

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
2 COMMISSION

3 In the Matter of the Development )  
of Universal Terms and )  
4 Conditions for Interconnection ) DOCKET NO. UT-011219  
and Network Elements to be ) Volume 4  
5 Provided by Verizon Northwest, ) Pages 79 - 89  
Inc. )  
6 -----

7  
8 A prehearing conference in the above matter  
9 was held on July 9, 2004 at 10:59 a.m., at 1300 South  
10 Evergreen Park Drive Southwest, Olympia, Washington,  
11 before Administrative Law Judge THEODORA MACE.

12 The parties were present as follows:

13 VERIZON NORTHWEST, INC., by ERIC MAHR (via  
14 bridge line), Attorney at Law, Wilmer, Cutler,  
Pickering, Hale, Dorr, 2445 "M" Street Northwest,  
15 Washington, DC 20037; telephone, (202) 663-6446.

16 WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION, by GREGORY J. TRAUTMAN, Assistant Attorney  
17 General, 1400 South Evergreen Park Drive Southwest,  
Post Office Box 40128, Olympia, Washington 98504;  
18 telephone, (360) 664-1187.

19 INTEGRA TELECOM OF WASHINGTON, by KAREN J.  
JOHNSON (via bridge line), Corporate Regulatory  
20 Attorney, 19545 Northwest Von Neumann Drive, Suite 200,  
Beaverton, Oregon 97006; telephone, (503) 748-2048.

21 AT&T COMMUNICATIONS, TCG SEATTLE, by LETTY  
22 S.D. FRIESEN (via bridge line), Senior Counsel, 1875  
Lawrence Street, Suite 1500, Denver, Colorado, 80202;  
23 telephone, (303) 298-6475.

24 MCI, INC., by MICHEL SINGER NELSON (via  
bridge line), Senior Attorney, 707 17th Street, Suite  
25 4200, Denver, Colorado, 80202; telephone, (303)  
390-6106

0080

1           XO WASHINGTON, INC., TIME WARNER TELECOM OF  
2 WASHINGTON, by GREGORY J. KOPTA (via bridge line),  
3 Attorney at Law, Davis, Wright, Tremaine, 1501 Fourth  
4 Avenue, Suite 2600, Seattle, Washington 98101;  
5 telephone, (206) 628-7692.

6           COVAD COMMUNICATIONS COMPANY, by KAREN S.  
7 FRAME (via bridge line), Attorney at Law, 7901 Lowry  
8 Boulevard, Denver, Colorado 80230; telephone, (720)  
9 670-1069.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Kathryn T. Wilson, CCR  
Court Reporter

0081

1                               P R O C E E D I N G S

2                       JUDGE MACE: Let's be on the record in the  
3 matter of the development of universal terms and  
4 conditions for interconnection and network elements to  
5 be provided by Verizon Northwest, Inc. This is Docket  
6 No. UT-011219. My name is Theodora Mace, and I'm the  
7 presiding administrative law judge in this proceeding.  
8 Today's date is July 9th, 2004, and we are convened in  
9 a hearing room at the Commission's offices in Olympia,  
10 Washington; that is, the Washington Utilities and  
11 Transportation Commission. We are here today for a  
12 prehearing conference, and the primary purpose for the  
13 conference is to address scheduling of this proceeding.

14                       I would like to have the oral appearances of  
15 counsel now, and let me begin by just calling on you,  
16 and if you have not entered an appearance thus far in  
17 this proceeding, you need to enter a long form  
18 appearance. That means you have to give your full  
19 address, who you represent, phone number, fax number,  
20 and e-mail. So let me begin with Verizon.

21                       MR. MAHR: My name is Eric Mahr, M-a-h-r.  
22 I'm with the law firm of Wilmer, Cutler, Pickering,  
23 Hale and Dorr, LLP. My address is 2445 "M" Street  
24 Northwest in Washington, DC; zip code, 20037. My phone  
25 number is (202) 663-6446. Fax number is

0082

1 (202) 663-6363, and e-mail is eric.mahr@wilmerhale.com.

2 JUDGE MACE: Ms. Singer Nelson?

3 MS. SINGER NELSON: Michel Singer Nelson

4 appearing on behalf of MCI.

