

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the	)	DOCKET NO. UT-003013
	)	
	)	TWENTY-NINTH SUPPLEMENTAL
	)	ORDER; PREHEARING CONFERENCE
Continued Costing and Pricing of	)	ORDER; NOTICE RESCHEDULING
Unbundled Network Elements,	)	PART D PROCEEDINGS; NOTICE OF
Transport, and Termination	)	PART D PREHEARING CONFERENCE
	)	(March 28, 2002, 9:30 a.m.);
	)	NOTICE OF PART D HEARINGS
	)	(April 8, 2002, 9:00 a.m.)
.....	)	

**Prehearing Conference**

1 The Commission convened a Prehearing Conference in Part D and Part E of this docket on January 11, 2002, at Olympia, Washington before Administrative Law Judge Lawrence J. Berg pursuant to due and proper notice to all interested persons. The primary purpose of the conference was to discuss scheduling issues.

**Appearances**

2 The following participated in the prehearing conference: Qwest Corporation (“Qwest”), by Lisa Anderl and Adam Sherr, attorneys, Seattle; Verizon Northwest Inc. (“Verizon”), by Jennifer McClellan, attorney, Richmond, Virginia; Covad Communications Company (“Covad”), by Brooks Harlow, attorney, Seattle; AT&T of the Pacific Northwest, Inc., and (“AT&T”) XO Washington, Inc. (“XO”), by Gregory Kopta, attorney, Seattle; MCI/WorldCom (“WorldCom”) by Michel Singer Nelson, attorney, Denver, Colorado; and Commission Staff, by Gregory Trautman, Assistant Attorney General, Olympia, and Mary Tennyson, Senior Assistant Attorney General, Olympia.

**PART D**

**Entry of Initial Order and Petitions for Review**

3 Due to the large number of adjudications presently pending and statutory requirements for completing certain proceedings, and considering potential scheduling difficulties if the parties desire the commissioners to preside during hearings, the parties agree that the most expedient process for resolving the issues in

Part D is to schedule hearings before an administrative law judge and to provide for the entry of an initial order. Administrative Law Judge Lawrence J. Berg will continue to preside over the Part D proceeding, and Dr. David Gabel will serve as an advisor to the Commission.

4 Parties requested that the Commission allow oral argument on any petitions for review that may subsequently be filed in accordance with Commission rules. The Commission agrees that oral argument on review of the complex issues to be decided in Part D may be beneficial, and oral arguments will be scheduled.

### **Notice Canceling Previously Scheduled Proceedings**

5 The previously scheduled dates for filing testimony and conducting proceedings are canceled and are rescheduled to facilitate the exchange of discovery between parties.

### **Revised Part D Schedule**

6 **Testimony and Motions Schedule.** The parties agree to the following schedule to file testimony and motions:

- Covad Special and Supp. Resp. Testimony Thursday, February 14, 2002
- Reply Testimony Thursday, March 7, 2002
- Prehearing Motions Thursday, March 14, 2002
- Answers to Prehearing Motions Thursday, March 21, 2002

7 **Prehearing Conference and Evidentiary Hearings Schedule.** The prehearing and evidentiary hearings schedule is revised as follows:

- Prehearing Conference Thursday, March 28, 2002
- Evidentiary Hearings begin Monday, April 8, 2002

8 **Briefing Schedule.** The parties agreed to the following schedule to file briefs:

- Part D Opening Briefs Friday, May 10, 2002
- Part D Answering Briefs Friday, May 31, 2002

### **Issues**

9 The issues to be addressed in Part D are:

- Qwest's list of Washington issues (see 26<sup>th</sup> Supplemental Order, Attachment A) as clarified in direct testimony filed November 7, 2001.
- How CLECs should be allowed to self-provision entrance facilities outside of a central office, and what costs are associated with that self-provisioning.
- Verizon NRCs for multiplexing, fiber optic patch cord related to OCN termination, virtual collocation, and eight rate elements relating to the FCC's collocation order.

10 Qwest states that it may request additional time to file reply testimony due on March 7, 2002, based on the volume of response testimony that is filed on February 14, 2002. Qwest must make its request for additional time no later than **February 28, 2002**.

11 WorldCom states that it may broaden the scope of issues in response testimony based on prospective responses to data requests. The Commission will decide whether it is necessary to schedule any additional filing of testimony as issues arise.

### **Notice of Prehearing Conference**

12 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at 9:30 a.m. on Thursday, March 28, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

13 The purpose of the conference is to number all direct and cross-examination exhibits for identification and to address any other procedural matters that may require attention.

14 Topics for the conference will include the order of witnesses and time estimates for cross-examination; objections to prefiled evidence and argument on such objections; and any dispositive motion and answer to such motion, as appropriate. The schedule for filing and answering motions is stated in paragraph 6, above.

15 All parties must file and serve a **list of its witnesses and prefiled exhibits** in their preferred order of presentation, and separately **list time estimates for cross-examination of other witnesses**, on **Monday, March 25, 2002**.

16 A **list and copies of cross-examination exhibits** must be provided to other parties, and **eight copies provided to the Commission**, in the required format which is repeated in paragraphs 17 through 19, below. Counsel are responsible for ensuring that their support staff are familiar with these requirements. Please contact the Administrative Law Judge with any questions.

### **Format for Cross-Examination Exhibits**

17 Cross-examination exhibits must be organized on a witness-by-witness basis, and a separate exhibit list must be prepared for each witness. Multi-page exhibits must be paginated, three-hole punched, and stapled. However, do not staple separate exhibits together. Cross-examination exhibits must be presented to the bench on a witness-by-witness exhibit-by-exhibit basis.

- 18 Do not attach cover sheets to cross-examination exhibits. Do not place bench copies of confidential cross-examination exhibits in envelopes. All copies of confidential cross-examination exhibits must be on colored paper.
- 19 Cross-examination exhibit lists must identify the party conducting cross-examination, the witness, and must be formatted in two columns - the first column must provide a blank space for filling in an exhibit number and the second column must describe the exhibit. A blank electronic version of the exhibit list that the Commission produces for use at hearings will be distributed as an email attachment for your convenience. Your use of that format to produce both a paper and electronic version would be extremely helpful, although it is not required. During the prehearing conference, cross-examination exhibits shall be distributed and numbered on a witness-by-witness basis. The bench will not accept non-conforming exhibits or exhibit lists.

#### **Notice of Part D Hearings**

- 20 **NOTICE IS HEREBY GIVEN That Part D evidentiary hearings will be held beginning at 9:00 a.m. on Monday, April 8, 2002, and continuing until completed, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

#### **PART E**

- 21 Issues to be addressed in the Part E proceeding include any issues that are unresolved in the Commission's Part B final order, which has not yet been entered and served on the parties. Due to uncertainty regarding the issues to be addressed in Part E, the parties agree that further discussions regarding a procedural schedule should be continued until after the Part B order is entered. The Commission will notice and convene a prehearing conference subsequent to the entry of an order in Part B.
- 22 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this document, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington and effective this 22<sup>nd</sup> day of January, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

LAWRENCE J. BERG  
Administrative Law Judge