

[Service Date November 1, 2006]

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

In the Matter of the Penalty Assessment	)	DOCKET UT-061420
Against	)	
	)	
MCIMETRO ACCESS	)	NOTICE OF PREHEARING
TRANSMISSION SERVICES LLC	)	CONFERENCE
D/B/A VERIZON ACCESS	)	(Set for December 6, 2006, 1:30 p.m.)
TRANSMISSION SERVICES	)	
	)	
in the Amount of \$85,000	)	
.....	)	

1 On October 6, 2006, the Washington Utilities and Transportation Commission (Commission) issued Penalty Assessment No. UT-061420 against MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (MCImetro) in the amount of \$85,000, alleging 850 violations of Commission rules in WAC 480-120.

2 On October 20, 2006, MCImetro filed with the Commission a Request For Hearing in order allow MCImetro and Staff a reasonable amount of time to pursue settlement negotiations.

3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 80, and has legal authority to regulate the rates, services, and practices of telecommunications companies providing service with the state of Washington. The statutes that apply to this matter include chapters 80.01 RCW, 80.04 RCW and 80.36 RCW, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 80.04.380, RCW 80.04.385, RCW 80.04.390, and RCW 80.04.405. The rules that apply to this matter include those within chapter 480-120 WAC, relating to telecommunications.

4 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of chapter 34.05 RCW relating to adjudications. The provisions of the APA that relate to this proceeding include but are not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in chapter 480-07 WAC in this proceeding.

5 The ultimate issues include whether the penalty should be mitigated as request, and what actions are necessary for MCImetro, to cure previous instances of non-compliance with state law and Commission rules and to maintain substantial future compliance, pursuant to statutory provisions of chapter 81.04 RCW.

6 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:30 p.m., on December 6, 2006, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

7 The purpose of the prehearing conference is to establish a procedural schedule, consider formulating the issues in the proceeding, and to determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

8 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See, WAC 480-07-345(2)*. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

9 **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 under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

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

Complainant	Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250
Representative:	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128 (360) 664-1192 <a href="mailto:mfassio@wutc.wa.gov">mfassio@wutc.wa.gov</a>
Respondent:	MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services 707 - 17 <sup>th</sup> Street, #4200 Denver, CO 80202
Representative:	Thomas F. Dixon Assistant General Counsel MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services 707 – 17 <sup>th</sup> Street, #4200 Denver, CO 80202 (303) 390-6206 <a href="mailto:Thomas.f.dixon@verizon.com">Thomas.f.dixon@verizon.com</a>

11 Administrative Law Judge Theodora Mace, from the Commission's Administrative Law Division, will preside during this proceeding.

- 12 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective November 1, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

Inquiries may be addressed to:

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

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out this form and return it 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 : \_\_\_\_\_

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.: (\_\_\_\_) \_\_\_\_\_