5 JUDGE MACE: Mr. Kopta?

6 MR. KOPTA: Gregory Kopta from the law firm

7 Davis, Wright, Tremaine, LLP, on behalf of XO and Time

8 Warner Telecom.

9 JUDGE MACE: Ms. Frame?

10 MS. FRAME: Karen Frame on behalf of Covad

11 Communications Company.

12 JUDGE MACE: Ms. Friesen?

13 MS. FRIESEN: Letty Friesen on behalf of AT&T

14 and TCG.

15 JUDGE MACE: Ms. Johnson?

16 MS. JOHNSON: Karen Johnson on behalf of

17 Integra Telecom of Washington.

18 JUDGE MACE: For Staff?

19 MR. TRAUTMAN: Gregory J. Trautman, assistant

20 attorney general, for Commission staff.

21 JUDGE MACE: Is there anyone else who has

22 come onto the conference bridge who wishes to enter an

23 appearance at this time? Thank you.

24 As I indicated earlier, the primary purpose

25 for this prehearing conference is to talk about

0083

1 scheduling. We already have a schedule of proceedings  
2 that was established some time ago. When I sent out  
3 the prehearing conference notice for this conference, I  
4 think I indicated that we may need to somewhat alter  
5 the schedule of proceedings, and so I'm hoping that we  
6 can discuss that today.

7           Is there anything else that the parties want  
8 to address on the record today besides scheduling?  
9 Mr. Trautman indicates no. Is there anyone on the  
10 conference bridge who has any other issue they want to  
11 address? If not, then let me just say initially that I  
12 know the hearing is currently scheduled for October  
13 18th to 27th. Because of a conflict that I have with a  
14 case where the scheduling changed in a way that I was  
15 not expecting, I need to move that set of hearing  
16 dates.

17           I have explored the Commission's calendar,  
18 and I am able to set a hearing for the period November  
19 30th to December 9th, with the exception of December  
20 7th, and so those would be the hearing dates that I  
21 would propose. If you want to talk about an  
22 alternative schedule, I would be happy to have you do  
23 that, but you need to bear in mind that the  
24 Commission's calendar is relatively crowded, and for  
25 those of you that are participating in other

0084

1 proceedings like the Verizon rate case, I know you will  
2 have your hands full with that as well, so you will  
3 want to find a time that meets the needs of that  
4 schedule as well.

5 MR. KOPTA: This is Greg Kopta. I have been  
6 discussing, at least with the other CLEC parties, a  
7 revision to the current schedule in light of where we  
8 are in terms of negotiating issues with Verizon on its  
9 template agreement, and there are still at least two  
10 major portions of the template agreement, or at least  
11 issues, that we have not been able to address, much  
12 less at least identify the unresolved issues.

13 Those would be the UNE sections and  
14 performance measures, and there may be another one I'm  
15 forgetting, but in any event, particularly in light of  
16 the fact that unbundled network elements will be one of  
17 the major issues to be addressed in the Verizon TRO  
18 amendment arbitration, and given the state of  
19 uncertainty in the law on a federal level on that  
20 particular issue, we were thinking that, and as I say,  
21 in talking with other CLEC's, I think everyone was  
22 agreed that it would make sense to take the existing  
23 schedule and push it out for between six to eight  
24 months to allow the parties to conclude whatever  
25 negotiations they are able to have and hopefully have a

0085

1 little more certainty on the law with respect to the  
2 UNE's so that we can identify disputed issues with  
3 respect to that section.

4 JUDGE MACE: Is there any response to that  
5 proposal?

6 MR. TRAUTMAN: I spoke briefly with  
7 Mr. Kopta, and Staff does not object to that proposal.

8 JUDGE MACE: AT&T, any response?

9 MS. FRIESEN: AT&T concurs with that  
10 proposal.

11 JUDGE MACE: Let me just indicate, is there  
12 anyone who does not concur with that proposal? I would  
13 say parenthetically that my concern is this case has  
14 been around for quite a while now. I recognize all the  
15 uncertainties and I recognize the difficulties that the  
16 parties face, but I do have concern that this has been  
17 lingering on my docket for quite some time, and I do  
18 have a concern that if we push it out six or eight  
19 months, that takes it possibly into 2006 when there  
20 would be a decision. It just seems like a long time,  
21 but I also recognize if all the parties are in  
22 agreement, that's a big factor in going ahead with a  
23 continuance of that length.

