

[Service Date August 1, 2005]

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

PEND OREILLE COUNTY PUBLIC)	DOCKET NO. UT-053040
UTILITY DISTRICT NO. 1)	
)	
Complainant,)	
)	
v.)	NOTICE OF PREHEARING
)	CONFERENCE
PEND OREILLE TELEPHONE)	(Set for August 31, 2005, 1:30 p.m.)
COMPANY,)	
)	
Respondent.)	
.....)	

1 On June 27, 2005, Pend Oreille County Public Utility District No. 01 (Pend Oreille PUD) filed with the Commission a complaint against Pend Oreille Telephone Company (Pend Oreille Telephone). On July 18, 2005, Pend Oreille Telephone filed an answer to the complaint. The complaint alleges that Pend Oreille Telephone refuses to interconnect with RCC Holdings, Inc., d/b/a Unicel through Pend Oreille County's facilities. The complaint contains a more detailed account of the dispute and is available for inspection at the Commission's office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at www.wutc.wa.gov/053040. It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

2 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the

state of Washington. Statutes and rules cited in the complaint include RCW 80.36.090, RCW 80.36.160, and RCW 80.36.200. Statutes involved, in addition to those previously cited, include those within chapters 80.01 RCW, 80.04 RCW, 480-07 WAC, and 480-120 WAC, including but not limited to RCW 80.01.040, RCW 80.04.020, and RCW 80.04.110.

3 The ultimate issues involved are generally stated above and more specifically contained in the complaint.

4 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 1:30 p.m., on August 31, 2005, in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the commission's teleconference bridge line, **(360) 664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

5 The purpose of the prehearing conference is to take interventions, establish dates for distribution of evidence and workpapers and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

6 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for any evidentiary hearings will be set at the prehearing

conference, on the record of a later conference or hearing session, or by later written notice.

7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

8 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Pend Oreille County
Public Utility District No. 01
Robert D. Geddes
General Manager
P.O. Box 190
Newport, WA 99156
(509) 447-3137

Representative: Jerry K. Boyd
Paine, Hamblen, Coffin, Brooke & Miller LLP
717 W. Sprague Avenue, Suite 1200
Spokane, WA 99201-3505
(509) 455-6039

Respondent: Pend Oreille Telephone Company
James Martell, President
892 W. Madison Avenue
Glenns Ferry, ID 83623
(208) 366-2840

Representative: Richard A. Finnigan
Attorney at Law
2112 Black Lake Blvd. S.W.
Olympia, WA 98512
(360) 956-7001

9 Administrative Law Judge Theodora M. Mace, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

10 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 1st day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.:(____) _____