

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON EXCHANGE)	DOCKET NO. UT-031472
CARRIER ASSOCIATION, ET AL.)	
)	
Complainants,)	ORDER NO. 06
)	
v.)	
)	PREHEARING CONFERENCE
LOCALDIAL CORPORATION,)	ORDER MODIFYING
)	PROCEDURAL SCHEDULE
Respondent.)	
.....		

1 **PROCEEDINGS:** On September 4, 2003, the United States District Court, Western District of Washington at Tacoma, Judge Ronald B. Leighton presiding, entered its Stay Order and Order of Referral to WUTC [Washington Utilities and Transportation Commission], in Case No. C03-5012, a civil complaint proceeding styled *Washington Exchange Carrier Association, et al., Plaintiffs, v. LocalDial Corporation, an Oregon Corporation, Defendant*. The issues concern the regulatory status of certain services offered by LocalDial in Washington.

2 **PARTIES:** Richard A. Finnigan, attorney, Olympia, Washington, represents the Washington Exchange Carrier Association (WECA). Arthur Butler and Lisa Rackner, Ater Wynne Hewitt Dodson & Skeritt, Seattle, Washington, and Portland, Oregon, represent LocalDial Corporation (LocalDial). Brooks E. Harlow, Miller Nash LLP, Seattle, Washington, represents the Broadband Communications Association of Washington. Mary B. Tribby and Letty S.D. Friesen, AT&T Law Department, Denver, Colorado, represent AT&T Communication of the Pacific Northwest (AT&T). Robert Cromwell, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Office of Washington Attorney General. Jonathan Thompson, Assistant

Attorney General, represents the Commission's regulatory staff ("Commission Staff" or "Staff").

3 **MODIFIED PROCEDURAL SCHEDULE:** The Commission conducted a second prehearing conference before Administrative Law Judge Dennis J. Moss on January 12, 2004, to hear from the parties concerning their inability to agree to stipulated facts that would provide a basis for resolving this proceeding on cross-motions for summary determination. The parties informed the presiding officer that they wished to proceed by having an evidentiary hearing at which witnesses who prefile testimony will be presented for cross-examination and examination by the Bench. The Commission adopted modified processes to meet the needs of the case and established a revised procedural schedule in its Order No. 05. The revised schedule did not establish firm dates for post-hearing briefs.

4 ALJ Moss subsequently polled the parties informally to determine their preferences for scheduling initial and reply briefs. The parties informed ALJ Moss that they preferred June 14, 2004, as the deadline for filing initial briefs. The parties stated that they did not agree concerning the deadline for filing reply briefs. LocalDial and Staff argued for a July 7, 2004, deadline, while WECA argued for July 2, 2004. Considering the parties' preferences and the Commission's calendar, July 7, 2004, is set as the deadline for reply briefs. The Commission revises the procedural schedule to incorporate these dates, as reflected in Appendix 1 to this Order.

5 **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 480-07-430 and WAC 480-07-810. Absent such objection, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

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DATED at Olympia, Washington, and effective this 10th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX 1

**REVISED PROCESS AND
PROCEDURAL SCHEDULE
DOCKET NO. UT-031472**

EVENT	DATE
Referral from Federal District Court filed with the Commission	September 15, 2003
First Prehearing Conference	October 20, 2003
Deadline for IP requests; deadline for timely petitions to intervene	November 3, 2003
Objections to petitions to intervene	November 10, 2003
Responses to objections	November 17, 2003
Simultaneous Direct Testimony	February 27, 2004
Simultaneous Response Testimony	March 29, 2004
Evidentiary Hearings	May 3-5, 2004
Simultaneous Initial Briefs	June 14, 2004
Simultaneous Reply Briefs	July 7, 2004