

1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

3	In the Matter of the)	
	Investigation into)	
4)	
	U S WEST COMMUNICATIONS, INC.'s)	Docket No. UT-003022
5)	Volume 7
	Compliance with Section 271 (c))	Pages 854 to 881
6	of the Telecommunications Act of)	
	1996)	
7	-----)	
	In the Matter of)	
8)	Docket No. UT-003040
	U S WEST COMMUNICATIONS, INC.'s)	Volume 7
9)	Pages 854 to 881
	Statement of Generally)	
10	Available Terms Pursuant to)	
	Section 252(f) of the)	
11	Telecommunications Act of 1996)	
	_____)	
12)	

13 A prehearing conference in the above matters
14 was held on August 29, 2000, at 9:35 a.m., at 1300 South
15 Evergreen Park Drive Southwest, Olympia, Washington,
16 before Administrative Law Judge ANN RENDAHL.

17 The parties were present as follows:

18 AT&T, by STEVEN H. WEIGLER and MARY B.
19 TRIBBY, Attorneys at Law, 1875 Lawrence Street, Suite
1500, Denver, Colorado 80202.

20 TRACER; RHYTHMS LINKS, INC.; TELIGENT
21 SERVICES, INC.; and BROADBAND OFFICE COMMUNICATIONS,
22 INC.; by ARTHUR A. BUTLER, Attorney at Law, Ater Wynne,
LLP, 601 Union Street, Suite 5450, Seattle, Washington
98101.

23 WORLDCOM, INC., by ANN HOPFENBECK, Attorney
24 at Law, 2885 South Ogden Street, Englewood, Colorado
80110.

25 Joan E. Kinn, CCR, RPR
Court Reporter

00855

1 NEXTLINK WASHINGTON, INC.; ELECTRIC LIGHTWAVE
2 INC.; ADVANCED TELECOM GROUP, INC.; MCLEOD USA
3 TELECOMMUNICATIONS SERVICES, INC.; FOCAL COMMUNICATIONS
4 CORPORATION; THE ASSOCIATION OF LOCAL TELECOMMUNICATIONS
5 SERVICES; GLOBAL CROSSING TELEMAGEMENT; GLOBAL
6 CROSSING LOCAL SERVICES; NEW EDGE NETWORKS; and NORTH
7 POINT COMMUNICATIONS; by GREGORY J. KOPTA, Attorney at
8 Law, Davis, Wright, Tremaine, LLP, 1501 Fourth Avenue,
9 Suite 2600, Seattle, Washington 98101.

10 COVAD COMMUNICATIONS, by CLAY DEANHARDT,
11 Attorney at Law, 4250 Burton Drive, Santa Clara,
12 California 95054.

13 QWEST CORPORATION, by LISA ANDERL, Attorney at
14 Law, 1600 Seventh Avenue, Suite 3206, Seattle,
15 Washington 98191, and by ROBERT E. CATTANACH, Attorney
16 at Law, Dorsey & Whitney, LLP, 220 South Sixth Street,
17 Minneapolis, Minnesota 55402.

18 PUBLIC COUNSEL, by Simon ffitch, Attorney at
19 Law, 900 Fourth Avenue, Suite 2000, Seattle, Washington
20 98164.

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

2 JUDGE RENDAHL: Let's be on the record.

3 We're here today in the matter of the investigation into
4 U S West Communication Incorporated's compliance with
5 Section 271 of the Telecommunications Act of 1996,
6 Docket Number UT-003022 and in the matter of U S West
7 Communication Inc.'s Statement of Generally Available
8 Terms Pursuant to Section 252(f)of the
9 Telecommunications Act of 1996, Docket Number UT-003040.

10 This is a prehearing conference in this
11 matter called under due and proper notice to the
12 parties. Today is Tuesday, August 29th, year 2000. I'm
13 Ann Rendahl. I'm an administrative law judge for the
14 Utilities and Transportation Commission.

