

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition for)	
Arbitration of an Interconnection)	DOCKET NO. UT-043045
Agreement Between)	
)	ORDER NO. 05
COVAD COMMUNICATIONS)	
COMPANY)	ORDER GRANTING MOTION
)	TO REVISE PETITION;
with)	ADMITTING EXHIBIT NO. 67
)	
QWEST CORPORATION)	
)	
Pursuant to 47 U.S.C. Section 252(b),)	
and the <i>Triennial Review Order</i> .)	
.....)	

1 **NATURE OF PROCEEDING.** This proceeding involves a petition filed by Covad Communications Company (Covad) requesting arbitration of amendments to its interconnection agreement with Qwest Corporation (Qwest) pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act), and the Federal Communications Commission’s Triennial Review Order.¹

2 **PROCEDURAL HISTORY.** Covad filed its petition for arbitration with the Washington Utilities and Transportation Commission (Commission) on May 25, 2004, under the name DIECA Communications, Inc., d/b/a Covad Communications Company. On June 4, 2004, the Commission entered Order

¹ *In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter “Triennial Review Order”].

No. 01 in this proceeding, an Order on Arbitration Procedure, Appointment of Arbitrator, and Notice of Prehearing Conference. Qwest filed its Response to the Petition for Arbitration on June 21, 2004.

3 The Commission convened a prehearing conference in this docket at Olympia, Washington on June 29, 2004, before Administrative Law Judge Ann E. Rendahl, the Arbitrator in this proceeding. Following the conference, the Commission entered Order No. 02, a protective order, and Order No. 03, a prehearing conference order.

4 The Commission convened a two-day hearing in this proceeding on August 26 and 27, 2004.

5 On September 8, 2004, Covad filed a Motion to Revise Petition of Covad Communications Company, requesting that the Commission allow Covad to replace the cover pages of the Petition and Exhibit A to the Petition to reflect the correct entity name of the petitioner.

6 On September 21, 2004, Covad filed a letter requesting that Qwest's response to Records Requisition No. 03 be admitted into the record.

7 **APPEARANCES.** Karen Shoresman Frame, Senior Counsel, Denver, Colorado, and Andrew R. Newell, Gorsuch Kirgis, LLP, Denver, Colorado, represent Covad. Adam L. Sherr, Seattle, Washington, Mary Rose Hughes, Perkins Coie, LLP, Washington, D.C., and Winslow Waxter, Denver, Colorado, represent Qwest.

8 **MOTION TO REVISE PETITION.** Covad requests that the Commission grant its request to revise the petition for arbitration to reflect the correct entity name for the petitioner, Covad Communications Company, not DIECA Communications, Inc., d/b/a Covad Communications Company. Covad

indicates in its motion that Qwest does not oppose the request, and asserts that the revised petition will not harm Qwest. Qwest did not answer or object to Covad's motion to revise the petition.

9 The Commission grants Covad's request to revise its petition. The Commission has an interest in ensuring that the entity filing a petition for arbitration is properly identified, and that Commission orders, notices, and parties' pleadings correctly identify the petitioning entity. No party is harmed or prejudiced by the administrative change to the petition.

10 **REQUEST TO ADMIT RECORDS REQUISITION.** Covad requests admission of Qwest's response to Records Requisition No. 03, which request Covad made during the August hearing. Covad asserts that Qwest does not object to the admission of the document, but Qwest requests that it be admitted with certain explanatory information.

11 Qwest's response to Records Requisition No. 03 is labeled Network Disclosure Announcement No. ABC, and reflects a sample disclosure to CLECs of copper retirement. Qwest requests that the following "proffer" be included with the exhibit if admitted:

This document is the view that Karen Stewart saw prior to the hearing. It is also the document that will be sent to all CLECs when a copper loop is retired, therefore, the CLEC is not responsible for maneuvering through the Qwest website to find out what loop is being retired. Rather, in an e-mail they will receive the notification in this form. This says "sample," but it is what will actually appear in the e-mail when a notification is sent.

12 Qwest's Response to Records Requisition No. 03 is admitted into evidence, with the proffer, as Exhibit 67.

- 13 **NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**

Dated at Olympia, Washington, and effective this 4th day of November, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge