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1           BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
2   COMMISSION  
3   In the Matter of                             )  
   )  
4   QWEST CORPORATION                            )  
   )  
5   Petition for Commission                    )  
  Approval of Stipulation                    )  
6   Regarding Certain Performance ) DOCKET NO. UT-073034  
  Indicator Definitions and                 ) Volume III  
7   Qwest Performance Assurance              ) Pages 54 - 77  
  Plan Provisions.                            )  
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10           A prehearing conference in the above matter  
11   was held on November 8, 2007, at 1:32 p.m., at 1300  
12   South Evergreen Park Drive Southwest, Olympia,  
13   Washington, before Administrative Law Judge ADAM TOREM.

14  
15           The parties were present as follows:

16           QWEST CORPORATION, by LISA A. ANDERL,  
17   Associate General Counsel, 1600 Seventh Avenue, Room  
18   3206, Seattle, Washington 98191; telephone, (206)  
19   345-1574.

20           QWEST CORPORATION, by LAUREL BURKE (via  
21   bridge), Attorney at Law, 1801 California, Tenth Floor,  
22   Denver, Colorado, 80202; telephone, (303) 383-6618.

23           WASHINGTON UTILITIES AND TRANSPORTATION  
24   COMMISSION, by JONATHAN THOMPSON, Assistant Attorney  
25   General, 1400 South Evergreen Park Drive Southwest,  
  Post Office Box 40128, Olympia, Washington 98504;  
  telephone, (360) 664-1225.

26           Kathryn T. Wilson,  
27   CCR, Court Reporter

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1           ESCHELON TELECOM, INC., by GINNY ZELLER (via  
2           bridge), Attorney at Law, 730 Second Avenue South,  
3           Suite 900, Minneapolis, Minnesota 55402; telephone,  
4           (612) 436-1888.

5           ESCHELON TELECOM, INC., by THEODORE GILLIAM  
6           (via bridge), Senior Corporate Counsel, 1201 Northeast  
7           Lloyd Boulevard, Suite 500, Portland, Oregon, 97232;  
8           telephone, (503) 453-8181.

9           XO COMMUNICATION SERVICES, INC.; TIME WARNER  
10          TELECOM OF WASHINGTON, LLC, by GREGORY J. KOPTA (via  
11          bridge), Attorney at Law; Davis, Wright Tremaine, LLC;  
12          1201 Third Avenue, Suite 2200, Seattle, Washington  
13          98101; telephone, (206) 757-8079.

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

2 JUDGE TOREM: This is Administrative Law  
3 Judge Adam Torem. We are here at the Washington  
4 Utilities and Transportation Commission at a little  
5 after 1:30 p.m. It is Thursday, November the 8th,  
6 2007, and this is a prehearing conference in Docket  
7 UT-073034. This is the Qwest PID and QPAP case, and  
8 this is at least the third prehearing conference in  
9 this matter.

10 The court reporter today is Kathy Wilson of  
11 Continental Reporting, and I want to take appearances  
12 and then address where we are after Order No. 4 that  
13 went out last month. For Qwest?

14 MS. ANDERL: Thank you, Your Honor. This is  
15 Lisa Anderl, in-house attorney representing Qwest.  
16 I've previously made an appearance so I won't give the  
17 rest of my information. Also on the line for Qwest is  
18 Laurel Burke. She is an attorney in our Denver office  
19 who has also appeared previously in this matter.

20 JUDGE TOREM: For Commission staff?

21 MR. THOMPSON: Represented by Jonathan  
22 Thompson, assistant attorney general.

23 JUDGE TOREM: I believe on the line  
24 representing the intervenors in this case is Mr. Greg  
25 Kopta?

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1                   MR. KOPTA:  Yes, Your Honor.  Gregory Kopta  
2  of the law firm Davis, Wright, Tremaine, on behalf of  
3  XO and Time Warner Telecom.