15 I would like to take appearances first
16 starting with Qwest, Ms. Anderl.

17 MS. ANDERL: Thank you, Your Honor, would you
18 like the full information including business address?

19 JUDGE RENDAHL: If you have given that in
20 this proceeding before, that's not necessary. However,
21 I notice you do have new associated counsel, so maybe we
22 should do that.

23 LISA ANDERL: Yes, thank you, Your Honor.
24 Yes, I have previously appeared in the proceeding. My
25 name is Lisa Anderl. I'm an in-house attorney

00857

1 representing Qwest Corporation.

2 MR. CATTANACH: Good morning, Your Honor, my
3 name is Bob Cattanach.

4 JUDGE RENDAHL: Would you please spell that?

5 MR. CATTANACH: C-A-T-T-A-N-A-C-H. My
6 business address is 220 South Sixth Street, Minneapolis,
7 Minnesota, 55402. I'm with the Dorsey & Whitney firm.
8 I am not admitted in the State of Washington. I am
9 affiliated with the Dorsey & Whitney office here in
10 Washington and as well as Ms. Anderl here.

11 JUDGE RENDAHL: Thank you.

12 Mr. Butler.

13 MR. BUTLER: Yes, Arthur A. Butler from the
14 law firm of Ater Wynne LLP, appearing on behalf of
15 Tracer; Rhythms Links, Inc.; Teligent Services, Inc.;
16 and Broadband Office Communications, Inc.

17 JUDGE RENDAHL: Thank you.

18 MS. TRIBBY: Good morning, Mary Tribby on
19 behalf of AT&T. I have appeared in this docket before,
20 and I am an in-house counsel with AT&T in Denver.

21 JUDGE RENDAHL: Thank you.

22 MR. WEIGLER: Good morning, Steven Weigler,
23 W-E-I-G-L-E-R, on behalf of AT&T. I'm a senior attorney
24 with AT&T. I have not appeared on this docket before.

25 JUDGE RENDAHL: And for those parties who

00858

1 have more than one attorney of record, if you could
2 identify who would be the primary attorney to receive
3 service from the Commission for orders and notices, that
4 would be helpful.

5 Ms. Anderl, would that be you?

6 MS. ANDERL: Yes, Your Honor. Actually in
7 the past, I think the convention has been the Commission
8 was willing to put two names on the service list, and I
9 don't recall who those were, but let us update that
10 after we consult internally.

11 JUDGE RENDAHL: Okay. And I think two would
12 be acceptable. In the past when we have had large
13 dockets, we try to limit, otherwise it gets fairly
14 extensive.

15 MS. ANDERL: I understand.

16 JUDGE RENDAHL: So, Ms. Tribby, would you
17 prefer both you and Mr. Weigler to be on the list if we
18 do allow two?

19 MS. TRIBBY: That would be great.

20 JUDGE RENDAHL: Okay.

21 MS. TRIBBY: Thank you.

22 JUDGE RENDAHL: Mr. Kopta.

23 MR. KOPTA: Thank you, Your Honor. Gregory
24 J. Kopta of the law firm Davis Wright Tremaine LLP on
25 behalf of Nextlink Washington, Inc.; Electric Lightwave,

00859

1 Inc.; Advanced Telecom Group, Inc.; McLeod USA
2 Telecommunications Services, Inc.; Focal Communications
3 Corporation; the Association of Local Telecommunications
4 Services; Global Crossing Telemanagement; Global
5 Crossing Local Services; New Edge Networks; and North
6 Point Communications.

7 JUDGE RENDAHL: Thank you.

8 MR. DEANHARDT: How do I follow that. At
9 least I don't have to do it off of a score card.

10 Clay Deanhardt appearing, and that's
11 D-E-A-N-H-A-R-D-T, appearing for Covad Communications.
12 I have put in an appearance at the prehearing conference
13 prior to the first set of workshops, so.

14 JUDGE RENDAHL: Thank you.

15 MS. HOPFENBECK: Ann Hopfenbeck appearing on
16 behalf of WorldCom, Inc., in-house counsel based in
17 Denver. I have also appeared previously in this
18 proceeding. And just so the record is clear since there
19 has been some confusion in the past about who the
20 primary representative for purposes of receiving
21 Commission orders and notices is, it's me.

22 JUDGE RENDAHL: Thank you.

23 Mr. ffitch.

24 MR. FFITCH: Simon ffitch, Assistant Attorney
25 General, Public Counsel. For this round of workshops,

00860

1 the service list should incorporate the name of Robert
2 Cromwell, Assistant Attorney General from our office.

3 JUDGE RENDAHL: In addition to yourself or --

4 MR. FFITCH: Well, the mailings should be
5 directed to him.

6 JUDGE RENDAHL: Thank you.

7 MR. FFITCH: So there's no purpose served, I
8 think, by having both names on the service list. It's
9 sufficient to have Mr. Cromwell.

10 JUDGE RENDAHL: Thank you.

11 MR. DEANHARDT: And, Your Honor, I don't
12 think we have had the problem in this docket, but for
13 purposes of service in this docket, I'm the proper
14 contact. Sometimes all my stuff goes to Brooks, but I
15 think in this case, I have been getting it so, but I'm
16 the right person for this one.

17 JUDGE RENDAHL: Thank you.

18 MS. ANDERL: Your Honor.

19 JUDGE RENDAHL: Ms. Anderl.

20 MS. ANDERL: After having had an opportunity
21 to consult, I believe that in the past the two names on
22 the service list were myself and Steve Beck, who is an
23 in-house attorney in Denver, and we would like to just
24 go ahead and leave it that way.

25 JUDGE RENDAHL: Thank you, we will keep the

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1 service list that way.

2 MS. TRIBBY: Your Honor.

3 JUDGE RENDAHL: Ms. Tribby.

4 MS. TRIBBY: I have one administrative matter
5 before we begin, if I may.

6 JUDGE RENDAHL: Please go ahead.

7 MS. TRIBBY: Thank you. AT&T has informed
8 Mr. Cattanach and his firm of Dorsey & Whitney that we
9 believe the firm's representation of Qwest in these and
10 other proceedings related to the Federal
11 Telecommunications Act represents a direct conflict of
12 interest with respect to AT&T, who was formerly
13 represented by a partner of Mr. Cattanach's in the
14 Section 251 and 252 negotiations and arbitrations under
15 the Federal Telecommunications Act.

16 Given that Section 251 incorporates by
17 reference and discusses Qwest's compliance with Sections
18 251 and 252, which were the subject of that previous
19 representation, we have informed Dorsey & Whitney that
20 we are not going to waive the apparent conflict and have
21 requested that they withdraw from all proceedings.

22 I have not heard back from my latest request
23 that they withdraw. I'm assuming by Mr. Cattanach's
24 presence here that they are declining to do so, and we
25 will take up further proceedings as necessary but wanted

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1 to make the record clear before this Commission with
2 respect to that issue.

3 JUDGE RENDAHL: Thank you, I assume we will
4 hear further if there's any issue we need to deal with.

5 MS. TRIBBY: Yes, thank you.

6 JUDGE RENDAHL: Is there anything further
7 before we go ahead with any petitions for intervention?

8 MR. BUTLER: Your Honor, yes.

9 JUDGE RENDAHL: Mr. Butler.

10 MR. BUTLER: I think it would be wise if I
11 added Lisa Rackner from my firm to receive service.

12 JUDGE RENDAHL: And how would you spell her
13 last name?

14 MR. BUTLER: R-A-C-K-N-E-R.

15 JUDGE RENDAHL: Thank you.

16 MR. BUTLER: And that's 222 Southwest
17 Columbia, Portland, Oregon, and I unfortunately can't
18 remember the zip code, but I will provide it to the
19 parties.

20 JUDGE RENDAHL: Thank you.

21 MS. HOPFENBECK: I will see if I have it.

22 MR. BUTLER: Thank you.

23 JUDGE RENDAHL: For those who have not
24 appeared in the past, if you could provide to
25 Ms. Strain, the staff lead in this matter, if you could

00863

1 provide her with your E-mail address so that we can add
2 you to our list, that would be very helpful.

3 Okay, let's turn now to interventions, and
4 I'm assuming at this point given that most parties have
5 appeared before in this proceeding that, Mr. Kopta, do
6 you have any requests for intervention this morning?

7 MR. KOPTA: No, Your Honor, I don't think so.
8 I believe all of my clients have been granted
9 intervention at a prior prehearing conference.

10 JUDGE RENDAHL: And that's the March or June
11 prehearing?

12 MR. KOPTA: At one or the other is my
13 assumption. If I'm incorrect, I will try and bring that
14 to your attention as soon as possible.

15 JUDGE RENDAHL: Okay. Does anybody else have
16 a different recollection?

17 Hearing no objection, we will assume that all
18 parties have previously requested intervention, and
19 there's no new participants for this next workshop.

20 Let's go on to talking about workshop topics
21 and scheduling, and I think we will just go off the
22 record and have some discussions and then come back on
23 the record when we have a more concrete idea of the
24 topics we will be discussing and some scheduling issues.

25 Mr. Butler.

00864

1 MR. BUTLER: Before we do that, the zip code
2 for Ms. Rackner is 97201.

3 JUDGE RENDAHL: And do you have her phone
4 number?

5 MR. BUTLER: Oh, boy.

6 MS. HOPFENBECK: I do.

7 JUDGE RENDAHL: Ms. Hopfenbeck.

8 MS. HOPFENBECK: Ms. Rackner's phone number
9 is area code (503) 226-8693.

10 JUDGE RENDAHL: Thank you.

11 MS. HOPFENBECK: And do you want E-mail and
12 business address?

13 JUDGE RENDAHL: You can give that to
14 Ms. Strain at a break, but thank you, thank you very
15 much.

16 Okay, let's be off the record for scheduling
17 and topic discussions.

18 (Discussion off the record.)

19 JUDGE RENDAHL: While we were off the record,
20 we discussed topics for workshops two and possibly three
21 and four as well as scheduling issues.

22 For workshop number two, the topics that the
23 parties discussed for discussion during workshop two are
24 checklist items number 1, number 11, number 14, and
25 discussion of Section 272 issues.

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1 In addition, several matters were deferred
2 from the first workshop identified as Washington issues
3 9-1, assignment of LRN's, and Washington 9-2, double
4 assignment of numbers, and those are deferred to the
5 number portability issues under item number 11.

6 And Mr. Kopta identified that there's also an
7 issue in number portability for the coordinated cutover
8 of loops; is that correct, Mr. Kopta?

9 MR. KOPTA: That's correct. In the workshops
10 that we had for the initial series of checklist items,
11 it's my recollection that as one potential resolution of
12 the proposal to move some of the items around, there was
13 consensus that that issue with respect to number
14 portability would be better reviewed at the time when we
15 were looking at loop issues in the third workshop.

16 JUDGE RENDAHL: So that's a third workshop
17 issue as opposed to a workshop two issue?

18 MR. KOPTA: Correct.

19 JUDGE RENDAHL: Okay, so that is an issue for
20 workshop three.

21 Also, we will be discussing the SGAT language
22 on pick and choose that was referred from the first
23 workshop. And Ms. Tribby identified, excuse me, either
24 Ms. Tribby or Mr. Deanhardt identified certain SGAT
25 issues that, on co-location, that may not be

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1 specifically 271 issues. But I recommended that if
2 parties have responsive testimony on that issue, it
3 should be raised in the responsive testimony due in
4 October, and we will deal with those issues in this
5 workshop.

6 We discussed the conflict with the follow-up
7 workshop dates on November 28th and 29th. The pricing
8 proceedings are currently scheduled, part B of the
9 pricing proceedings are currently scheduled during that
10 same time here at the Commission, and we have
11 tentatively discussed coordinating with the state of
12 Arizona in swapping workshop dates that they have
13 scheduled for November 20th and 21st and giving them our
14 dates for the 28th and 29th. And Ms. Strain will be
15 contacting them and finding out that option. If that is
16 not available, then we will start looking at other
17 options.

18 One option we discussed was possibly using
19 the Monday dates for the pricing proceeding, because
20 those hearings are scheduled for Tuesday through
21 Saturday, but we will first look at the Arizona swap
22 possibility first.

23 We will be starting the workshop at 9:00 a.m.
24 on the 6th of November. And so that will be the start
25 date and time.

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1 We talked about how to deal with versions of
2 the SGAT in this workshop and attempting to avoid
3 multiple versions from multiple states. I believe the
4 parties are going to work together to try to produce
5 mini SGATs in the testimony which identify red line
6 versions of specific SGAT provisions that are under
7 discussion as well as producing an SGAT as an exhibit in
8 workshop two that will reflect the changes between the
9 last SGAT introduced in July and where we are now in
10 November on the particular SGAT issues in question. And
11 AT&T has specifically requested that Qwest provide a
12 copy prior to the workshop with testimony.

13 The post workshop dates we have identified
14 for workshop two are the parties will file briefs on
15 December 20th, and the staff initial draft report will
16 be served on January 12th. Comments on that draft are
17 due with the Commission on January 26th, and I will be
18 identifying a Commission presentation date in February
19 and will include that in the prehearing conference
20 order.

21 Mr. ffitch.

22 MR. FFITCH: Your Honor, I just wanted to
23 confirm that you meant to say the briefs are due on the
24 20th rather than on the 22nd. There was some discussion
25 of the 22nd.

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1 JUDGE RENDAHL: Yes, and I think we all
2 agreed that the 20th is the date that the briefs would
3 be due. Again, if the parties needed extensions, that's
4 always something you can pursue if you need them.

5 We discussed generally the topics that are a
6 subject for discussion in workshop three and possibly
7 workshop four. The public interest issues and the
8 performance, the ROC performance data, the parties have
9 expressed concern that those are significant enough that
10 they may need to be addressed separately in the fourth
11 workshop given that the topics for workshop three being
12 items two, four, five, and six may create enough
13 discussion that we may need to keep these for the --
14 reserve these for the fourth workshop.

15 Qwest has identified that it would like to
16 keep the option for a fourth workshop as an option as
17 opposed to schedule it, but we will resolve these issues
18 at or after the prehearing conference for workshop
19 three, which we hope to schedule sometime during the
20 pricing proceeding hearings in November prior to Qwest
21 filing its initial testimony for workshop three. And
22 that will tentatively be on the 29th when there is an
23 open meeting here at the Commission.

24 We discussed post workshop dates for workshop
25 three and identified that briefs will be due after the

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1 March workshops on April the 17th, that a draft initial
2 order will be served on the parties on May 11th, and
3 that comments on that draft initial order are due on May
4 25th with a Commission presentation to be scheduled and
5 parties notified of the date. And that's a tentative
6 schedule, but one that we need to set at this point just
7 to get the schedule going.

8 At this point, we will take a ten minute
9 break, come back, and discuss the remaining issues of
10 the workshop process, status of SGAT discussions, and
11 some housekeeping issues, and then I hope to release you
12 all so you have a break before your 3013 hearing this
13 afternoon.

14 Okay, let's be off the record.

15 (Brief recess.)

16 JUDGE RENDAHL: We have a few more issues to
17 discuss. Let's take about ten minutes and just talk
18 about the workshop process and what worked the last
19 time, what didn't work the last time, what is working in
20 other states, how do you want to see this next workshop
21 go.

22 And I think, Ms. Hopfenbeck, you had a
23 suggestion about issues that have been resolved in prior
24 workshops in other states, and how do we address that?
25 Do we need to go through it in testimony? Do you have a

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1 suggestion on how you want that to be done for this next
2 round?

3 MS. HOPFENBECK: Well, one suggestion that I
4 have relates to our experience in Oregon where the
5 workshop process was very efficient and much more
6 streamlined than this. And that is that one of the
7 things we did in Washington is that the presenters on
8 all issues went through their positions on every issue
9 even if that issue had been resolved previously. And in
10 Oregon, they cut out that process and rather had people
11 do their presentations on those issues that were still
12 in dispute.

