

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Investigation into ) ) U S WEST COMMUNICATIONS, INC.'S <sup>1</sup> ) ) Compliance with Section 271 of the ) Telecommunications Act of 1996 ) ..... ) )	DOCKET NO. UT-003022
In the Matter of ) ) U S WEST COMMUNICATIONS INC.'S ) ) Statement of Generally Available ) Terms Pursuant to Section 252(f) of the ) Telecommunications Act of 1996 ) ..... ) ..... )	DOCKET NO. UT-003040  23RD SUPPLEMENTAL ORDER; PREHEARING CONFERENCE ORDER; GRANTING MOTION FOR CONTINUANCE OF PERFORMANCE ISSUES

1      **Proceeding:** Dockets No. UT-003022 and UT-003040 are consolidated in a proceeding to review Qwest’s compliance with the requirements of Section 271 of the Telecommunications Act and the terms of the Statement of Generally Available Terms (SGAT) Qwest has filed with the Commission.

2      **Conference:** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on December 11, 2001, before Administrative Law Judge Ann E. Rendahl, to determine the scope of issues to address in the hearings scheduled to begin on December 18, to identify witnesses, estimate time for direct and cross examination, and mark exhibits.

3      **Appearances.** The following parties and their representatives were present at the prehearing conference, either in person or via the Commission’s Conference Bridge: Qwest Corporation, by Lisa Anderl and Adam Sherr, attorneys, Seattle, WA, and Lynn Stang, attorney, Denver, CO; AT&T Communications of the Pacific Northwest, Inc. and TCG Seattle (collectively AT&T) by Mary Tribby, Steven Weigler, and Letty S. D. Friesen, attorneys, Denver, CO; WorldCom, Inc., by Michelle Singer-Nelson, attorney, Denver, CO; XO Washington, Inc., Electric Lightwave, Inc. (ELI),

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<sup>1</sup> Since the inception of this proceeding, U S WEST has merged and become known as Qwest Corporation. For consistency and ease of reference we will use the new name Qwest in this order.

and Time Warner Telecom by Gregory J. Kopta, attorney, Seattle, WA; Covad Communication Company (Covad), by Megan Doberneck, Attorney, Denver, CO; and Public Counsel, by Robert Cromwell, Assistant Attorney General, Seattle, WA.

- 4        **AT&T Motion to Continue Hearing on Performance Data.** On December 4, 2001, AT&T filed with the Commission a Motion for Continuance of Performance and Data Reconciliation Issues. AT&T requested that the Commission defer any discussion of Qwest's performance data until the Liberty Consulting Group (Liberty) has completed its report on the reconciliation of Qwest and CLEC operational reporting data. The Commission requested responses to the motion by December 7, 2001, and received responses from Qwest, Public Counsel, XO, ELI and TWT, and WorldCom. The parties were given an additional opportunity to argue the motion during the conference.
- 5        Based on the parties' representations that Liberty will issue a final report on reconciliation of Qwest and CLEC data for Washington in January 2002, and that the report could change the testimony witnesses would provide during the December hearing, AT&T's motion is granted. The discussion of performance and data reconciliation issues will be continued until after Liberty completes its report on Washington data. Instead of holding a formal hearing on performance data, there will be an informal, off-the-record tutorial for the benefit of the Commission advisory staff and the administrative law judge on performance data on the afternoon of December 19<sup>th</sup>, if the hearing concludes in the morning. Alternatively, the tutorial will be held on the morning of December 20, 2001.
- 6        **Schedule of the Hearing.** The hearing will begin at 9:30 am on December 18, 2001, but **all parties should be present in the hearing room at 9:00 a.m.** to address any outstanding preliminary issues, discuss admission of exhibits and mark any additional exhibits. The hearing will conclude by 5:30 p.m. each day. On Tuesday, December 18, 2001, the Commission will address the topic of Qwest's Performance Assurance Plan, the Multi-state Facilitator's Report on Qwest's PAP, and responses to bench requests and questions about the QPAP issued by the Commission. On Wednesday morning, December 19<sup>th</sup>, the Commission will address Qwest's compliance with Commission orders on Workshops 1 and 2 in this proceeding.
- 7        **Format of the Hearing.** The parties will present oral argument to the Commission on the issues of the QPAP and compliance, but will have technical and policy witnesses available should the Commission have questions about the parties' positions. The Commission prefers to hear the presentation on an issue-by-issue basis. Each party will be allotted one half hour in total to address QPAP issues, and 15 minutes to address compliance issues. Parties may consolidate presentations and use the time allotted to all consolidated parties. Such a schedule will allow sufficient time for questions from the bench.

- 8 **Exhibits.** The parties agreed upon a set of exhibits to be used during the hearing. Those exhibits are marked as set forth in the attached exhibit list for use in the hearing. Admission of the exhibits will be addressed at the start of the hearing on December 18, 2001. If any party intends to offer any additional exhibits not already included on the exhibit list, the party must bring a sufficient number of copies for the Commissioners, Administrative Law Judge, Court Reporter, Advisory Staff, and all other parties. Those exhibits **must** be three hole punched.

Dated at Olympia, Washington, and effective this 14th day of December, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

**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 statement, 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.