

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of	)	
	)	DOCKET NO. UT-041127
THE JOINT PETITION FOR	)	
ENFORCEMENT OF	)	ORDER NO. 04
INTERCONNECTION	)	
AGREEMENTS WITH VERIZON	)	ORDER GRANTING MOTION
NORTHWEST, INC.	)	TO POSTPONE REMEDIES
	)	BRIEFS; CANCELLING
	)	REQUIREMENT TO FILE BRIEFS
	)	ON REMEDIES BY MARCH 15,
	)	2005.
.....	)	

1 **NATURE OF PROCEEDING.** This proceeding involves a petition filed by Advanced TelCom, Inc. (ATI), AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Seattle (collectively AT&T), MCImetro Access Transmission Service, LLC (MCI), and United Communications, Inc., d/b/a UNICOM (UNICOM), collectively the Joint Petitioners, seeking enforcement of their interconnection agreements with Verizon Northwest, Inc. (Verizon).

2 **PROCEDURAL HISTORY.** On September 20, 2004, the Joint Petitioners filed with the Commission a Joint Petition for Enforcement of their interconnection agreements with Verizon. Tel West Communications, L.L.C. (Tel West) was granted intervenor status in the proceeding during a prehearing conference held on October 11, 2004.

3 After considering Verizon’s Motion for Judgment on the Pleadings, Motion to Strike and responsive pleadings and affidavits, Administrative Law Judge Ann E. Rendahl entered a recommended decision in the proceeding on December 3,

2004, granting Verizon's Motion for Judgment on the Pleadings and Denying, in Part, Verizon's Motion to Strike. The recommended decision--Order No. 02 in this proceeding--determined, among other issues, that Verizon had not breached its interconnection agreements with the Joint Petitioners.

4 On February 22, 2005, the Commission entered Order No. 03 in this proceeding, granting in part the petitions for review filed by AT&T, MCI, and Tel West, and finding Verizon in breach of its interconnection agreements with the Joint Petitioners. Order No. 03 also requested that the parties file briefs concerning the appropriate remedies for breach by March 15, 2005.

5 On March 4, 2005, Verizon filed with the Commission a Motion to Postpone Briefing on Remedies, seeking expedited consideration, as well as the Petition of Respondent Verizon Northwest Inc. for Reconsideration of Order No. 03.

6 By notice dated March 7, 2005, the Commission requested responses by March 9, 2005, to Verizon's motion to postpone the remedies briefs, and responses by March 14, 2005, to Verizon's petition for reconsideration.

7 On March 9, 2005, MCI and Tel West filed an answer to Verizon's motion, supporting Verizon's request to postpone briefing.

8 **APPEARANCES.** Letty S. D. Friesen, AT&T Law Department, Denver, Colorado, represents AT&T. Michel Singer Nelson, Senior Regulatory Attorney, Denver, Colorado, represents MCI. Brooks Harlow, Miller Nash LLP, Seattle, Washington, represents ATI and UNICOM. David E. Mittle, Santa Fe, New Mexico, represents Tel West. Timothy J. O'Connell and John H. Ridge, Stoel Rives LLP, Seattle, Washington, and Charles H. Carrathers, III, Vice President and General Counsel for Verizon Northwest Inc. and Verizon Southwest Inc., Irving, Texas, represent Verizon.

9     **DISCUSSION AND DECISION.** We consider Verizon's motion for postponement under WAC 480-07-385, our procedural rule addressing motions for continuance, postponement or extensions of time. The Commission will grant a continuance or postponement if the requesting party demonstrates good cause for the continuance and if the continuance will not prejudice any party or the Commission. *See WAC 480-07-385(2)*. The Commission may grant continuances only to a specific date under WAC 480-07-385(4), or may cancel the scheduled briefing requirement.

10    We grant Verizon's motion to postpone briefing on remedies until after we enter a decision on the petition for reconsideration. We cancel the requirement in Order No. 03 to file remedies briefs by March 15, 2005. No party objects to Verizon's request to postpone briefing, and no party appears to be prejudiced by the postponement. Postponing briefing will allow the parties and the Commission to focus their efforts and resources on Verizon's petition for reconsideration without the need to address the issue of remedies at the same time.

**ORDER**

**THE COMMISSION ORDERS:**

- 11    (1)    Verizon Northwest Inc.'s Motion to Postpone Briefing on Remedies and for Expedited Consideration is granted.
- 12    (2)    The requirement in Order No. 03 to file briefs by March 15, 2005, addressing remedies for breach of the Joint Petitioner's interconnection agreements is cancelled.

- 13 (3) The Commission will establish in the Order on Verizon's Petition for Reconsideration a briefing schedule, if necessary, to address the appropriate remedies for breach of interconnection agreements.

DATED at Olympia, Washington, and effective this 11<sup>th</sup> day of March, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner