

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

PAC-WEST TELECOMM, INC.)	
)	DOCKET NO. UT-023023
Complainant,)	
v.)	
)	NOTICE OF PREHEARING
QWEST COMMUNICATIONS, INC., f/k/a)	CONFERENCE
U S WEST COMMUNICATIONS, INC,)	(May 31, 2002)
)	
)	
Respondent)	
.....)	

- 1 On May 17, 2002, Pac-West Telecomm, Inc (Pac-West) filed with the Commission a complaint against Qwest Communications, Inc., f/k/a U S West Communications, Inc. (Qwest) stating that the matter is brought pursuant to the federal Telecommunications Act of 1996, 47 U.S.C. §§251 and 252. RCW 80.04.110 and WAC 480-09-400 may be involved. The complaint seeks enforcement of provisions of the interconnection agreement between U S West Communications, Inc. and Northwest Telephone, Inc. adopted by Pac-West, and approved by the Commission in Docket No. UT-013009. In particular, Pac-West alleges that Qwest has refused to pay the difference between Pac-West's reciprocal compensation invoices in Washington and the rate called for in the *FCC Order on Remand*.¹
- 2 The complaint asks the Commission to enter an order enforcing the Agreement and directing Quest to pay past and future Pac-West reciprocal compensation invoices. In addition, Pac-West asks for a money judgment against Qwest in the amount of at least \$135,060.03, plus all amounts accruing up to the date of judgment, pre and post judgment interest, and costs, including attorneys' fees. The Commission directed Qwest to file an answer to Pac-West's complaint by May 29, 2002. A more detailed account of the dispute is reflected in the complaint which is available for inspection at the Commission's offices located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.
- 3 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.413, RCW 34.05.449, RCW 34.05.452, RCW 80.36.610, RCW 80.01.100, and WAC 480-09-530. The Commission has jurisdiction over this matter under Title 80 RCW, having legal authority to regulate the rates,

¹ *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98 and *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68, Order on Remand and Report and Order (April 27, 2001).

services, and practices of telecommunications companies providing service within the state of Washington and to hear complaints brought by one public service company against another such company. In addition to the foregoing, statutes and rules involved include those within chapter 80.36 RCW, chapter 480-09 WAC, and chapter 480-120 WAC. The issues involved are generally stated above and more specifically contained in the complaint.

NOTICE IS GIVEN That in accordance with WAC 480-09-700(1)(a) and WAC 480-09-530, the Commission has determined that good cause exists for this matter to be heard on shortened notice.

NOTICE IS FURTHER GIVEN that a prehearing conference in this matter will be held at 10:00 a.m., on Friday, May 31, 2002, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Both the complainant and the respondent must attend the prehearing conference.

- 4 The purpose of the prehearing conference is to consider formulating the issues in the proceeding, and to determine other matters to aid in its disposition, as specified in WAC 480-09-460. While this pleading is styled as a complaint, complainant has followed the procedures set forth in WAC 480-09-530, Petitions for enforcement of interconnection agreements, and has cited WAC 480-09-530 as support for the Commission's jurisdiction. Discussions at the prehearing conference will include whether the proceeding should be heard as a complaint or as a petition for enforcement proceeding under WAC 480-09-530.
- 5 Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. The time and place for the evidentiary hearing will be set at the prehearing conference or by later written notice. Appearances will be taken.
- 6 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.
- 7 **NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING 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 480-09-700(4) ARE SPECIFICALLY INVOKED.**
- 8 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: PacWest Telecomm, Inc.
1776 West March Lane
Suite 250
Stockton, CA 95207

Representative: Daniel M. Waggoner
Davis Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
(206) 622-3150

Respondent: Qwest Corporation, Inc.
1600 Seventh Avenue
Seattle, WA 98101

Representative: Lisa Anderl
Attorney at Law
1600 Seventh Avenue, Suite 3206
Seattle, WA 98101
(206) 345-1574

Public Counsel: Simon J. ffitch
Public Counsel
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 464-7744

- 9 Karen M. Caillé has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.
- 10 The Public Counsel section of the Office of the Attorney General has been designated by the Attorney General to represent the public. The address of the Commission, shown below, may be used for inquires of Public Counsel, or Public Counsel may be contacted directly by writing or calling the address or telephone number listed below.
- 11 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.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

May 24, 2002

Inquires may be addressed to:

Executive 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

or

Public Counsel Section
Office of Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 464-7744

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that 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 designated below and returned to:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250.

(SUPPLY ALL REQUESTED INFORMATION)

Docket No.: UT-023023

Case Name: PAC-WEST TELECOMM, INC., v. Qwest Corporation, Inc.

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter: (Yes) _____ (No) _____

Visual _____ Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone No.: (____) _____