

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

WASHINGTON EXCHANGE)	
CARRIER ASSOCIATION, <i>et al.</i> ,)	DOCKET NO. UT-041244
)	
Complainants,)	
)	
v.)	
)	NOTICE OF PREHEARING
MARATHON COMMUNICATIONS)	CONFERENCE
INCORPORATED d/b/a)	(Set for August 13, 2004,
MARATHON COMMUNICATIONS)	at 10:30 a.m.)
OF WASHINGTON,)	
)	
Respondent.)	
.....)	

1 On July 13, 2004, the Washington Exchange Carrier Association and its affected members¹ filed with the Commission a formal complaint against Marathon Communications Incorporated d/b/a Marathon Communications of Washington (Marathon Communications). On August 8, 2004, Marathon Communications filed an answer and counterclaim. The complaint alleges that Marathon Communications is operating in a way that unlawfully avoids access charges. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission's office located at Chandler Plaza Building, 1300 s. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at www.wutc.wa.gov/041244. It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

2 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and

¹ Centurytel of Washington, Inc., Hood Canal Telephone Company, Kalama Telephone Company, Tenino Telephone Company, Mashell Telecom, Inc., McDaniel Telephone Company d/b/a TDS Telecom, Lewis River Telephone Company d/b/a TDS Telecom, The Toledo Telephone Co., Inc., Inland Telephone Company, Ycom Networks, Inc., and Ellensburg Telephone Company.

RCW 34.05.452. The Commission has jurisdiction over this matter pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. Statutes involved include those within chapters 80.01 RCW, 80.04 RCW, 80.36 RCW, 480-07 WAC, and 480-120 WAC, including but not limited to RCW 80.01.040, RCW 80.04.020.

3 The ultimate issues involved are generally stated above and more specifically contained in the complaint.

4 THE COMMISSION GIVES NOTICE That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

5 **THE COMMISSION GIVES NOTICE That a prehearing conference in this matter will be held at 10:30 a.m. on Friday, August 13, 2004, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 The purpose of the prehearing conference is to take appearances and interventions, establish dates for the distribution of evidence and workpapers and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

7 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for any evidentiary hearings will be set at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

9 The names and mailing addresses of all parties and their known representatives are as follows:

Complainants: Washington Exchange Carrier Association
800 "C" Street
Vancouver, WA 98660

CenturyTel of Washington, Inc.
805 Broadway
Vancouver, WA 98668

Hood Canal Telephone Company
East 300 Dalby Road
Union, WA 98592

Kalama Telephone Company
290 North 1st Street
Kalama, WA 98625

Tenino Telephone Company
225 Central Avenue West
Tenino, WA 98589

Mashell Telecom, Inc.
104 Washington Avenue North
Eatonville, WA 98328

McDaniel Telephone Company
d/b/a TDS Telecom
160 Stowell Road
Salkum, WA 98582

Lewis River Telephone Company
d/b/a TDS Telecom
210 East Fourth Street
La Center, WA 98629

The Toledo Telephone Co., Inc.
116 South Second Street
Toledo, WA 98591

Inland Telephone Company
103 South Second Street
Roslyn, WA 98941

YCOM Networks, Inc.
106 Second Street SE
Yelm, WA 98597

Ellensburg Telephone Company
305 North Ruby Street
Ellensburg, WA 98926

Representative:

Richard A. Finnigan
Attorney at Law
2405 Evergreen Park Drive S.W.
Suite B-1
Olympia, WA 98502
(360) 956-7001

Respondent:

Marathon Communications Incorporated
d/b/a Marathon Communications of
Washington
1550 North 34th Street
Seattle, WA 98103-1167

Representatives: Jeffrey M. Grieff
Attorney at Law
520 Pike Tower
620 Pike Street, Suite 1440
Seattle, WA 98101-4001
(206) 467-6969

Public Counsel: Simon ffitc
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 646-7744

Commission Staff: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225

- 10 Administrative Law Judge Dennis J. Moss, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.
- 11 The Public Counsel section of the Office of the Attorney General has been designated by the Attorney General to represent the public. The address of the Commission, shown below, may be used for inquiries of Public Counsel, or Public Counsel may be contacted directly by writing or calling the address or telephone number listed below.
- 12 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 5th day of August, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be address to:

Executive Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

- or - Public Counsel Section
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 464-7744

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington 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 No.: _____

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.: (____) _____