

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the)	DOCKET NO. UT-003013
)	
)	
)	THIRTY-FIFTH SUPPLEMENTAL
Continued Costing and Pricing of)	ORDER; PREHEARING CONFERENCE
Unbundled Network Elements,)	ORDER; GRANTING INTERVENTION
Transport, and Termination)	OF PAC-WEST TELECOMM, INC.;
)	NARROWING OF ISSUES; NOTICE OF
)	PART E PREHEARING CONFERENCE
)	(August 9, 2002, 9:30 a.m.)
.....)	

Prehearing Conference

1 The Commission convened a Prehearing Conference in Part E of this docket concurrently with a prehearing conference in Docket No. UT-023003 on July 11, 2002, at Olympia, Washington before Administrative Law Judge Lawrence J. Berg pursuant to due and proper notice to all interested persons.¹ The primary purpose of the conference was to address the scope of the proceedings and scheduling issues.

2 **Appearances.** The following parties appeared at the prehearing conference: Qwest Corporation (“Qwest”), by Lisa Anderl and Adam Sherr, attorneys, Seattle; Verizon Northwest Inc. (“Verizon”), by Jennifer McClellan, attorney, Richmond, Virginia; Covad Communications Company (“Covad”), by Megan Doberneck, attorney, Denver, CO; AT&T of the Pacific Northwest, Inc. (“AT&T”), XO Washington, Inc. (“XO”), and Pac-West Telecomm, Inc. (“Pac-West”) by Gregory Kopta, attorney, Seattle; MCI/WorldCom (“WorldCom”) by Michel Singer Nelson, attorney, Denver, Colorado; TRACER, by Arthur Butler, attorney, Seattle; Public Counsel, by Simon ffitch, Assistant Attorney General, Seattle; and Commission Staff (“Staff”), by Mary Tennyson, Senior Assistant Attorney General, Olympia.

3 **Petition for Intervention.** No party objected to Pac-West’s petition for intervention. We grant Pac-West’s petition to intervene. Pac-West’s interest in this proceeding may be diminished because the issues underlying Pac-West’s petition will be addressed in Docket UT-023003, as discussed below.²

¹ This proceeding is referred to as the “Part E” proceeding. Docket No. UT-023003 is referred to as the “new generic case.”

² Likewise, Pac-West’s interest in intervening in the new generic case may be increased.

- 4 **Narrowing of Part E Issues.** The parties presented numerous scenarios for the efficient and expedient presentation and resolution of issues in both the Part E proceeding and the new generic case. Part E issues principally consist of updated OSS transition cost recovery and various issues that were unresolved in the Commission's Part B Order dated June 21, 2002.
- 5 A major issue that needs to be addressed is Verizon's claim that it will need an extraordinary amount of time to make revisions to its Integrated Cost Model in both Part B compliance filings and the new generic case. Verizon's claim requires further review and the company has stated its willingness to make expert witnesses available for a discovery conference. However, review of Verizon's claim conflicts with the establishment of a Part E hearing schedule on all issues pending, and also conflicts with the hearing schedule that has been established in the new generic case.³
- 6 One of the scenarios suggested by the parties at the conference is that the Commission separately address OSS transition cost recovery in Part E, that the hearing schedule in the new generic case be modified and adopted for OSS issues, and that other Part E issues be addressed in the new generic case. This proposal also requires that a new schedule be established in the new generic case.
- 7 Consideration of OSS cost recovery issues was previously combined with unresolved issues in the Part B Order for the sake of administrative efficiency. However, in light of recent developments the proposal to separately address OSS issues makes sense. Overlapping schedules in Part E and the new generic case for parties to prepare and respond to extensive evidence would be burdensome and raises case management issues. Additionally, the new generic case schedule must be revised, and the proposal to separately address OSS issues enables the Commission to make use of the time that has already been reserved for hearings in December.
- 8 **Part E Procedural Schedule.** The Commission proposes a prehearing conference and evidentiary hearings schedule as follows:
- Qwest and Verizon file direct evidence Thursday, September 5, 2002
 - Parties file response evidence Thursday, October 10, 2002
 - Parties file rebuttal evidence Thursday, November 7, 2002
 - Prehearing Conference Tuesday, December 3, 2002
(mark exhibits and address other prehearing issues)
 - Evidentiary Hearings begin Monday, December 9, 2002

³ The Commission on July 18, 2002, issued a notice suspending the procedural schedule in Docket No. UT-023003.

Notice of Prehearing Conferences

9 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at 9:30 a.m. on Friday, August 9, 2002, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

10 The purpose of the conference is to review the proposed Part E schedule and to discuss any other procedural matters that the parties or the Commission may raise. Any party that intends to raise any other matter at the prehearing conference must advise the bench and other parties via email no later than 1:00 p.m. on Thursday, August 8, 2002.

Dated at Olympia, Washington and effective this 29th day of July, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

LAWRENCE J. BERG
Administrative Law Judge