13 And, of course, any party that hadn't
14 participated in proceedings in either Arizona or
15 Colorado or whatever proceeding, had the full
16 opportunity to present their positions, but the only
17 thing that we cut out were the presentations on issues
18 that were resolved, and that saved a day and a half of
19 workshop time.

20 JUDGE RENDAHL: Given that we may have more
21 contentious items this time, that may be a good way of
22 maximizing our time.

23 MS. HOPFENBECK: Then with respect to whether
24 or not one needs to file testimony if one's testimony is
25 addressing only issues that have been resolved

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1 previously, that would be another -- the question
2 arises, how does one get into the record that, you know,
3 that's an issue that was of interest to them and that
4 this resolution has with them. And Mr. Deanhardt
5 suggested on the break, perhaps an issues matrix might
6 be a way of handling that, and I will let him describe
7 that.

8 MR. DEANHARDT: And I have to do my mea culpa
9 because Paul will remember that we talked about this
10 prior at the prehearing conference before the first
11 workshop, and then quite frankly I dropped the ball,
12 particularly since I wasn't as involved in the first
13 workshop.

14 The notion is we have used these successfully
15 in some arbitrations. I don't know about here in
16 Washington. I have used them successfully in some
17 arbitrations with SBC in Texas where we identified
18 issues in a matrix and are able to then isolate in short
19 statements. And sometimes actually what's really
20 helpful for a long-term determining of issues is you can
21 also plug in references to the record or to the
22 testimony as to the parties' various positions and then
23 have a resolved, yes or no, type of block with whatever
24 the resolution is.

25 JUDGE RENDAHL: That sounds similar to what

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1 we did kind of as an issues log for the follow-up
2 workshop in workshop one. I don't know if you ever saw
3 a copy of that. It had sort of a short description of
4 the issue, where it might appear in the SGAT. I don't
5 think we talked about -- had testimony references in it,
6 but then it did have an issue, whether it was resolved,
7 impasse, or needed discussion.

8 And if the parties could put something like
9 that together on issues that have been resolved prior to
10 the workshop, I think that would be very useful. And
11 then limit our discussion in the workshop on unresolved
12 and impasse issues. I think filing testimony on the
13 issues that have been resolved is also a good idea to
14 get it on the record, and leave that up to the parties
15 as to whether they think that is appropriate.

16 Paula was suggesting that you could also file
17 copies of testimony filed in other states if you don't
18 need to repeat it, and that's also acceptable just as an
19 efficiency matter. But I do like the suggestion,
20 Ms. Hopfenbeck, about just discussing issues that are in
21 dispute, and I think we should proceed on that format.

22 Ms. Anderl, do you have any thoughts on that?

23 LISA ANDERL: You know, I think we will do
24 what we need to do in our prefiled testimony to make
25 sure we think that there's a record. But if people

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1 stipulate either affirmatively or through acquiescence
2 that the issue doesn't need to be discussed, then I
3 think we're comfortable with that.

4 I think one of the things that Mr. Kopta
5 pointed out to me the other day was that even though
6 many of the other parties have been in Arizona or
7 Colorado or whatever, his clients are generally not, and
8 so resolution of issues may be complete as between some
9 of the parties but not as between all of the parties.
10 And I think we need to keep that in mind as well.

11 JUDGE RENDAHL: Mr. Kopta.

12 MR. KOPTA: Yes, I appreciate Ms. Anderl's
13 raising that point. That was certainly what I wanted to
14 caution. I agree that if there really is no dispute on
15 a particular issue that there's no sense in taking
16 workshop time, because I suspect it will be precious as
17 we get into items that are a little more contentious.
18 But I just want to avoid circumstances, using the pick
19 and choose as an example, in which some parties had
20 agreed to some language but others had not, and would
21 not want to rush to presume that an issue is resolved
22 simply because some parties have resolved it between
23 themselves in another state. But I think with that
24 caution, I would certainly agree that we want to be as
25 efficient as we can possibly be.

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1 JUDGE RENDAHL: Mr. Deanhardt.

2 MR. DEANHARDT: Sorry, Your Honor, I was just
3 going to give one word of caution to kind of follow up.
4 The one problem we ran into in Colorado was folks who
5 were there may remember that we started out the third
6 day, Chuck Steese was going to quickly go through the
7 list of issues that he thought were resolved. That took
8 us until 3:30 in the afternoon because it turned out
9 they weren't as resolved as we thought. So I think we
10 need to -- there may need to be some further off line
11 discussions about how we can determine what really is
12 and isn't resolved before we get into the workshop.
13 Because I think if we do it at the workshop, we're going
14 to be in trouble.

15 JUDGE RENDAHL: My suggestion was going to be
16 that either AT&T or WorldCom, or if some other party
17 wished to take the lead role in this, is to develop this
18 resolved issues matrix and circulate it to all the
19 parties prior to the workshop and see if there is
20 agreement on that. And for those parties who have not
21 been involved in the workshop, whether or not you have
22 agreement on whether those are resolved, that will give
23 you notice of issues, and you can discuss them with
24 other parties before the workshop to get more
25 information about the issue. Is that reasonable?

00875

1 MS. TRIBBY: I think so, Your Honor.

2 JUDGE RENDAHL: Okay.

3 MS. TRIBBY: I just -- I'm not sure. I think
4 there's going to be probably -- maybe not. I expect
5 there might be some disagreement about what's resolved
6 and what's not. I think it probably makes sense to get
7 it out there and try to have those discussions prior to
8 the workshop, so we will work to try to do that.

9 JUDGE RENDAHL: Okay. And it may be given
10 that we have the 9th as a day when you all are working
11 off line together, if there are issues about resolved
12 issues that may be unresolved, then that may be time for
13 you all to come to a more firm conclusion about that.
14 So anyway let's aim for that. And my goal would be to
15 have that kind of a document as an exhibit so we have
16 some track in the record as well of what is resolved or
17 not. Or we could use it as we did the last time, more
18 like an agenda, and I kind of leave that up to the
19 parties. We can discuss that when we start the workshop
20 in November.

21 MR. DEANHARDT: Your Honor, I will also do my
22 best to live up to my promise at the first prehearing
23 workshop and send around at least for people to take a
24 look at the type of template we used before and see if
25 people are interested in using it at all just as an

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1 exhibit bar really. I would actually do it from my
2 E-mail right here, and then I realized it was saved on
3 my hard drive at the office, so I will have to wait
4 until I get back there.

5 JUDGE RENDAHL: I'm sure that would be
6 helpful.

7 Are there any other issues about workshop
8 process that we should discuss now?

9 MS. STRAIN: Judge Rendahl.

10 JUDGE RENDAHL: Paula.

11 MS. STRAIN: This is Paula Strain. I would
12 like to discuss having people have exhibits prepared, if
13 they're going to be using large sketches in the room,
14 having those prepared ahead of time. It did take a long
15 time at the last workshop for some of the charts to be
16 sketched out as people were talking. And if they had
17 been prepared ahead of time, it might have saved us some
18 time. And it was not easy to get those photographed in
19 a way that they could be put in the record later either.
20 So just a suggestion.

21 JUDGE RENDAHL: Okay.

22 One other issue just more for folks to think
23 about maybe in advance of the second workshop and the
24 prehearing for the third, because this proceeding is a
25 consolidated proceeding to review the SGAT as well as

00877

1 consider Section 271 compliance, we're dealing with both
2 issues, and the SGAT provisions overlap, and the
3 question has come up for me in addressing this as to how
4 the parties wish the Commission to deal with the SGAT.

5 And we have the matrix from U S West that
6 they submitted on which proceeding the SGAT, which
7 portions of the SGAT are going to be addressed in the
8 SGAT docket, the consolidated docket, and in the cost
9 docket. And I guess more specifically, and this is just
10 something to think about and maybe we can talk about at
11 the next workshop, do the parties wish the Commission to
12 specifically identify sections of the SGAT that are
13 okay, not okay, different subsections.

14 Because at this point, we have dealt with
15 some specific sections of the SGAT and kind of discussed
16 generally other sections, and in order to get a complete
17 record and to develop kind of a list of where we're
18 going on the SGAT portion of it, I think it would be
19 very helpful for the parties.

