

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

In the Matter of the Petition of	)	DOCKET UT-073033
	)	<i>(Consolidated)</i>
QWEST CORPORATION,)	
	)	ORDER 04
For Commission Approval of 2007)	
Additions to Non-Impaired Wire Center	)	PREHEARING CONFERENCE
List	)	ORDER
)	
)	
.....)	
)	
In the Matter of the Petition of	)	DOCKET UT-073035
	)	<i>(Consolidated)</i>
QWEST CORPORATION,)	
	)	ORDER 02
For Investigation Concerning the Status)	
of Competition and Impact of the	)	PREHEARING CONFERENCE
FCC’s Triennial Review Remand Order	)	ORDER
on the Competitive)	
Telecommunications Environment in)	
Washington State)	
.....)	

1 **NATURE OF PROCEEDINGS.** Docket UT-073033 involves Qwest Corporation’s (Qwest) request for approval of additions to its non-impaired wire center list. Docket UT-073035 is a joint request filed by Qwest and several Competitive Local Exchange Carriers for approval of a settlement agreement (Settlement) that resolves issues concerning the status of competition and impact of the Federal Communications Commission’s (FCC) Triennial Review Remand Order on the competitive telecommunications environment in Washington.

- 2 **PREHEARING CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in these proceedings at Olympia, Washington, on July 31, 2007, before Administrative Law Judge Patricia Clark.
- 3 **APPEARANCES.** Lisa A. Anderl, Associate General Counsel, Seattle, Washington, represents Qwest. Gregory J. Kopta, attorney, Davis Wright Tremaine, LLP, Seattle, Washington, represents Covad Communications Company (Covad), McLeodUSA Telecommunications Services, Inc. (McLeodUSA), Integra Telecom of Washington, Inc.(Integra), and XO Communications Services, Inc. (XO Communications)¹ Karen Clauson, Associate General Counsel, Minneapolis, Minnesota, represents Eschelon Telecom, Inc. (Eschelon). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 4 **PROCEDURAL HISTORY.** On June 22, 2007, Qwest filed a request for approval of additional non-impaired wire centers. That request was assigned Docket UT-073033. On the same date, Qwest and the Joint CLECs filed, in Docket UT-053025, a joint petition for approval of a Settlement resolving issues concerning the status of competition and the impact of the FCC's Triennial Review Remand Order on the competitive telecommunications market in Washington. That filing was subsequently withdrawn and refiled as a new case which was assigned Docket UT-073035.
- 5 Order 01, Protective Order, was entered in Docket UT-073033 on June 28, 2007. Order 02, Amended Protective Ordered was entered in Docket UT-073033 on July 5, 2007. On July 13, 2007, Eschelon filed a petition to intervene in Docket UT-073033. An Order of Consolidation and Notice of Prehearing Conference was entered on July 19, 2007.² On July 23, 2007, the Commission issued a Notice of Substitution of Presiding Officer reassigning this matter to Administrative Law Judge Patricia Clark. On July 23, 2007, Covad, McLeodUSA, Integra, and XO Communications filed petitions to intervene in Docket UT-073033. On July 27, 2007, Eschelon filed a Motion for a Standing Protective Order Based on Model Order in Dockets UT-

¹ Collectively referred to as the Joint Competitive Local Exchange Carriers or Joint CLECs.

² That Order was entered as Order 03 in Docket UT-073033 and as Order 01 in Docket UT-073035. That Order stated that the known parties to these proceedings are Qwest, Covad, Eschelon, McLeodUSA, Integra, and XO Communications. Accordingly, the petitions to intervene are rendered moot.

073033 and UT-073035. On July 30, 2007, Eschelon filed a corrected Motion for Standing Protective Order Based on Model Order in both dockets.

- 6 **PROCEDURAL PROCESS.** During the prehearing conference, the Administrative Law Judge required the parties to take the following actions with respect to Docket UT-073035: (1) specify a recommended effective date for the Settlement in accordance with WAC 480-07-740(1) ; and (2) provide a joint narrative in support of the Settlement in accordance with WAC 480-07-740(2)(a). In either the joint narrative or in a separate brief, the parties are to explain whether the provisions in the Settlement follow Commission precedent and, if not, provide explanation of why the Settlement provisions should be distinguished from precedent. The parties recommended September 7, 2007, as the effective date of the Settlement. The parties concurred that they could file the joint narrative on **August 22, 2007**. The parties presented a reasonable deadline for submission of a joint narrative and it is accepted.
- 7 The Administrative Law Judge will review the joint narrative, if filed, to determine if there is an adequate record upon which to render a decision. If not, a hearing may be scheduled in Docket UT-073035.
- 8 The Administrative Law Judge requested the parties to confer, off record, regarding a procedure for resolving the issues in Docket UT-073033. The parties concurred that 30 days after the Commission enters an Order accepting the Settlement, parties may file objections to Qwest's petition for additions to its non-impaired wire center list. The merits of the issues presented in Docket UT-073033 would be considered in accordance with the process accepted in the Settlement. In the alternative, if the Commission rejects the Settlement or materially alters its terms and conditions, the parties will have 30 days to propose procedures, such as scheduling a second prehearing conference, for resolving the issues in Docket UT-073033.
- 9 The parties essentially recommended that the Commission address the issues in these proceedings in two phases. It is reasonable to resolve the issues in Docket UT-073035 prior to addressing the issues in Docket UT-073033. The parties also proposed reasonable processes depending on the outcome of Docket UT-073035. Accordingly, these procedures are accepted.

- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus nine (9) 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 request 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.
- 11 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.
- 12 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).
- 13 **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 nine (9) paper copies, of the document with the Commission by the following business day. **Please provide a courtesy copy of all electronic submissions to the Administrative Law Judge.**

14 **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 August 2, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKETS UT-073033/UT-073035**

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	206-345-1574	206-343-4040	lisa.anderl@qwest.com
ESCHELON	KAREN L. CLAUSON Associate General Counsel Eschelon Telecom Inc. 730 2 nd Avenue. South, Suite 900 Minneapolis, MN 55402	612-436-6026	612-376-4411	klclauson@eschelon.com
JOINT CLECS	GREGORY J. KOPTA Davis Wright Tremaine LLP 1501 4 th Avenue, Suite 2600 Seattle, WA 98101-1688	206-628-7692	206-629-7699	gregkopta@dwt.com
Presiding Admin. Law Judge	PATRICIA CLARK 1300 S. Evergreen Park Drive SW PO Box 47250 Olympia, WA 98504-7250	360-664-1136	360-664-2654 (ALD fax only – do not use to file)	pclark@utc.wa.gov