

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

In the Matter of the Petition of)	DOCKET UT-061625
)	
QWEST CORPORATION,)	ORDER 15
)	
For an Alternative Form of Regulation)	ORDER ESTABLISHING
Pursuant to RCW 80.36.135.)	PROCEDURAL SCHEDULE FOR
)	COMPLIANCE FILING
)	
.....)	

MEMORANDUM

1 **NATURE OF PROCEEDING:** Docket UT-061625 involves Qwest Corporation’s (Qwest) request for an alternative form of regulation (AFOR) pursuant to RCW 80.36.135.

2 **PROCEDURAL BACKGROUND:** The Washington Utilities and Transportation Commission (Commission) approved, subject to condition, Qwest’s request for an AFOR.¹ On October 25, 2007, Qwest submitted an initial compliance filing. On November 9, 2007, Qwest filed replacement pages that were inadvertently omitted from its initial filing. On November 26, 2007, Qwest withdrew its initial filing and submitted a replacement compliance filing that addressed some, but not all, of the services in its initial filing. Qwest requested Commission approval by December 1, 2007. Qwest informed Commission Staff (Staff) that would make additional filings in December 2007 that would be in compliance with Order 06. On November 29, 2007, Qwest filed replacement pages for portions of its replacement compliance filing. On November 30, 2007, the Staff filed comments concluding that based on its preliminary review, the partial compliance filing reasonably satisfied many of the requirements of Orders 06 and 08 entered in this proceeding.

¹ Orders 06 and 08, entered July 24, and September 6, 2007, respectively.

- 3 By Order 14, entered November 30, 2007, the Commission accepted the partial compliance filing and allowed revised rates to take effect on an interim and refundable basis effective December 1, 2007. The Commission also determined that the deadline for Qwest to make all tariff revisions required by Order 06 in this proceeding is February 1, 2009. Failure to submit a filing that fully complies with Order 14 will result in rescission of the rate increases permitted by that Order and will require refunds to customers.
- 4 On December 12, 2007, the Administrative Law Judge (ALJ) electronically contacted all parties requesting that they confer and submit a joint procedural schedule for the next compliance filing. The procedural schedule must allow the Commission adequate time to review all filings and enter an order addressing the compliance filing by the February 1, 2008, deadline established in Order 14. In order to meet the February 1, 2008 deadline, the procedural schedule must:
- Establish a deadline for Qwest's complete compliance filing no later than December 31, 2007;
 - Establish a deadline for comments on that filing no later than January 15, 2008;
 - Prohibit revisions and replacement of the complete compliance filing after the deadline; and
 - Provide that the deadlines are considered met when five hard copies of the filing is submitted to the Commission.

If the parties are able to concur, the ALJ established December 17, 2007, as the deadline for submitting a proposed schedule. The ALJ advised the parties that if they were unable to concur, the Commission would establish a procedural schedule for the remaining filings to avoid the time constraints presented in Qwest's recent compliance filing in this proceeding. The ALJ reminded the parties of the issue mentioned in both Qwest's initial tariff advice letter and Staff's comments on the partial compliance filing regarding the pricing for packaged services. The ALJ reiterated the requirement in Order 06 that the price for packaged services cannot exceed the sum of the elements if ordered à la carte.

5 On December 17, 2007, Staff filed a letter concurring with the procedural schedule proposed in the ALJ's December 12, 2007, electronic notification. On the same date, Qwest filed a letter agreeing to submit its tariff revisions no later than December 31, 2007. Qwest requested the opportunity to make agreed-upon changes to the filing prior to the deadline for other parties to file comments. In addition, Qwest indicated that it may make a future filing seeking leave to file reply comments due no later than January 18, 2008. Qwest stated it consulted with the other parties to this proceeding and represented that the Joint CLECs, Northwest Public Communications Council, WeBTEC, and the Department of Defense have no position on these scheduling issues.

6 **COMMISSION DECISION:** In order to allow the Commission a reasonable amount of time to analyze Qwest's next compliance filing in this proceeding, as well as the comments of other parties, the Commission establishes the following procedural schedule:

- Qwest's complete compliance filing December 31, 2007
- Parties' comments on compliance filing January 15, 2008

The sole issue raised in the parties' procedural schedules is whether Qwest should be permitted to file agreed-upon changes to the filing prior to the comment deadline. The request should be denied. Qwest's initial compliance filing on October 25, 2007, was voluminous. While approximately 800 pages of tariff revisions were filed on November 26, 2007, a comparison of the initial filing and replacement filing indicates that the number of tariff revisions anticipated in the next compliance filing will also be extensive. It is difficult to undertake such a review if parties are also engaged in discussions regarding the filing and reviewing replacement or substitute pages. At that juncture, the other parties to this proceeding are actually deterred from their review by such a process.

7 As noted in Order 14, the Commission relies primarily on Staff and other parties to assess the adequacy of Qwest's filings. Accordingly, Qwest's compliance filing must be complete by the deadline and revisions and substitutions to that filing cannot be permitted in order to afford other Staff and other parties an adequate opportunity to review and submit comments for Commission consideration. The parties are

encouraged to engage in discussions prior to the compliance filing in order to resolve as many disputed issues as possible.

- 8 The Notice of Required Number of Copies entered February 8, 2007, provides that filings must include an original plus 15 copies. The Commission does not require this number of copies for the filings mentioned in this Order. The parties are required to submit an original plus five copies of all filings. Given the abbreviated time frame in which to address these filings, filings will not be considered complete until the hard copies of the filings are submitted to the Commission.
- 9 Finally, in order to expedite review and decision, Qwest's compliance filing must include a table of tariff revisions in the format utilized in the Attachment to Order 14.

ORDER

THE COMMISSION ORDERS:

- 10 (1) The deadline for Qwest Corporation to submit a complete compliance filing is December 31, 2007.
- 11 (2) The deadline for all parties to file comments on the compliance filing is January 15, 2008.

DATED at Olympia, Washington, and effective December 18, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge