

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the ) DOCKET NO. UT-003013  
)  
) THIRD SUPPLEMENTAL ORDER;  
) PREHEARING CONFERENCE  
Continued Costing and Pricing of ) ORDER;  
Unbundled Network Elements, ) NOTICE EXTENDING PART B  
Transport, and Termination ) SCHEDULE; NOTICE OF  
) PREHEARING CONFERENCE  
) (August 16, 2000, 1:30 p.m.)  
..... )  
. )

**Prehearing Conference**

1 The Commission convened a Prehearing Conference in this docket on June 23, 2000, at Olympia, Washington pursuant to due and proper notice to all interested persons before Administrative Law Judge Lawrence J. Berg.

**Appearances**

2 The following participated in the prehearing conference: U S WEST Communications, Inc., by Lisa A. Anderl, attorney, Seattle; GTE Northwest Incorporated, by Jennifer McClellan and W. Jeffrey Edwards, attorneys, Richmond, Virginia; COVAD, MGC Communications, Inc., and ICG Communications, by Terry Berman, attorney, Seattle; TRACER, Rhythms Links, Inc., Teligent Services, Inc., and Broadband Office Communications, Inc., by Arthur A. Butler, attorney, Seattle; Rhythms Links, Inc., by Douglas Hsiao, attorney, Englewood, Colorado; NEXTLINK Washington, Inc., Electric Lightwave, Inc. (ELI), Advanced Telecom Group, Inc., New Edge Networks, Inc., NorthPoint Communications, McLeod USA, AT&T of the Pacific Northwest, Inc., Global Crossing, and GST Telecom, by Gregory J. Kopta, attorney, Seattle; WorldCom, Inc., by Ann E. Hopfenbeck, attorney, Denver, Colorado; Sprint, by Eric S. Heath, attorney, Las Vegas, Nevada; Washington Independent Telephone Association, Inc. (WITA), and SBC Telecom, Inc., by Scott A. Bird, attorney, Olympia; Public Counsel, by Simon J. ffitch, Assistant Attorney General, Seattle; and Commission Staff, by Shannon Smith, Assistant Attorney General, Olympia.

**Administrative Matters**

3 Please note the updated Parties' Representatives list, attached, and conform your service list to coincide with that information in this proceeding.

4 Parties must comply with the requirements of Appendix A (see attached) when filing documents.

5 Parties should state the docket number and case name, in addition to other information, in the subject line when sending case-related email.

### **Coordination of Part A and Part B Hearings**

6 The Commission's First Supplemental Order established a two-part schedule after considering proposals and comments submitted by the parties. The parties subsequently raised numerous questions regarding the procedural details of the issues to be addressed in Part A and Part B of this proceeding. The following procedural decisions are based on the parties' requests for clarification and their comments.

### **High Cost Proxy Model (HCPM)**

7 The Commission anticipated that the parties would request to update the cost of the loop established in Docket No. UT-960369 in this proceeding, and it earlier indicated that it was open to receiving evidence based on the HCPM. However, the parties decline to present updated loop cost data in this docket.<sup>1</sup>

8 Commission Staff states that it is prepared to present the HCPM for the limited purpose of reviewing the classification of wire centers to deaveraged zones, but requests clarification whether the Commission is interested in receiving this information. In light of the consensus among the parties not to re-litigate the unbundled loop prices established in UT-960369, the Commission considers use of the HCPM unnecessary in this docket.

### **Nonrecurring Charges (NRCs)**

9 Numerous parties requested clarifications regarding NRCs. Evidence regarding NRCs will be considered along with the recurring rates of their related network elements. Any NRCs that do not relate to the pricing of specific network elements in this proceeding will jointly be considered in Part B.

10 Parties will be allowed to revisit NRCs established in UT-960369 that may be impacted by additional efficiencies realized from the coordinated provisioning and testing of loops.

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<sup>1</sup> Transcript, Pages 89-94; GTE Correspondence filed June 30, 2000; U S WEST correspondence filed June 26, 2000.

11 NRCs for space availability inquiries and field verifications for poles, ducts, and conduits will be addressed in this proceeding.

12 NRCs for UNE combinations also will be addressed in this proceeding.

#### Loop Conditioning

13 Loop conditioning costing and pricing will be addressed along with line sharing in Part A.

#### xDSL Components

14 The high frequency portion of the loop in provisioning xDSL is synonymous with line sharing in Part A. Other xDSL arrangements, such as tie cable, tie pair or cable augments will be considered as collocation costs in Part A; however, transport for line sharing is the same as transport for other UNEs and will be considered in Part B.

#### Interconnection Facilities

15 AT&T and joint CLECs request clarification regarding the permanent rate for interconnection entrance facilities. The permanent rate for interconnection entrance facilities will be established along with collocation elements to be priced in Part A, parallel to costs associated with entrance facilities for physical collocation. Rates for intercarrier interconnection facilities (including rates currently priced through tariffs or ICB) will be considered along with high capacity circuits in Part B. Cost sharing between carriers will be considered at the same time as the costing and pricing of specific network elements.

