

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

In the Matter of the Petition of:	)	
	)	DOCKET UT-063006
LEVEL 3 COMMUNICATIONS, LLC,	)	
	)	ORDER 06
For Arbitration Pursuant to Section	)	
252(b) of the Communications Act of	)	
1934, As Amended by the	)	PREHEARING CONFERENCE
Telecommunications Act of 1996, and	)	ORDER
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 July 18, 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. Lisa A. Anderl, Associate General Counsel, Seattle, Washington, 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 **WAIVER OF POSSIBLE EX PARTE CONCERNS.** The administrative law judge notified the parties of a possible conflict involving Bob Williamson of Commission Staff. Mr. Williamson will be advising Judge Rendahl on technical issues in this proceeding, and will likely appear as a Staff witness in Docket UT-063038, involving a complaint filed by Qwest against Level 3 and eight other

competitive local exchange carriers (CLECs). Judge Rendahl proposed several options for addressing the issue, including delaying the arbitration proceeding until after the complaint proceeding is resolved, requesting the parties waive any concerns about possible ex parte communications, allowing Mr. Williamson to participate in the technical conference in this docket without communication with Judge Rendahl, and requiring Staff to retain a consultant in one of the cases.

5 After discussion, the parties agreed to waive any objections to possible ex parte communications resulting from Mr. Williamson's efforts in the two proceedings. Judge Rendahl advised the parties to the complaint proceeding of this issue during a July 19, 2006, prehearing conference. The parties to the complaint proceeding also agreed to waive any objections to possible ex parte communications. To ensure the waiver is in the record, Qwest and Level 3 must submit a letter to the Commission waiving any objections.

6 **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. The scheduling changes are indicated in legislative format.

7 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the Order in the upper right hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective July 20, 2006.

WASHINGTON 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)	<a href="mailto:Erik.cecil@level3.com">Erik.cecil@level3.com</a> <a href="mailto:Victoria.mandell@level3.com">Victoria.mandell@level3.com</a> <a href="mailto:Rick.thayer@level3.com">Rick.thayer@level3.com</a>
	SCOTT PORTER Regulatory Counsel Level 3 Comm., LLC One Technology Center Tulsa, OK 74103	918-547-9880	918-547-9446	<a href="mailto:Scott.porter@level3.com">Scott.porter@level3.com</a>
	ARTHUR A. BUTLER Ater Wynne LLP 601 Union Street Suite 5450 Seattle, WA 98101-2329	206-603-4711	206-467-8406	<a href="mailto:aab@aterwynne.com">aab@aterwynne.com</a>
	ROGELIO E. PEÑA Peña & Associates, LLC 1919 14 <sup>th</sup> St. Suite 610 Boulder. CO 80302	303-415-0409	303-415-0433	<a href="mailto:repena@boulderattys.com">repena@boulderattys.com</a>

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
<b>QWEST</b>	<b>LISA A. ANDERL</b> Associate General Counsel Qwest Services Corporation 1600 7 <sup>th</sup> Ave. – Room 3206 Seattle, WA 98191  <b>THOMAS M. DETHLEFS</b> Senior Attorney Qwest Services Corporation 1801 California, 10 <sup>th</sup> Floor Denver, CO 80202  <b>TED SMITH</b> 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	<a href="mailto:Lisa.anderl@Qwest.com">Lisa.anderl@Qwest.com</a>  <a href="mailto:Thomas.dethlefs@Qwest.com">Thomas.dethlefs@Qwest.com</a>  <a href="mailto:Tsmith@stoel.com">Tsmith@stoel.com</a>
<b>Presiding Admin. Law Judge</b>	<b>ANN E. RENDAHL</b> 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)	<a href="mailto:arendahl@wutc.wa.gov">arendahl@wutc.wa.gov</a>

APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UT-063006

EVENT	DATE	INTERVAL
Level 3 files Motion to Compel	<b>By March 31, 2006</b>	—
Qwest Reply to Motion to Compel Due	<b>April 11, 2006</b>	11 days
Oral Argument on Motion to Compel	<b>April 18, 2006, at 1:30 p.m.</b>	7 days
Decision on Motion to Compel	<b>April 25, 2006</b>	7 days
If required, compelled data must be provided	<b>May 9, 2006</b>	14 days
Simultaneous Direct Pre-filed Testimony due	<b>May 30, 2006 by 3 p.m.</b>	21 days
Level 3 must notify Qwest of any suggested changes to contract language	<b>July 7, 2006, by Noon</b>	37 days
<u>Simultaneous Supplemental Direct Prefiled Testimony due</u>	<u><b>August 18, 2006 by 3 pm</b></u>	<u>80 days</u>
<u>Technical Conference</u>	<u><b>August 24, 2006</b></u>	<u>6 days</u>
Simultaneous Responsive Pre-filed Testimony due	<del><b>July 14, 2006, by 3:00 p.m.</b></del> <b>Sept. 14, 2006, by 3 pm</b>	<del>7</del> <u>21</u> days
Discovery Cut-off	<del><b>July</b></del> <u><b>September, 26, 2006</b></u>	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	<del><b>August 16, 2006, by Noon</b></del> <u><b>October 19, 2006, by Noon</b></u>	<del>36</del> <u>30</u> days
Parties must distribute to other parties and the Commission paper copies of all cross-examination exhibits	<del><b>August 17, 2006</b></del> <u><b>October 20, 2006</b></u>	1 day
<del>Technical Conference</del>	<del><b>To be scheduled</b></del>	—
Evidentiary hearings	<del><b>August 21-25, 2006</b></del> <u><b>October 24-26, 2006</b></u>	4 days
Simultaneous Initial Briefs	<del><b>September 15, 2006</b></del> <b>December 1, 2006, by 3 pm</b>	<del>21</del> <u>36</u> days

Simultaneous Responsive Briefs	<b><u>September 29, 2006</u></b> <b><u>January 3, 2007, by 3 pm</u></b>	<del>14</del> <u>33</u> days
Arbitrator's Report and Order	<b><u>By November 3, 2006</u></b> <b><u>February 9, 2007</u></b>	<del>41</del> <u>37</u> days
<u>Petitions for Review of Arbitrator's Report and Order</u>	<b><u>March 1, 2007</u></b>	<u>20</u> days
<u>Responses to Petitions for Review, Proposed Agreement Language for Approval</u>	<b><u>March 13, 2007</u></b>	<u>12</u> days
<u>Oral Argument before Commissioners</u>	<b><u>Monday, March 26, 2007, at 9:30 am.</u></b>	<u>13</u> days
<u>Commission Order</u>	<b><u>By April 30, 2007</u></b>	<u>35</u> days