

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

In the Matter of the Petition of	)	DOCKET UT-073033
	)	<i>(Bifurcated)</i>
QWEST CORPORATION,	)	
	)	ORDER 06
For Commission Approval of 2007	)	
Additions to Non-Impaired Wire Center	)	ORDER GRANTING MOTION FOR
List	)	STANDING PROTECTIVE ORDER;
	)	VACATING ORDER 02,
	)	PROTECTIVE ORDER;
	)	ESTABLISHING DEADLINE FOR
	)	FILING PETITIONS TO
	)	INTERVENE; AND SCHEDULING
	)	PREHEARING CONFERENCE
	)	<b>(Prehearing Conference Set for</b>
	)	<b>April 17, 2008, at 1:30 p.m.)</b>
.....	)	

1 **NATURE OF PROCEEDINGS.** Docket UT-073033 involves Qwest Corporation’s (Qwest) request before the Washington Utilities and Transportation Commission (Commission) for approval of additions to its non-impaired wire center list.

2 **PROCEDURAL HISTORY.** Qwest filed this petition on June 22, 2007. On the same date, Qwest and several Competitive Local Exchange Carriers (Joint CLECs)<sup>1</sup> filed in Docket UT053025 a joint petition for approval of a Settlement Agreement (Settlement) resolving issues concerning the status of competition and the impact of the Federal Communication Commission’s (FCC) Triennial Review Remand Order (TRRO) on the competitive telecommunications market in Washington. That filing was subsequently withdrawn and refiled on June 29, 2007, as a new case Docket UT-073035.

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<sup>1</sup> The CLECs that are signatories to the Settlement Agreement are Covad Communications Company (Covad), McLeodUSA Telecommunications Services, Inc. (McLeod), Integra Telecom of Washington, Inc. (Integra), XO Communications Services, Inc. (XO Communications), and Eschelon Telecom, Inc. (Eschelon). These CLECs are collectively referred to as the Joint Competitive Local Exchange Carriers or Joint CLECs.

3 On June 28, 2007, Administrative Law Judge Ann Rendahl entered Order 01, Protective Order. On July 3, 2007, the parties filed a joint motion requesting that the protective order be modified. Order 02, Amended Protective Order was entered in this case on July 5, 2007. An Order of Consolidation and Notice of Prehearing Conference was entered on July 19, 2007, consolidating Dockets UT-073033 and UT-073035.

4 On July 23, 2007, the Commission issued a Notice of Substitution of Presiding Officer reassigning this matter to Administrative Law Judge Patricia Clark.

5 On July 27, 2007, Eschelon filed a Motion for a Standing Protective Order Based on Model Order in Dockets UT-073033 and UT-073035. On July 30, 2007, Eschelon filed a corrected Motion for Standing Protective Order Based on Model Order in both dockets. By Order 04, Prehearing Conference Order, entered August 2, 2007, the Commission, among other things, determined that these dockets should be heard sequentially with the issues in Docket UT-073035 being resolved prior to undertaking the issues in this proceeding. The Motion for Standing Protective Order Based on Model Order was held in abeyance pending resolution of the issues in Docket UT-073035.

6 On March 21, 2008, the Commission entered Order 05, Initial Order Accepting, Subject to Conditions, Multi-State, Multi-Party Settlement Agreement Regarding Wire Center Designations and Related Issues.

7 **STATUS OF THE PROCEEDING.** With the issuance of the Initial Order in Docket UT-073035, the outstanding issues in this proceeding are now ripe for consideration. The first issue is the pending Motion for a Standing Protective Order Based on the Model Order. In addition, the Commission needs to establish a deadline for individuals interested in participating in this proceeding to file petitions to intervene. Finally, it would be appropriate to establish a procedural schedule to resolve the remaining issues in this case.

8 **MOTION FOR STANDING PROTECTIVE ORDER BASED ON MODEL PROTECTIVE ORDER.** On July 27, 2007, Eschelon filed a Motion for Standing Protective Order Based on Model Protective Order (motion). On July 30, 2007, Eschelon filed a corrected version of that motion. Eschelon requested that the Commission approve a protective order based on the model protective order attached

as Exhibit E to the Settlement in Docket UT-073035.<sup>2</sup> Eschelon noted that the Commission entered Order 01, Protective Order, on June 28, 2007, and Order 02, Amended Protective Order, on July 5, 2007, purportedly at the request of all parties. Eschelon clarified that it made no request for this form of order. Eschelon argued that the Settlement in Docket UT-073035 does not contain a provision for the parties to request a protective order other than the one based on the model protective order attached to the Settlement. No party filed a response in objection to Eschelon's motion.