4                   JUDGE TOREM:  We also have on the line  
5  representing Integra and Eschelon, and I understand  
6  from the paperwork in this case that Integra acquired  
7  Eschelon at some point after the proceedings began.  
8  Mr. Gilliam, we don't have your full appearance  
9  information, so when you state it, would you go through  
10 all of the painful details for us, please?

11                   MR. GILLIAM:  Absolutely.  Ted Gilliam,  
12 senior corporate counsel, Integra Telecom, and the  
13 address is 1201 Northeast Lloyd Boulevard, Suite 500,  
14 Portland, Oregon, 97232, phone number (503) 453-8181;  
15 e-mail address, theodore.gilliam@integratelecom.com.  
16 Anything else you need on that?

17                   JUDGE TOREM:  How about a fax number.

18                   MR. GILLIAM:  (503) 453-8881.

19                   JUDGE TOREM:  I think that is more than  
20 sufficient for a full appearance.  Are there any other  
21 parties on the line?  Ms. Zeller, with Integra and  
22 Eschelon's new relationship, did you want to note your  
23 appearance today as well?

24                   MS. ZELLER:  Ginny Zeller is here  
25 representing Integra, and with me is Doug Denny.

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1                   JUDGE TOREM: Now I think we have everybody  
2 that we had a roll call on earlier. Did we miss  
3 anybody on the telephone line?

4                   MR. GILLIAM: Your Honor, I just wanted to  
5 make a little note that I am more or less just joining  
6 to hear the status, and Ginny Zeller is actually the  
7 point of contact for Integra as well as Doug Denny.  
8 I'm just tagging along, so to speak.

9                   JUDGE TOREM: Thank you. Today's prehearing  
10 conference was in response to a motion that was filed  
11 by Qwest. It was a request to suspend the procedural  
12 schedule that was granted and request to convert this  
13 from its original stipulation, potentially under  
14 Section 251 of the Telecom Act, in a shorter time frame  
15 to a six-month review under Section 16.1 of the  
16 Performance Assurance Plan.

17                   That part of the motion was granted in part  
18 because Staff filed a response that seemed as though,  
19 from what I read and what Judge Rendahl read, agreed,  
20 but had some concerns as to exactly how this conversion  
21 would be taken over, so I think to characterize  
22 Order 04, it grants it in spirit but we aren't sure  
23 what the details are, and I wanted to turn it over to  
24 the parties to sort out where we are going and make  
25 suggestions.

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1 MS. ANDERL: Certainly, Your Honor. It may  
2 get to the point where this is something we want to  
3 take off the record, but at your discretion, of course.  
4 I'm happy to do it on record. It would be our proposal  
5 that the matter be considered to be a six-month review  
6 primarily because we wanted to address the procedural  
7 concerns that have been raised by the Intervenors and  
8 Staff with regard to whether the Commission could  
9 impose the terms of the new PID and PAP on nonparty  
10 CLEC's, and we believe that converting this to a  
11 six-month review addresses that issue, and we don't  
12 have at this point any other issues to add to the  
13 six-month review. Although, I understand from some of  
14 the e-mail traffic that some of the other parties may.

15 It would be our proposal to establish a  
16 schedule here today as much as we can. I think there  
17 is some limitations in terms of what we can do because  
18 we don't yet know who all the parties are going to be  
19 or what the issues are going to be, but it would be my  
20 recommendation that we at a minimum discuss what kind  
21 of notice the Commission wants to send out to the CLEC  
22 community to notice them of the existence of this  
23 proceeding, their ability to participate and their  
24 ability to raise issues should they choose to do that  
25 and then kind of figure out the next steps as much as

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1 we can on a time line for what happens after that  
2 notice.