20 So that's just food for thought. If you have
21 any ideas now, that would be great. Otherwise we can
22 just talk about it at the beginning of the workshop.

23 Mr. Kopta.

24 MR. KOPTA: Yes, thank you, Your Honor. We
25 had discussed this at the last workshop and represented

00878

1 at that time that we would try and get together among
2 ourselves to see if we couldn't narrow down the list of
3 things that might be contentious on the list of SGAT
4 provisions that are not going to be directly addressed
5 in any of the workshops. Unfortunately that hasn't
6 happened and I think largely as a result of the
7 multitude of states and the scheduling problems, we have
8 discussed both on the record and off the record everyone
9 is pretty well booked up, and it's difficult to find
10 time to deal with that.

11 So I would just reiterate that I think that
12 it's incumbent upon the parties to try and get together
13 and identify to the Commission those provisions of the
14 SGAT that are not going to be dealt with at the
15 workshops and try and provide some kind of a proposal
16 for how the Commission should deal with those particular
17 provisions outside of the workshop process that's been
18 established for the review of SGAT compliance with
19 Section 274.

20 JUDGE RENDAHL: I think that would be very
21 helpful. To the extent you all can discuss that prior
22 to the November workshop or during the November
23 workshop, that would be very helpful.

24 Okay, I think the last thing we need to talk
25 about, and I will try and get you guys out of here by

00879

1 noon, are just a whole series of housekeeping issues for
2 the next workshop and future workshops.

3 Paula Strain will be preparing an agenda for
4 the workshop and will aim to circulate it electronically
5 the week before the workshop. And if you have ideas or
6 suggestions for the format and how it appears, please
7 let Paula know. Otherwise I assume we will use the
8 format that we did the first time, using a version of
9 the Colorado workshop agenda.

10 Similarly we will need to know who will be
11 here at the workshop. It will be a more informal
12 setting. We will probably have either a horseshoe setup
13 or a round table setup, and it worked very well having
14 name tags for everyone who was there. So if you can let
15 Paula know electronically, I guess what's optimal, mid
16 October so we can get those prepared or as soon as you
17 know, that would be helpful.

18 For those of you who have not already picked
19 them up at the back table, there is an updated exhibit
20 list from workshop one, and I realized last week that I
21 had neglected to circulate those to you all. Likewise
22 there are hard copies of the exhibits that Paula
23 photographed and circulated digitally, so those are at
24 the back table there if you haven't already picked them
25 up.

00880

1 Bench requests. We had some issues with
2 responses to Bench requests in the first workshop, and I
3 think that just had to do with lack of familiarity with
4 Commission process. If the Commission does issue a
5 Bench request from a party, under Commission rules,
6 those responses need to be filed with the Commission,
7 and that's to the Commission's secretary, essentially
8 the records center, not to Commission staff, not to the
9 ALJ, and not to the AG's office. So whoever is
10 preparing those, if you can get that information to
11 them, that would be helpful.

12 And finally for the set of comments on the
13 draft initial order, we allowed parties to serve the
14 document on parties electronically and I believe also
15 file it with the Commission electronically and get the
16 document filed with the Commission on Monday, which is
17 essentially a day later. Essentially what we did was
18 grant an extension of the filing date. But we wanted to
19 clarify what the electronic filing and serving process
20 is here at the Commission.

21 Under WAC 480-09-120, the Commission allows
22 parties to or requires parties to file an actual hard
23 copy with the Commission and provide courtesy copies to
24 the Commission and the ALJ's and staff electronically.
25 But there is no provision yet for electronic filing at

00881

1 the Commission. And parties can waive the right to
2 receive hard copy service and elect to receive
3 electronic service. So I just wanted to clarify for the
4 parties that that's the rule on electronic filing just
5 so that we're clear for the future.

6 And I think that's it that I had for
7 housekeeping issues. Is there anything else that we
8 need to talk about today for the second workshop and
9 future workshops?

10 Hearing nothing, we are off the record, and
11 you are free to go.

12 (Hearing adjourned at 11:50 a.m.)

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