

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the)	DOCKET NO. UT-003013
)	
)	THIRTY-FIRST 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
)	(May 1, 2002, 9:30 a.m.);
)	NOTICE OF PART D HEARINGS
)	(May 6, 2002, 9:00 a.m.)
)	
.....)	

Prehearing Conference

1 The Commission convened a Prehearing Conference in Part D of this docket on March 28, 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 address evidentiary and scheduling issues.

Appearances

2 The following participated in the prehearing conference: Qwest Corporation (“Qwest”), by Lisa Anderl, attorney, Seattle; Verizon Northwest Inc. (“Verizon”), by Jennifer McClellan, attorney, Richmond, Virginia; Covad Communications Company (“Covad”), by David Rice, 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.

Notice Canceling Previously Scheduled Proceedings

3 The previously scheduled hearing dates, April 8 through 12, 2002, are canceled and are rescheduled to facilitate the exchange of discovery and the filing of supplemental testimony by parties.

Revised Part D Schedule

4 **Discovery and Testimony Schedule.** The parties agree to the following schedule to conduct discovery and file testimony:

- Qwest responses to WorldCom DRs April 1, 2002
- WorldCom Surrebuttal re Hubbard/Million April 5, 2002
(see summary of ruling on motion below)
- WorldCom responses to Qwest DRs Per parties' agreement
- Qwest Rebuttal/Sur-surrebuttal re Cabe, April 17, 2002
Lathrop, Gose, Morrison, Price

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

- Prehearing Conference Wednesday, May 1, 2002
(mark exhibits and address other prehearing issues)
- Evidentiary Hearings begin Monday, May 6, 2002

6 **Briefing Schedule.** The schedule to file briefs is revised:

- Part D Opening Briefs Friday, June 7, 2002
- Part D Answering Briefs Friday, June 28, 2002

Motions

7 **Covad's Motion to File Second Responsive Testimony of Richard Cabe.** Covad's motion was initially denied on the record during the prehearing conference because it was not timely filed. Subsequently, the parties agreed to revise the procedural schedule. The revised schedule resolves the prejudice caused by Covad's late-filed motion. Covad's motion was so patently defective that no other action was taken by the Commission or required of other parties. No penalty is assessed against Covad pursuant to RCW 80.04.380. However, Covad's disregard for the filing deadline is representative of the failure of parties appearing before the Commission to comply with such requirements, as discussed in the Thirtieth Supplemental Order. Covad's Second Responsive Testimony of Richard Cabe is accepted for filing, and Qwest may file rebuttal testimony no later than April 17, 2002.

8 **WorldCom's Motion to File Surrebuttal Testimony.** WorldCom's Motion was initially granted on the record during the prehearing conference, subject to certain conditions. The agreement of the parties to revise the procedural schedule resolves the need to impose conditions. WorldCom may file surrebuttal testimony to the

Rebuttal Testimony of Robert J. Hubbard, pages 5-14, and to the Rebuttal Testimony of Teresa K. Million, pages 25-33, no later than April 5, 2002. Qwest may file surrebuttal testimony no later than April 17, 2002.

9 **WorldCom's Motion to Compel Demonstration.** WorldCom's Motion to Compel Demonstration was denied on the record during the prehearing conference.

Notice of Prehearing Conference

10 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at 9:30 a.m. on Wednesday, May 1, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

11 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.

12 Parties must exchange and provide to the presiding officer a **supplemental list of prefiled exhibits** that are submitted subsequent to this Order. Parties should also provide **revised cross-examination time estimates**, if appropriate. Please exchange and provide information on **Monday, April 29, 2002**.

13 Also, parties must exchange and provide to the presiding officer a **supplemental list and copies of additional cross-examination exhibits**, at the prehearing conference. **Eight copies must be provided to the Commission** in the required format which is repeated in paragraphs 15 through 17, below. Counsel are responsible for ensuring that their support staff are familiar with these requirements. Please contact the Administrative Law Judge with any questions.

14 Due to the likelihood that additional prefiled exhibits will be received and additional cross-examination documents will be identified, **the Commission will not produce a consolidated exhibit list prior to the prehearing conference. Parties must bring copies of the prefiled and cross-examination exhibit lists that have been distributed to the prehearing conference.**

Format for Cross-Examination Exhibits

15 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.

- 16 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.
- 17 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

- 18 **NOTICE IS HEREBY GIVEN That Part D evidentiary hearings will be held beginning at 9:00 a.m. on Monday, May 6, 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.**
- 19 **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 29th day of March, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

LAWRENCE J. BERG
Administrative Law Judge