3           And Mr. Thompson did circulate by e-mail a  
4 proposed schedule that was fairly rough or high level  
5 suggesting that we develop an issues list by the end of  
6 the year, have some time for a settlement discussion in  
7 January, and file two rounds of comments in March.  
8 That conceptually is fine with us with a couple of  
9 caveats. We would like to see maybe a little bit of a  
10 tighter time frame than that. We would hope to get an  
11 issues list and settlement discussions done in order to  
12 be able to file comments maybe more in the February  
13 time frame, and at this point, we would like to keep  
14 open the option that in addition to comments, we might  
15 also want to file legal briefs to the extent that the  
16 comments don't encompass that or to the extent the  
17 comments raise issues that we feel need additional  
18 response. We are at this time willing to agree that we  
19 can proceed without evidentiary hearings or oral  
20 testimony, cross-examination, etcetera, so that kind of  
21 lays it out from our perspective.

22           JUDGE TOREM: We can talk about the potential  
23 dates off the record and then come back on if we have a  
24 schedule to adopt. Two questions, and I think,  
25 Mr. Anderl, they go best to Qwest. When you filed

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1 this, it was a petition to approve a stipulation. You  
2 had three CLEC's, I believe, joining in that petition,  
3 and the issues that were raised by Staff at that time  
4 had to do with all the other CLEC's that might be  
5 affected in Washington, participation with the regional  
6 oversight committee, and the fact that this was going  
7 on in 13 other states within Qwest's jurisdiction. So  
8 in Washington, we've taken a turn one way or the other  
9 off of the original intentions of Qwest when you filed  
10 your petition, so I'm wondering what's happening in the  
11 other states and if that's at all relevant.

12           Second, I'm wondering if it's worth  
13 continuing under this same docket number with these  
14 same parties and trying to continue to build more and  
15 more multiple notices as this morphs or if it's better  
16 to strike the entire docket and start over. There may  
17 be some procedural disadvantages to doing so, but I  
18 wonder if it might be cleaner in the long run to  
19 file -- and I recognize there is 13 other state filings  
20 out there so maybe that's a show stopper if at all. Is  
21 there some way that Qwest can make this cleaner for all  
22 the Washington CLEC's if we are talking about a  
23 six-month review of the existing Washington state QPAP  
24 and just doing that as opposed to this 14-state mega  
25 deal and petition that was going on back in August or



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1 July?

2 MS. ANDERL: I think that's a good question,  
3 Your Honor, and I'm going to ask Ms. Burke to address  
4 to the extent that she has the information at her  
5 fingertips what the status of the other 13 states is.  
6 I know that some of the states have already approved  
7 the stipulation and settlement and it's done. There is  
8 no docket in those states. It's closed. Others are  
9 considering it. If it's procedurally easier and  
10 cleaner for the Commission to close this docket and  
11 open a new one that you call a six-month review, I  
12 don't suppose we have any objection to that. The only  
13 thing we object to is anything that builds additional  
14 time into the schedule because we really would like to  
15 see the matters addressed expeditiously.

16 We do have a stipulation with at least three  
17 other parties, and we were hopeful to be able to  
18 implement that as soon as we can, and we feel we have  
19 an obligation under the stipulation and settlement to  
20 do everything we reasonably can to keep the docket  
21 moving and continue to advocate strongly before the  
22 Commission that the stipulation be approved, so we  
23 don't want to add any unnecessary time, but if it's  
24 cleaner administratively...

25 JUDGE TOREM: I don't know.

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1           MS. ANDERL: Kind of up to the Commission. I  
2 do think you need another notice though, whether it's  
3 in this docket or another docket, so with that, I would  
4 turn it over to Laurel. Laurel, do you have a summary  
5 handy about what's going on in the other states?

6           MS. BURKE: I don't have an exact summary  
7 with docket numbers handy. I can give you an overview  
8 if that would be helpful.

9           MS. ANDERL: Sure.

10          MS. BURKE: Yesterday or the day before  
11 yesterday, Iowa approved the stipulation as it was  
12 presented. They had done an opportunity for comment,  
13 and there wasn't any comment received, so Iowa is  
14 finished. Colorado had completed their review and  
15 approved it some time ago. Arizona opened a six-month  
16 review to manage the docket. North Dakota had a  
17 six-month review open as well, and that was where we  
18 submitted the stipulation, and Idaho is pending. Utah  
19 is pending. Montana is pending. South Dakota, we have  
20 implemented the PID but don't have action yet on the  
21 QPAP portion. Oregon has also gone into effect.

22          MS. ANDERL: What about Minnesota and New  
23 Mexico?

24          MS. BURKE: Minnesota has action scheduled in  
25 December to address all of the previous filing in the

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1 QPAP-related or MPAP-related dockets, and New Mexico is  
2 also pending.

3 MS. ANDERL: I wasn't counting, but that  
4 sounds like --

5 MS. BURKE: Nebraska is pending and Wyoming  
6 has implemented.

7 MS. ANDERL: Thank you.

8 JUDGE TOREM: So it sounds like there are at  
9 least two, maybe I heard a third, that had a six-month  
10 review going?

11 MS. ANDERL: Arizona, North Dakota.

12 JUDGE TOREM: Ms. Burke, was there a third  
13 six-month review?

14 MS. BURKE: Just Washington, if we go there,  
15 but no. Although, Minnesota may manage theirs as a  
16 six-month review, but it's not currently set that way.

17 JUDGE TOREM: Mr. Thompson, Staff's position  
18 on whether we need a new docket number or we just  
19 convert and send a new notice and keep going?

20 MR. THOMPSON: I don't know that it  
21 particularly matters as long as we do send out  
22 additional notice, whatever would be required, and to  
23 be honest, I hadn't looked back at what prior six-month  
24 reviews, the type of notice that was sent out, but I  
25 think we need to be consistent with what was done

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1 previously.

2 I guess there is probably three options. We  
3 could start over with a new docket. We could start a  
4 new docket and consolidate it with the old docket, or  
5 we could just convert it, and I honestly don't know it  
6 if it would make any practical difference either way.

7 MS. ANDERL: The only reason I would have a  
8 preference for converting this docket, Your Honor, is  
9 as you can see, this five-inch notebook represents all  
10 of the filings in this docket. It would be great not  
11 to have to refile them and just hang on to the same  
12 docket number so we can find things.

13 JUDGE TOREM: If it doesn't sound like it's  
14 any convenience, it doesn't make a difference to me,  
15 but some things procedurally feel cleaner if you start  
16 over, but if that's not necessary here, so be it. I  
17 didn't have any preconceived notion that it did, but I  
18 thought I would ask the question. Sorry to waste a  
19 little bit of time on that.

20 Then it sounds as though everybody is  
21 agreeing that it should be converted. Mr. Kopta, I  
22 think your pleadings spoke to that. Did you have  
23 anything else to say on that?

24 MR. KOPTA: No, Your Honor. We are perfectly  
25 fine with having this existing docket converted over to

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1 a six-month proceeding.

2 JUDGE TOREM: We will need a new notice to do  
3 so, and as Mr. Thompson alluded to, we would simply  
4 find the previous six-month notice from the past and  
5 sort out who should be given notice of this. I'm  
6 imagining that would be each and every Washington CLEC?

7 MS. ANDERL: My understanding is that the  
8 prior two dockets noticed each registered CLEC in the  
9 state, and of course, the Commission has that  
10 information. They have it posted on their Web site. I  
11 would assume you already have some sort of a macro  
12 mailing list.

13 JUDGE TOREM: I'm sure that we do. Then so  
14 if we are agreeing that it's going to be converted to  
15 that form, are there any other restrictions? Although  
16 it's called a six-month review, I understand that it  
17 may be in name only. Ms. Anderl, you were targeting a  
18 March or April end date of that with no hearing, so I  
19 understand the end result would be a Commission order  
20 adopting some of the terms if there were disputed terms  
21 making a decision on those and a new QPAP would be  
22 born?

23 MS. ANDERL: Exactly, and it would be  
24 substituted for the QPAP in every interconnection  
25 agreement that Qwest has in the state.

