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1 BEFORE THE WASHINGTON STATE
2 UTILITIES AND TRANSPORTATION COMMISSION

3 WASHINGTON UTILITIES AND)
4 TRANSPORTATION COMMISSION,) DOCKET NO. UT-032162
5)
6) Volume I
7) Pages 1 to 8
8)
9)
10 vs.)
11)
12 QWEST CORPORATION,)
13)
14) Respondent.)
15 _____)

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A prehearing conference in the above matter was held on August 24, 2004, from 9:35 a.m to 9:45 a.m., at 1300 South Evergreen Park Drive Southwest, Room 206, Olympia, Washington, before Administrative Law Judge C. ROBERT WALLIS.

The parties were present as follows:

THE COMMISSION, by LISA WATSON, Assistant Attorney General, 1400 South Evergreen Park Drive Southwest, P.O. Box 40128, Olympia, Washington 98504-0128, Telephone (360) 664-1186, Facsimile (360) 586-5522, E-Mail lwatson@wutc.wa.gov.

QWEST CORPORATION, by ADAM SHERR, Attorney at Law, 1600 Seventh Avenue, Suite 3206, Seattle, Washington 98191, Telephone (206) 398-2507, Fax (206) 343-4040, E-mail adam.sherr@qwest.com.

Joan E. Kinn, CCR, RPR

Court Reporter

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

2 JUDGE WALLIS: The prehearing conference will
3 please come to order. This is a conference in the
4 matter of Commission Docket UT-032162, which is a
5 complaint by the Commission against Qwest Corporation.
6 This matter is being heard in Olympia, Washington on
7 August 24 of the year 2004. My name is C. Robert
8 Wallis, I am the Administrative Law Judge presiding at
9 this conference.

10 Let's begin with appearances, please, for the
11 Complainant.

12 MS. WATSON: Good morning, my name is Lisa
13 Watson, I'm an Assistant Attorney General appearing on
14 behalf of Commission Staff. My address is 1400 South
15 Evergreen Park Drive Southwest, P.O. Box 40128, Olympia,
16 Washington 98504-0128. My telephone number is (360)
17 664-1186, my fax number is (360) 586-5522, and my E-mail
18 is lwatson@wutc.wa.gov.

19 JUDGE WALLIS: For the Respondent.

20 MR. SHERR: Thank you, good morning, Adam
21 Sherr for Qwest, S-H-E-R-R. My address is 1600 Seventh
22 Avenue, Room 3206, Seattle, Washington 98191. My
23 telephone number is (206) 398-2507, my fax number is
24 (206) 343-4040, and my E-mail address is
25 adam.sherr@qwest.com.

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1 JUDGE WALLIS: Let me ask if there is any
2 other person in the hearing room who wishes to
3 participate in this matter as a party?

4 Let the record show that there is no
5 response.

6 Is there any person on the bridge line who
7 desires to participate in this proceeding as a party?

8 Again let the record show that there is no
9 response.

10 The question in this matter involves the
11 allegation of failures or omissions in certain reports
12 and information that the company has filed. I'm
13 wondering if there will be any discovery that will be
14 required in this matter.

15 MR. SHERR: Yes, Your Honor.

16 JUDGE WALLIS: Very well, the parties do
17 desire the entry of a discovery order?

18 MR. SHERR: Yes, Your Honor, and a protective
19 order as well.

20 JUDGE WALLIS: In as much as the only party
21 is Staff, is a protective order necessary?

22 MR. SHERR: It may be in terms of for Staff
23 to see the information may not be a problem, but for it
24 to be entered into evidence it may be an issue.

25 JUDGE WALLIS: Very well, a protective order

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1 will be entered.

2 Are there any procedural matters that the
3 parties wish to raise at this time?

4 MR. SHERR: Your Honor, Staff and Qwest have
5 talked about a potential schedule, a procedural
6 schedule, and so I think we could probably walk through
7 that.

