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BEFORE THE WASHINGTON UTILITIES AND

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TRANSPORTATION COMMISSION

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4 AT&T COMMUNICATIONS OF THE) Docket No. UT-003120

PACIFIC NORTHWEST, INC.,) Volume I

5) Pages 1-11

Complainant,)

6)

v.)

7)

QWEST CORPORATION,)

8 Respondent.)

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A prehearing in the above matter

11 was held on December 20, 2000, at 10:14 a.m., at 1300

12 Evergreen Park Drive Southwest, Olympia, Washington,

13 before Administrative Law Judge KAREN CAILLE.

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The parties were present as

follows:

16

QWEST CORPORATION, by Lisa A.

17 Anderl, Attorney at Law, 1600 Seventh Avenue, Room

3206, Seattle, Washington 98191.

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AT&T, by Steven H. Weigler,

19 Attorney at Law, 1875 Lawrence Street, Room 1524,

Denver, Colorado 80202.

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24 Barbara L. Nelson, CSR

25 Court Reporter

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1 JUDGE CAILLE: Let's go on the record.
2 Good morning. We are here today for the first
3 prehearing conference in the proceeding captioned
4 AT&T Communications of the Pacific Northwest,
5 Incorporated versus Qwest Corporation, Docket Number
6 UT-003120. My name is Karen Caille, and I am the
7 presiding Administrative Law Judge in this
8 proceeding. The Commissioners will also be sitting
9 on this proceeding, but they will not join us today.

10 Today is December the 20th, 2000, and we
11 are convened in the hearing room at the Commission's
12 offices in Olympia, Washington. Before I ask for
13 appearances -- well, I will ask for appearances now,
14 beginning with AT&T. Excuse me, Mr. Weigler, before
15 you enter your appearance, let me tell you what I
16 need from you. I need your last name, if you'll
17 please spell your last name, whom you represent, your
18 street address, mailing address, telephone number,
19 fax number and e-mail address.

20 MR. WEIGLER: Wow, that's a lot to ask for.

21 JUDGE CAILLE: I think I have most of it,
22 actually, but --

23 MR. WEIGLER: I have to get my e-mail
24 address. My name is Steven Weigler, W-e-i-g-l-e-r,
25 Senior Attorney with AT&T, Western Region. Address

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1 is 1875 Lawrence Street, Suite 1524, Denver, Colorado
2 80202. My telephone number's (303) 298-6957; fax
3 number, (303) 298-6301; my e-mail address is
4 weigler@at&t.com.

5 JUDGE CAILLE: Thank you. Ms. Anderl.

6 MS. ANDERL: Thank you, Your Honor. Lisa
7 Anderl, representing Qwest Corporation. I'm an
8 in-house attorney. My address is 1600 Seventh
9 Avenue, Room 3206, Seattle, Washington, 98191. My
10 phone is (206) 345-1574; my fax is (206) 343-4040;
11 and my e-mail is landerl@qwest.com, Q-w-e-s-t,
12 although I think the US West --

13 JUDGE CAILLE: Still works.

14 MS. ANDERL: -- still transmits.

15 JUDGE CAILLE: Because that's what I've
16 been using. Okay.

17 MS. ANDERL: But we should probably start
18 changing that.

19 JUDGE CAILLE: Thank you. Let the record
20 reflect there are no other appearances. I also do
21 not see any intervenors in the audience. We have had
22 quite a discussion prior to going on the record this
23 morning about scheduling of various matters, and I
24 will get to that in a moment.

25 It's my understanding that the parties

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1 would like to invoke the discovery rule; is that
2 correct?

3 MR. WEIGLER: That's correct.

4 MS. ANDERL: Yes.

5 JUDGE CAILLE: Do we want to have a
6 discovery cutoff?

7 MS. ANDERL: No, Your Honor. For my
8 purposes, the only discovery issue that we would like
9 memorialized is the discovery issue after rebuttal
10 testimony is filed.

11 JUDGE CAILLE: And the agreement was that
12 -- let's see. AT&T would be filing its rebuttal
13 testimony on June the 4th, and has agreed that it
14 will answer discovery requests submitted by Qwest by
15 June the 15th.

16 MR. WEIGLER: That's correct.

17 JUDGE CAILLE: Okay.

18 MS. ANDERL: Thank you.

19 JUDGE CAILLE: And I also understand that
20 the parties wish there to be a protective order
21 entered in this matter.

22 MS. ANDERL: Yes.

23 MR. WEIGLER: That's correct.

24 JUDGE CAILLE: So just to back up a minute,
25 the discovery rule, 480-09-480, has been invoked and

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1 discovery may begin immediately.

2 Okay. Let's go on to the schedule. Let's
3 see. And I think I'll begin with -- Qwest will be
4 filing a motion to amend an answer. I don't know
5 where that -- where did that go? I want to refer to
6 it specifically. Oh, here it is. Got it. This is
7 Qwest's motion to amend its answer to include a --
8 well, actually, Qwest is filing this motion today.
9 It's a motion to amend its answer to include a
10 cross-complaint for emergency relief, and that will
11 be filed with the Records Center today, and AT&T will
12 file a response to that motion on January the 8th.

13 Also on January the 8th, Qwest will be
14 filing a motion for summary determination, and AT&T
15 will respond to that motion on January the 29th.

16 Then the schedule for the filing of
17 testimony is as follows: AT&T will file opening
18 testimony on March 19th, Qwest will file its
19 testimony on May 7th, and AT&T will file rebuttal on
20 June 4th. We will have a prehearing conference on
21 June 20th, and that's the prehearing conference where
22 we mark cross exhibits. And then the hearings will
23 be held the week of the 25th. And I assume beginning
24 on the 25th, because that would --

25 MS. ANDERL: In the afternoon.

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1 JUDGE CAILLE: In the afternoon. And they
2 would proceed on the 26th, the afternoon of the 27th,
3 and on the 28th.

4 I have another note written here that AT&T
5 will transmit its rebuttal testimony electronically
6 on the 4th. And then, as I mentioned earlier,
7 responses to Qwest's discovery will be due on June
8 the 15th.

9 MS. ANDERL: If I could just ask two things
10 on that, Your Honor. I would clarify that AT&T's
11 responses to Qwest discovery by the 15th are those
12 that we submit to them by the 8th. I'm not going to
13 ask them questions on the 14th and expect answers on
14 the 15th.

15 JUDGE CAILLE: Okay.

16 MS. ANDERL: The other request that I'd
17 like to make is, if Mr. Weigler is agreeable, is that
18 all the testimony be transmitted electronically on
19 the day that it's due, so that we receive the
20 testimony on March 19th on that day electronically,
21 and we would do the same.

22 MR. WEIGLER: I have no problem with that.
23 Probably I'd call Ms. Anderl, anyway, to ask for it.

24 JUDGE CAILLE: So all testimony will be
25 submitted electronically.

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1 MS. ANDERL: As well as the hard copies.

2 JUDGE CAILLE: As well as the hard copies.

3 MR. WEIGLER: Your Honor, also, the only
4 problem I have with the stipulation is that I just
5 don't -- we have a week to respond to this last
6 discovery. I don't want to be in the situation where
7 I get, for lack of a better word, hammered with a
8 million discovery requests. I'm not saying that will
9 happen, but if that does, I would request an
10 opportunity to seek leave from Your Honor.

11 JUDGE CAILLE: You always have an
12 opportunity to seek leave from me if you are not able
13 to work things out between yourselves, and I would
14 hope that wouldn't happen.

15 MR. WEIGLER: Me too.

16 JUDGE CAILLE: Let's see. Is there
17 anything else that needs to be discussed this
18 morning?

19 MR. WEIGLER: Not that I know of.

20 MS. ANDERL: Your Honor, the rules on
21 making a decision on a petition for emergency relief
22 such as we filed are I think ones that we could
23 address maybe via some sort of a telephone conference
24 after Mr. Weigler files his answer, because it may be
25 that we would need to set up some special structure

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1 to address that if the Commission decides to take it
2 up and wishes either some additional information or
3 additional submissions. But I'd just point that out,
4 that that might be something we would need to take up
5 telephonically or some other way during the week
6 after the filing of AT&T's answer.

7 JUDGE CAILLE: After the week of the 8th?

8 MS. ANDERL: The 8th. And I would just
9 mention that the rules do provide that either the
10 Commissioners or a Commissioner or an Administrative
11 Law Judge can preside if the Commission does decide
12 to move forward with a separate proceeding on the
13 emergency petition for relief in the limited matter
14 in which we've requested.

15 JUDGE CAILLE: Okay. Anything else?

16 MR. WEIGLER: Does Your Honor set a
17 briefing schedule at this point or --

18 JUDGE CAILLE: Oh, very good. That's one
19 thing that we hadn't done. Yes, generally, we do.
20 So the hearings will end let's say June the 28th.
21 Are you anticipating simultaneous briefs?

22 MR. WEIGLER: I see no reason why we
23 wouldn't have simultaneous briefing.

24 JUDGE CAILLE: Okay. Then July the 20th.
25 That's a Friday, or July 23rd is a Monday. Is that

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1 too much time?

2 MS. ANDERL: No, not with the 4th of July
3 holiday.

4 JUDGE CAILLE: That's what I was thinking.

5 MS. ANDERL: And the 271 workshops. Unless
6 we ask for expedited transcripts, of course, we won't
7 be getting the transcripts until probably around the
8 13th of July, so I would ask for maybe even the 25th,
9 which is a Wednesday.

10 MR. WEIGLER: Fine.

11 JUDGE CAILLE: Twenty-fifth, okay.

12 MS. ANDERL: And I think in the past we
13 have done reply, as well, a simultaneous opening and
14 simultaneous reply.

15 JUDGE CAILLE: Simultaneous reply. Two
16 weeks later?

17 MS. ANDERL: Two weeks.

18 JUDGE CAILLE: So that would be August the
19 8th. Just so that's clear for the record, the briefs
20 -- simultaneous briefs will be due on July the 25th,
21 and simultaneous replies will be due August 8th.

22 Okay. I will be issuing a prehearing
23 conference order where I will set forth what we went
24 through today, the schedule, also the various -- the
25 number of copies -- well, I better -- I didn't check

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1 to see how many copies. Generally, we need about 14
2 copies, but I try to make sure that I'm not asking
3 for more than we need. So maybe before you -- how
4 many did you file today?

5 MS. ANDERL: The standard, original and 19.
6 Until we hear otherwise, that's what we usually do.

7 JUDGE CAILLE: Why don't you do that, and I
8 will try and get this prehearing conference order out
9 quickly so you know exactly the number. And Mr.
10 Weigler, are you aware that everything gets filed
11 with the Commission's Secretary, 1300 South Evergreen
12 Park Drive? Okay.

13 MR. WEIGLER: I am, thank you.

14 JUDGE CAILLE: All right. Other than to
15 remind you that the Commission encourages fact
16 stipulations and encourages the parties to consider
17 alternative dispute resolution and settlement
18 discussions, I believe that we have covered
19 everything we need to cover in this prehearing
20 conference. Is there anything that I have not taken
21 care of that you can think of?

22 MS. ANDERL: No, Your Honor.

23 JUDGE CAILLE: All right, then. Thank you
24 very much for coming, and this meeting is adjourned.

25 MS. ANDERL: Thank you.

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MR. WEIGLER: Thank you.
(Proceedings adjourned at 10:31 a.m.)