24 MR. KOPTA: Also, Your Honor, I do think that  
25 while there are many disputed issues, it makes sense to

0086

1 try to minimize those to the extent possible, and I'm  
2 not sure that the additional time would not benefit you  
3 as well as the Commission in terms of more specifically  
4 identifying the issues that need to be resolved.

5 JUDGE MACE: If the Commission agrees to a  
6 six- to eight-month adjournment, even six to eight  
7 months is a fairly broad range. I want to have  
8 something definite that I can include for a schedule of  
9 this proceeding. Do the parties have some more  
10 concrete dates in mind that I could use to insert into  
11 the Commission's schedule?

12 MR. KOPTA: What we had discussed was  
13 probably having hearings sometime in May of 2005.  
14 Obviously, the Commission's calendar and your calendar  
15 would need to be accommodated. That's why I suggested  
16 the six to eight months, because I know that even in  
17 that period of time, the Commission may already be  
18 scheduling things.

19 JUDGE MACE: There is nothing on the calendar  
20 that I can see now, but I know if we don't schedule  
21 something, there will be.

22 MR. KOPTA: And I was discussing this with  
23 Mr. Trautman as well as some of the other parties that  
24 if we could have hearings in May, we would take the  
25 existing intervals in the schedule and move them by



0087

1 seven months, so it would be the same schedule, just  
2 rotated around.

3 JUDGE MACE: What if I put down May 2nd to  
4 the 11th as possible hearing dates then?

5 MR. KOPTA: That sounds good to me.

6 JUDGE MACE: The schedule now calls for  
7 initial testimony to be filed August 9th, response  
8 testimony August 30th, rebuttal testimony September  
9 17th, a prehearing conference October 14th. If the  
10 parties are agreeable, I could simply formulate a  
11 schedule that would follow those general intervals.  
12 Does anybody have a problem with that?

13 MR. KOPTA: No, Your Honor. That's what we  
14 had in mind.

15 JUDGE MACE: Mr. Trautman?

16 MR. TRAUTMAN: The only thing Staff is  
17 looking at is would it be possible to increase the  
18 interval between initial and response testimony from  
19 three weeks to, perhaps, anywhere from four to five  
20 weeks?

21 JUDGE MACE: Anybody have any problem with  
22 that proposal?

23 MR. KOPTA: That would be fine with us.

24 MR. MAHR: No objection from Verizon.

25 MS. FRIESEN: No objection from AT&T.

0088

1           JUDGE MACE: Thank you. Well, as usual, I  
2 can't guarantee that's what is going to happen, but I  
3 will certainly discuss that with the Commission, and if  
4 they are agreeable, then we will move the schedule for  
5 hearing to sometime in May.

6           One thing I do want to mention to the parties  
7 is if we do get to the point of actually ever having  
8 filed testimony in this case, it's a trivial matter but  
9 important for you to three-hole punch all of your  
10 prefiled testimony. In a couple of prior cases, the  
11 testimony that comes in, the exhibits that come in at  
12 the prehearing conference for marking exhibits get  
13 punched, but a lot of times the prefiled testimony, the  
14 initial and the response and the rebuttal, don't get  
15 three-hole punched, and it's a big burden on Staff to  
16 have to do that. I know it doesn't seem like it would  
17 be very much of a problem, but I'm bringing it up now,  
18 and I'll probably mention it again when we get closer  
19 to the point of prefiling testimony.

20           Is there anything else we need to discuss  
21 right now? I guess, actually, let me just jump in here  
22 one more time. I'm thinking that I would also like to  
23 set a status conference date sometime after or around  
24 the first of the year to see where the parties are in  
25 terms of the issues, etcetera, and where we are legally

0089

1 at that point, perhaps. Does anybody have any  
2 objection to that?

3 MR. MAHR: No objection from Verizon.

4 JUDGE MACE: I will include that in the  
5 schedule. Anything else? Does anybody want a  
6 transcript of this proceeding, and if so, before you  
7 leave the conference bridge or the hearing room, would  
8 you please let the reporter know? Thank you very much.

9 (Prehearing conference adjourned at 11:13 a.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25