9 We grant the unopposed motion. We consider motions in accordance with WAC 480-07-375. Any party may file a response objecting to a motion within the time deadline established by that rule. No party objected to adopting the form of order agreed to by all parties to the Settlement and the form of protective order proposed is reasonable and should be adopted. Accordingly, Order 02, Protective Order, in this proceeding is vacated. We will issue, under separate cover, the form of protective order requested by Eschelon.

10 **PETITIONS TO INTERVENE.** By Order 04, Prehearing Conference Order, entered August 2, 2007, we accepted the parties' proposal in this proceeding and in Docket UT-073035 to resolve these matters sequentially. By Order 05, Initial Order Accepting Settlement, entered March 21, 2008, we approved the Settlement exclusively with respect to the entities that executed the document. Because the Settlement terms and conditions are not applicable to CLECs that are not signatories to the Settlement, it is reasonable to afford all entities that may be affected by the outcome of this proceeding an additional opportunity to intervene in this proceeding. Accordingly, persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the prehearing conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the prehearing conference. *See WAC 480-07-345(2)*. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

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<sup>2</sup> *In the Matter of the Petition of QWEST CORPORATION, For Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State.*

- 11 The known parties to this proceeding are Qwest, Covad, McLeodUSA, Integra, XO Communications and Eschelon. Contact information for the parties' representatives and the presiding officer in this proceeding is attached as Appendix A.
- 12 **PREHEARING CONFERENCE.** The Settlement approved by the Commission in Docket UT-073035 envisions a streamlined process for designating wire centers as non-impaired. As previously mentioned, all CLECs that may wish to participate in proceedings regarding the designation of wire centers as non-impaired are not signatories to the Settlement. Accordingly, the most efficient and expeditious method to establish procedures for resolving the issues in this proceeding would be to schedule a prehearing conference.
- 13 The purpose of the prehearing conference is to consider petitions for intervention, resolve scheduling matters, adopt a procedural schedule, and address any other procedural matters that would aid in the efficient disposition of this case.
- 14 **THE COMMISSION GIVES NOTICE That the Commission will hold a prehearing conference in this matter at 1:30 p.m., on Wednesday, April 17, 2008, in the Commission's Hearing Room, Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.
- 15 **THE COMMISSION GIVES NOTICE That any party who fails to attend or participate in the prehearing conference set by this Order, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**
- 16 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.
- 17 An electronic copy of all filings must be submitted either through the Commission's Records Center Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or via 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 including the filed document(s). Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

18 **ELECTRONIC SUBMISSION. Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.**

19 As allowed under WAC 480-07-145(6), the parties are granted a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the commission on the filing deadline. Parties must submit the document either through the Commission's Records Center Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or via e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov), and file an original, plus nine (9) paper copies, of the document with the Commission by the following business day. **Please provide a courtesy copy of all electronic submissions to the Administrative Law Judge.**

20 **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 March 21, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

<b>APPENDIX A</b>				
<b>PARTIES' REPRESENTATIVES</b>				
<b>DOCKET UT-073033</b>				
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>QWEST</b>	<b>LISA A. ANDERL</b> Associate General Counsel Qwest Services Corporation 1600 7 <sup>th</sup> Ave. – Room 3206 Seattle, WA 98191	206-345-1574	206-343-4040	<a href="mailto:lisa.anderl@qwest.com">lisa.anderl@qwest.com</a>
<b>ESCHELON</b>	<b>KAREN L. CLAUSON</b> Associate General Counsel Eschelon Telecom Inc. 730 2 <sup>nd</sup> Avenue. South, Suite 900 Minneapolis, MN 55402	612-436-6026	612-376-4411	<a href="mailto:klclauson@eschelon.com">klclauson@eschelon.com</a>
<b>JOINT CLECS</b>	<b>GREGORY J. KOPTA</b> Davis Wright Tremaine LLP 1501 4 <sup>th</sup> Avenue, Suite 2600 Seattle, WA 98101-1688	206-628-7692	206-629-7699	<a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a>
<b>Presiding Admin. Law Judge</b>	<b>PATRICIA CLARK</b> 1300 S. Evergreen Park Drive SW PO Box 47250 Olympia, WA 98504-7250	360-664-1136	360-664-2654 (ALD fax only – do not use to file)	<a href="mailto:pclark@utc.wa.gov">pclark@utc.wa.gov</a>

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary  
Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_