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1           JUDGE TOREM: Mr. Kopta, that addresses the  
2 concern you raised about the Pac West case where the  
3 state commission under the current filing doesn't have  
4 the ability to make those substitutions for existing  
5 contractual arrangements, but a six-month review does  
6 provide that sort of authority?

7           MR. KOPTA: Yes, Your Honor, that addresses  
8 our concern. We think that the QPAP itself addresses  
9 how it is to be amended, and therefore, as long as we  
10 are in conformance with how the current QPAP is  
11 structured in terms of amendments, then that addresses  
12 our procedural concerns.

13           JUDGE TOREM: From my information then, once  
14 the notice goes out, it would appear that the parties  
15 would address all of the proposed changes that were  
16 raised already in this docket, any other changes that  
17 they wanted considered, have some collaborative  
18 negotiations and sorting out what was agreed on or what  
19 could be compromised upon, and that after the issues  
20 list and those negotiations took place, there would be  
21 comments filed on whatever the agreed draft was and the  
22 divisions, and then it would be after two rounds of  
23 comments submitted for Commission decision. Does that  
24 sound about what we are going to work on for a set of  
25 dates off the record?

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1           MS. ANDERL: Yes, Your Honor, from our  
2 perspective, with the caveat that depending on what the  
3 comments look like and how it all flows out, we may  
4 want to ask for legal briefs, but assuming we can put  
5 all of our legal arguments and everything in the  
6 comments, it may not be necessary to ask for any kind  
7 of additional round of quote/unquote, briefing.

8           MR. THOMPSON: The idea we had in mind for  
9 calling these comments rather than testimony was it  
10 would enable parties to combine putting forth facts  
11 with all the legal analysis that would go with them.

12           JUDGE TOREM: I've got in front of me the  
13 QPAP, Section 16. Ms. Anderl and Mr. Thompson and  
14 Mr. Kopta and Ms. Zeller, do you have any comments or  
15 suggestions as to whether or not sending out the notice  
16 now with all of the dates as to how the six-month  
17 review will go serves our procedural due process before  
18 we let them know the proceeding is beginning, because  
19 clearly, those that are not aware of this docket  
20 already don't have any input to these dates, so I'm not  
21 sure if that's overly cautious or overly respectful of  
22 their due process rights to participate from the  
23 outset. Are we going to be premature or possibly  
24 criticized and asked to alter dates by these parties  
25 that will want to participate but are not yet aware of

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1 that need? Can we go ahead and issue a notice with a  
2 proposed schedule or issue a notice with a finally  
3 adopted schedule?

4 MS. ZELLER: It's my opinion that it would be  
5 appropriate to put in the proposed schedule. It seems  
6 to be a reasonable schedule for folks to become  
7 involved with, and if they have any particular needs,  
8 they could certainly always comment regarding those,  
9 but it seems appropriate to me.

10 MS. ANDERL: Your Honor, I would say that  
11 that would be appropriate as well. My opinion is that  
12 the notice should ask the CLEC's to do three things:  
13 One is respond by a certain date as to whether they are  
14 going to participate or not; well, if they are going to  
15 participate. I think we are going to say silence means  
16 you are out. So in other words, set a deadline by  
17 which they must express a notice of intent to  
18 participate, and on that same deadline, ask that those  
19 newly participating CLEC's submit issues that they  
20 would like to see addressed in this docket and make any  
21 comments on or consent to the proposed schedule or  
22 object to the proposed schedule as it were. Maybe  
23 again there ought to be only an opt-out. If they don't  
24 say anything about the schedule, they are fine with it.  
25 I think that would cover all the bases.



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1                   MR. THOMPSON: I think that's generally a  
2 fair way to proceed. One thing that CLEC's entering  
3 late in the game here might say is that they are  
4 prejudiced by having the issues, the date for putting  
5 forth their issues that they want to have addressed,  
6 that that might be too short a turnaround, but I  
7 suppose we could wait for that to materialize to deal  
8 with at that point.

9                   JUDGE TOREM: We will talk a little bit more  
10 off the record as to what those dates are. I haven't  
11 seen them yet, but maybe there is room for an  
12 indication affirmatively for participation that would  
13 come in with a list of preliminary issues, and then  
14 there would be some time before the issues list was  
15 finalized to see if those -- because they won't know  
16 again necessarily what issues are already on the list  
17 of those participating in this docket since the summer  
18 and which have been already developed in some of the  
19 negotiations to get to the stipulation, so I would like  
20 to leave as much room as is fair but not to slow this  
21 down in any way beyond what's necessary for the new  
22 joining CLECs to be up to speed fully at the beginning  
23 of the important phase of selecting the issues of the  
24 six-month review.

25                   One more question before we go off the record

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1 as to the nature of the six-month review. This is  
2 something that happens every six months according to  
3 the PAP, but again, that seems to be more in theory  
4 than reality. How long does a six-month review take in  
5 reality? Mr. Thompson, you have a suggestion as to  
6 your experience?

7 MR. THOMPSON: I don't have experience with  
8 the prior two six-month reviews, but there was some  
9 effort to try to have them finish up before the next  
10 one began.

11 JUDGE TOREM: So less than six months?

12 MR. THOMPSON: But I think as a practical  
13 matter, at least in the second case, I think it did  
14 extend beyond six months.

15 MS. BURKE: I think the first six-month  
16 review opened in June of '03 and the second one opened  
17 before the first had closed because of the nature -- I  
18 think it opened in December and the first one hadn't  
19 closed yet. Sorry, it was initiated January of '04,  
20 but they don't have to last that long. It's just the  
21 nature of the issues at the time meant that we needed  
22 more time.

23 JUDGE TOREM: Ms. Burke, do you know when in  
24 Washington was the last six-month review?

25 MS. BURKE: It was the second six-month

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1 review that was initiated in January of '04.

2 JUDGE TOREM: So it's been some time.

3 MS. BURKE: It has.

4 JUDGE TOREM: Seeing that it's ripe for a  
5 six-month review, if there are no objections, then the  
6 rest of that motion will be granted and we will convert  
7 this to the six-month review per the procedures in  
8 Section 16 of the QPAP.

9 Are there any other issues to discuss before  
10 we go off the record for a recess to discuss the actual  
11 schedule for this six-month review? Hearing nothing,  
12 it's now almost two o'clock. We will now go off the  
13 record.

14 (Discussion off the record.)

15 JUDGE TOREM: It's now about 2:38. We are  
16 back on the record. During the time we were off  
17 record, we were discussing mainly the parties' desire  
18 to lay out a schedule. They had already discussed some  
19 dates, and it was Qwest's position that this should all  
20 be wrapped up hopefully with a Commission order by  
21 March 31st, '08. Staff had some concerns whether that  
22 was too compressed, but I took the liberty of making  
23 some suggestions and adding to Staff's workload, and  
24 I'll detail that as we go through and see if the  
25 parties have any corrections to the dates I lay out.

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1           I have said that I will start to draft the  
2 prehearing conference order as a result of today's  
3 proceeding and issue it with a new notice that will go  
4 out to probably the same service list that we had in  
5 Order 01 in this case, and that was described in  
6 Footnote 6 to Order 1. I will have that ready to go  
7 out served on Monday, November the 19th, 2007.

8           That first addition to Staff's workload that  
9 I referred to was a summary issues list. It could be  
10 just bullet points laying out in the most neutral way  
11 possible the issues that already exist in the  
12 stipulation and others that have been raised so far in  
13 this docket, and I will address that and append that to  
14 the prehearing conference order that goes out and call  
15 the other potential litigating CLEC's attention to it  
16 so they know what's on the table already.

17           We had set a deadline in that prehearing  
18 conference order of December 10th, which is a Monday,  
19 for any new litigants that want to join this docket and  
20 its newly-converted status as a six-month review of the  
21 QPAP. They have to file their intention to do so and  
22 file their initial list of additional issues, if any,  
23 or perhaps even identify those existing issues in which  
24 they have an interest, and also ask them to file any  
25 objections to the schedule as it's going to be

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1 described here.

2           So again, December 10th we would have  
3 responses, and those parties that are on the phone or  
4 here in Olympia today will know who else might be  
5 coming to join this docket on December 10th. The next  
6 date will be Friday, December 21st, for the parties  
7 that now exist and any that might join to develop a  
8 final issues list, and my suggestion was that it could  
9 possibly be done by a large conference call and  
10 round-tabling to get that together, and I told Staff  
11 that if there is any indication that unforeseen and  
12 surprise issues come up, the rest of the schedule is  
13 subject to change to whatever is appropriate based on  
14 the scope of the issues if they expand or become more  
15 complex, but we think based on the service of Order 1  
16 not getting a whole lot of new issues brought to the  
17 table originally with the stip, then we don't  
18 anticipate there is going to be a large change in the  
19 issues on December 21.

20           With that in mind, there will be two  
21 different weeks of settlement conferences between the  
22 parties to the case. The first will designate to occur  
23 during the week of January 14th. The second round of  
24 settlement conferences will occur the week of January  
25 28th, and these are two different weeks that unless

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1 asked otherwise will be parties only, and it is  
2 targeted that during the week of January 28th that the  
3 settlement judge or mediator from the administrative  
4 law division or some other source will be helpful.  
5 That will be requested shortly after the first round of  
6 settlement discussions, and you will work with Judge  
7 Rendahl to identify an appropriate judge or other  
8 person from our office to come and be available the  
9 week of January 28th on the chosen date or dates.

10           Then there will be two different rounds of  
11 filings of comments, arguments, advocacy. The whole  
12 kitchen sink will come in all in one filing. The first  
13 deadline is Wednesday, February the 20th, and about  
14 three weeks later on Monday, March the 10th, will be  
15 the responsive round of filing. There won't be any  
16 separate briefs to be filed, but simply these are all  
17 in one filing with your facts, your legal arguments,  
18 justifications, and what have you. They will come in,  
19 again, February 20th and March 10th.

20           Now, the desire for the Commission to issue  
21 its order by March 31st is not a legally-binding date  
22 on the Commission, and it's subject to the  
23 commissioners' availability and probably also my  
24 ability to get the words straight and acceptable to the  
25 commissioners that need to sign this. It also may be

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1 something we need to sort out, and maybe it will also  
2 be in the notice whether this is a docket where  
3 everybody has waived the initial order. That's an  
4 issue that we haven't really hashed out off the record,  
5 but we can address that as we go along, and it may be  
6 something that comes up in your first round of  
7 settlement discussions that everybody waives their  
8 right to an initial order so that it really can be a  
9 final order that comes out March 31st.

10 Today we can't get any further on that  
11 because we don't know who else might come and join the  
12 docket on December 10th, but shortly thereafter, there  
13 might be a party that has an interest in a final order  
14 sending a letter to any of the parties and confirming  
15 their status as waiving or otherwise being interested  
16 in having it directed to a final order. That issue is  
17 not really ripe other than to mention it today as a  
18 potential sticking point in the schedule.

19 Parties, does that sum up what we did off the  
20 record?

21 MS. ANDERL: Yes, Your Honor.

22 MR. THOMPSON: Yes.

23 JUDGE TOREM: Mr. Kopta and Ms. Zeller?

24 MR. KOPTA: Yes, Your Honor.

25 MS. ZELLER: Yes, Your Honor.

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1 JUDGE TOREM: Anything else to add today?

2 MS. ZELLER: No, Your Honor.

3 MS. ANDERL: No.

4 MR. KOPTA: Not from us.

5 JUDGE TOREM: Does anyone want to order the  
6 transcript from this afternoon? Hearing none, then we  
7 are ready to adjourn here at 2:45 p.m. Thank you. We  
8 are off the record.

9 (Prehearing conference adjourned at 2:45 p.m.)

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