

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition for	)	DOCKET UT-083025
Arbitration of an Interconnection	)	
Agreement Between	)	ORDER 02
	)	
COMCAST PHONE OF	)	
WASHINGTON, LLC,	)	PREHEARING CONFERENCE
	)	ORDER;
with	)	
	)	NOTICE OF HEARING
UNITED TELEPHONE COMPANY OF	)	<b>(To be held August 19, 2008)</b>
THE NORTHWEST, INC. d/b/a	)	
EMBARQ	)	
	)	
Pursuant to 47 U.S.C. Section 252(b).	)	
.....	)	

- 1 **NATURE OF PROCEEDING.** On April 29, 2008, Comcast Phone of Washington, LLC (Comcast) filed with the Washington Utilities and Transportation Commission (Commission) a request for arbitration pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act). The petition was served on United Telephone Company of the Northwest, Inc. d/b/a Embarq (Embarq).
  
- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on May 27, 2008, before Administrative Law Judge (ALJ) Adam E. Torem.
  
- 3 **APPEARANCES.** Gregory J. Kopta, Seattle, Washington, and Michael C. Sloan, Washington, D.C., Davis Wright Tremaine LLP, represent Comcast. William E. Hendricks, III, United Telephone Company of the Northwest, Hood River, Oregon, represents Embarq. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this Order.

4 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule prior to the prehearing conference. The Commission adopts the parties' proposed procedural schedule as set forth below and in Appendix B to this Order.

Pre-Filed Direct Testimony	July 2, 2008
Pre-Filed Responsive Testimony	August 1, 2008
Arbitration Hearing	August 19, 2008
Post-Hearing Opening Briefs	TBD
Post-Hearing Response Briefs	TBD

5 **DISCOVERY.** At the prehearing conference, the parties indicated their intentions to engage in discovery prior to the arbitration hearing. In accordance with the Commission's rule on discovery, WAC 480-07-400(2)(b), the parties' request is granted because the Commission finds that the needs of this case are best served by the methods of discovery specified in Commission rules. Discovery will proceed pursuant to the Commission's discovery rules, WAC 480-07-400 – 425.

6 **NOTICE OF HEARING.** The Commission will hold a hearing on the merits of this matter, to begin on **Tuesday, August 19, 2008, at 9:30 a.m., in Room 206 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7 **ARBITRATOR'S REPORT AND DECISION.** In accordance with the 110 day requirement set out in WAC 480-07-630(11)(b), the deadline for the arbitrator's report and decision would normally occur on Monday, August 18, 2008. Further, under the §252(b)(4)(C) of the Telecommunications Act of 1996, the nine month deadline for those same decision documents would occur on Friday, August 22, 2008.<sup>1</sup> The agreed procedural schedule proposed by the parties and adopted herein will not allow compliance with these regulatory deadlines.

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<sup>1</sup> See Comcast's Petition, ¶ 5. The parties agree that Embarq received Comcast's request for negotiations on November 22, 2007, and also agree on this calculation of the 9 month regulatory deadline.

8 At the prehearing conference, both parties indicated their amenability to waiving these regulatory deadlines for so long as was required for the Commission to complete its analysis of the issue presented. Therefore, in light of the parties' agreed proposed schedule, **the Commission sets Tuesday, October 28, 2008, as the deadline for issuance of the arbitrator's report and decision.**

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus three (3) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

11 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** As noted at the prehearing conference and pursuant to WAC 480-07-145(6), the presiding officer grants a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov), and file an original, plus three (3) paper copies, of the documents with the Commission by noon on the following business day. Parties must

also provide courtesy copies of their electronic submissions to the presiding administrative law judge and all parties to the proceeding.

- 13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective May 28, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge

<b>APPENDIX A</b>				
<b>PARTIES' REPRESENTATIVES DOCKET UT-083025</b>				
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FAX</b>	<b>E-MAIL</b>
<b>COMCAST PHONE OF WASHINGTON, LLC</b>	<b>GREGORY J. KOPTA</b> Davis Wright Tremaine LLP 1201 Third Avenue Seattle, WA 98101-3045	(206) 757-8079	(206) 757-7079	<a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a>
	<b>MICHAEL C. SLOAN</b>			<a href="mailto:michaelsloan@dwt.com">michaelsloan@dwt.com</a>
<b>UNITED TELEPHONE COMPANY OF THE NORTHWEST, INC. d/b/a EMBARQ</b>	<b>WILLIAM E. HENDRICKS, III</b> Embarq 902 Wasco Street Hood River, OR 97031	(541) 387-9439	(541) 387-9753	<a href="mailto:tre.hendricks@embarq.com">tre.hendricks@embarq.com</a>
<b>Admin. Law Judge</b>	<b>ADAM E. TOREM</b> 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1138	(360) 664-2654  [ALD fax only – do not use to file]	<a href="mailto:atorem@utc.wa.gov">atorem@utc.wa.gov</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET UT-083025**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
<b>Prehearing Conference</b>	<b>Tuesday, May 27, 2008</b>	—
<b>Pre-Filed Direct Testimony</b>	<b>Wednesday, July 2, 2008</b>	<b>36 Days</b>
<b>Pre-Filed Responsive Testimony</b>	<b>Friday, August 1, 2008</b>	<b>30 Days</b>
<b>Hearing on the Merits</b>	<b>Tuesday, August 19, 2008</b>	<b>18 Days</b>
<b>Post-Hearing Opening Briefs</b>	<b>TBD</b>	<b>TBD</b>
<b>Post Hearing Response Briefs</b>	<b>TBD</b>	<b>TBD</b>
<b>Commission Arbitrator's Report and Decision</b>	<b>Tuesday, October 28, 2008</b>	<b>70 Days</b>