8 JUDGE WALLIS: Very well.

9 MR. SHERR: As a part of that, well, do you
10 want me to proceed, Ms. Watson?

11 MS. WATSON: You can go right ahead.

12 MR. SHERR: So Staff and Qwest have talked
13 about this already, and I'm happy to just list out the
14 dates for you, and we can go from there. Qwest had
15 asked Staff if it would consent to allowing Qwest an
16 extra week to provide an answer, which by my calculation
17 was due on the 30th of August, and Staff and Qwest have
18 agreed that, subject to your approval of course, that
19 the answer be moved until September 7.

20 Staff and Qwest also would like to have a
21 period prior to having to prepare testimony where we
22 would have the opportunity to discuss settlement, and we
23 have identified the period of today through, today
24 August 24th through September 24th, during which we
25 would discuss settlement.

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1 In terms of testimony, Staff would file
2 direct testimony on January 18th. Qwest would file
3 response testimony ten weeks later on March 29. Staff
4 would file its reply testimony on April 26th. And if
5 available, a hearing could be scheduled the week of May
6 23rd, which is approximately four weeks after Staff
7 files its last piece of testimony.

8 JUDGE WALLIS: How long are counsel
9 anticipating that the hearing might run?

10 MR. SHERR: We discussed that and we --

11 JUDGE WALLIS: A matter of hours or a matter
12 of days?

13 MR. SHERR: It's a difficult question for
14 both of us to answer. I think we approximated two days.

15 JUDGE WALLIS: Very well.

16 Ms. Watson, does that reflect Staff's views
17 as well as the company's?

18 MS. WATSON: That does.

19 JUDGE WALLIS: I see nothing in this proposal
20 that would be a challenge administratively. Is there a
21 preference for timing during the week of May 23rd?

22 MS. WATSON: Staff has no preference.

23 MR. SHERR: None.

24 JUDGE WALLIS: Very well. The limited
25 information that I have before me is that the entire

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1 week is open other than the open meeting on the morning
2 of that Wednesday, so we will confirm schedules in the
3 order on prehearing conference.

4 MR. SHERR: Judge, may I ask if the
5 Commissioners intend to preside over the hearing in this
6 matter?

7 JUDGE WALLIS: That's a matter that they have
8 asked me to raise, whether the parties would consider
9 allowing an administrative law judge to make the record
10 and then waive an initial order with the Commissioners
11 making a decision on the written record.

12 MS. WATSON: Staff would have no problem with
13 that.

14 MR. SHERR: May I have just one moment, Your
15 Honor?

16 JUDGE WALLIS: Yes.

17 MR. SHERR: Judge, Qwest's perspective is
18 that we would prefer to have the Commissioners preside
19 if they are available and willing to do so for the
20 evidentiary hearing.

21 JUDGE WALLIS: Would Qwest be amenable to
22 having the ALJ preside at the evidentiary hearing and
23 then presenting oral argument to the Commissioners?

24 MR. SHERR: Is that something that I can get
25 back to you on?

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1 JUDGE WALLIS: Yes.

2 MR. SHERR: I will do so.

3 JUDGE WALLIS: That's the process that was
4 utilized in the recent proceeding.

5 MR. SHERR: I will get back to you.

6 JUDGE WALLIS: Very well.

7 MR. SHERR: Is there a particular time frame
8 you would like me to get back to you?

9 JUDGE WALLIS: Within the next day or two.

10 MR. SHERR: Okay, I will do my best.

11 JUDGE WALLIS: Very well.

12 Is there anything else that parties wish to
13 raise at this time?

14 MS. WATSON: None for Staff.

15 MR. SHERR: None, Your Honor.

16 JUDGE WALLIS: Very well, we will enter the
17 prehearing conference order and make the discovery
18 finding and see that a protective order is entered, and
19 we'll serve the order basically as soon as Qwest gets
20 back to us with the response to that inquiry.

21 Thank you all very much, and special thanks
22 to the reporter for braving the wild traffic today and
23 getting down here and having a very short proceeding to
24 go home with.

25 So this proceeding is concluded, thank you.

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(Hearing adjourned at 9:45 a.m.)

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