#### Pricing Issues in GTE's Collocation Tariff

16 GTE has filed a collocation tariff that appears to address many of the pricing issues to be addressed in this case. Consideration of collocation pricing issues in this proceeding may provide a timely resolution to many of the underlying issues.

#### **Other Issues**

17 The following issues regarding Part A and Part B were also raised by the parties.

#### Reciprocal Compensation

18 U S WEST requests clarification regarding the Commission's prior request for presentations regarding a flat-rated reciprocal compensation mechanism and whether the Commission will consider all alternative compensation proposals. The Commission no longer requests parties to present evidence regarding a flat-rated

reciprocal compensation mechanism, and the parties are authorized to propose any compensation plan.

#### Shared Transport

- 19 To the extent that the Commission's determination regarding shared transport in Phase II is a permanent rate, it should not be addressed in this proceeding unless a party makes a compelling argument for its consideration.

#### Line Sharing on Fiber Loops

- 20 The costing and pricing of line sharing on fiber loops/DLC systems will be addressed along with high capacity loops in Part B.

#### Cost Support for Common Channel Signaling or SS7 Rate Elements

- 21 The Commission will make a decision on a port cost in UT-960369 based on the evidence already submitted in that proceeding, and U S WEST does not need to provide additional cost support for common channel signaling or SS7 in this case.

#### UNE Conversion Charges

- 22 AT&T and the joint CLECs state that carriers investigating conversion of facilities previously purchased as retail services to UNEs or combined UNEs have been informed that they are subject to recurring charges retroactive to the date originally provisioned. Rates for converting existing retail services into UNEs or UNE combinations will be considered in Part B.

#### Packet Switching

- 23 The costing and pricing of interconnection with packet switching networks will be addressed in Part B.

#### Sub-loop Provisioning Problems

- 24 The Commission considers the cost of delays or other sub-loop provisioning problems to be outside the scope of this proceeding.

#### Scheduling

##### **Part A -- Scheduling**

- 25 Parties may comment on whether the opportunity to file supplemental direct testimony in Part A is necessitated by the decisions in this prehearing conference order. Parties who so urge may indicate a proposed schedule. Comments must be filed no later than 4:00 p.m. on Friday, July 21, 2000. Parties may fax file their comments with the Commission (360-586-1150) if they also file a paper copy on the

next business day.

**Part B -- Scheduling**

26 The Commission has revised the schedule for Part B based on the requests for extension of time, the schedule of other proceedings pending before the Commission, and the Commissioners' schedules.

27 The Part B schedule is revised as follows:

<u>File direct</u> <u>testimony</u>	<u>Responses</u>	<u>Rebuttal</u>	<u>Prehearing</u>	<u>Hearings</u>	<u>Briefs</u>
Aug. 4	Oct. 20	Nov. 3	<b>Nov. 20 or 21</b>	<b>Nov. 28 - Dec. 2</b> <b>Dec. 5 - 9</b> <b>Dec. 12 - 16</b>	Jan. 22/ Feb. 5

**Part A -- Order of Presentations**

28 Generally, parties filing direct testimony will be followed by parties filing responsive testimony.

**Part A -- Notice of Prehearing Conference**

29 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at 1:30 p.m. on Wednesday, August 16, 2000, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

30 Topics for the conference will include the order of witnesses and of cross-examination, the existence of objections to evidence and argument on such objections as appropriate; the existence of any dispositive motion and response to such motion, as appropriate. Parties must file and identify objections and serve any dispositive motion no later than 1:00 p.m. on Friday, August 11, 2000.

31 All parties must provide to each other and to the bench a list showing its witnesses in the order they will be presented in the party's case no later than 1:00 p.m. on Tuesday, August 15, 2000. At the prehearing conference, each party must provide an estimate of time on cross examination of each witness.

32 Exhibits to be presented during cross examination and an exhibit list must be provided to other parties and to the Commission in the order the party intends to use them in a packet, by witness, punched for insertion in a three-ring binder, before 1:00 p.m. on Wednesday, August 16, 2000. The purpose of the conference is to number for identification all cross-examination exhibits and to attend to any other procedural

matters that may require attention.

33 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this document, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington and effective this        day of July, 2000.

LAWRENCE J. BERG  
Administrative Law Judge

## Appendix A

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. Electronic files must be designated R for revision with an ordinal number showing the revision number. If the item is a revision of a document previously submitted, it must be clearly labeled "REVISED", with the same title, and with the date it is filed clearly shown.

### II. Identifying exhibit numbers; Exhibits on cross examination.

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments

merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and "JQP" designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-filing.