006	7 days
If required, compelled data must be provided	May 9, 2006	14 days
Simultaneous Direct Pre-filed Testimony due	May 30, 2006 by 3:00 p.m.	21 days
Level 3 must notify Qwest of any suggested changes to contract language	July 7, 2006, by Noon	37 days
Simultaneous Responsive Pre-filed Testimony due	July 14, 2006, by 3:00 p.m.	7 days
Discovery Cut-off	July 26, 2006	12 days
Parties must e-mail to ALJ their estimated cross examination times, the preferred order of witnesses, and a list of any cross-examination exhibits	August 16, 2006, by Noon	36 days
Parties must distribute to other parties and the Commission paper copies of all cross-examination exhibits	August 17, 2006	1 day
Technical Conference	To be scheduled	—
Evidentiary hearings	August 21-25, 2006	4 days
Simultaneous Initial Briefs	September 15, 2006, by 3:00 pm	21 days
Simultaneous Responsive Briefs	September 29, 2006, by 3:00 pm	14 days
Arbitrator's Report and Order	By November 3, 2006	41 days