

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Investigation into)	
U S WEST COMMUNICATIONS, INC.'S ¹)	DOCKET NO. UT-003022
Compliance with Section 271 of the)	
Telecommunications Act of 1996)	
.....)	
In the Matter of)	DOCKET NO. UT-003040
U S WEST COMMUNICATIONS INC.'S)	29 TH SUPPLEMENTAL
Statement of Generally Available)	ORDER; PREHEARING
Terms Pursuant to Section 252(f) of the)	CONFERENCE ORDER;
Telecommunications Act of 1996)	NOTICE OF PREHEARING
.....)	CONFERENCE (May 8, 2002)
	NOTICES OF HEARING
	(May 13-15, 2002)
	(June 4-6, 2002)

1 **Proceeding:** Dockets No. UT-003022 and UT-003040 are consolidated in a proceeding to review Qwest Corporation's (Qwest) compliance with the requirements of Section 271 of the Telecommunications Act of 1996 (the Act) and the terms of the Statement of Generally Available Terms (SGAT) Qwest has filed with the Commission.

2 **Conference:** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on April 2, 2002, before Administrative Law Judge Ann E. Rendahl, to establish a hearing schedule for evaluating the remaining issues in this proceeding, to decide a motion to strike filed by Covad, and to discuss any other pressing matters prior to the April hearings.

3 **Appearances.** The following parties and their representatives were present at the prehearing conference either in the hearing room or via the Commission's teleconference bridge line: Qwest, by Lisa Anderl, attorney, Seattle, WA, Andrew Crain and Charles W. Steese, attorneys, Denver, CO; AT&T Communications of the

¹ Since the inception of this proceeding, U S WEST has merged and become known as Qwest Corporation. For consistency and ease of reference we will use the name Qwest in this order.

Pacific Northwest, Inc. and TCG Seattle (collectively AT&T) by Rebecca DeCook, attorney, Denver, CO; WorldCom, Inc. (WorldCom) by Michel Singer-Nelson, attorney, Denver, CO; Covad Communications Company (Covad) by Megan Doberneck, Attorney, Denver, CO; Electric Lightwave Inc. (ELI) and Time-Warner Telecom of Washington (TWT) by Gregory J. Kopta, attorney, Seattle, WA; and Public Counsel, by Robert W. Cromwell Jr., Assistant Attorney General, Seattle, WA.

Matters Involving the April Hearings:

- 4 **Motion to Strike.** On March 15, 2002, Qwest filed the Direct Testimony of Robert L. Stright with the Commission in preparation for hearings scheduled for April 22-26, 2002. On March 25, 2002, Covad filed a Motion to Strike the Testimony of Robert L. Stright. At the Commission's request, Qwest filed a response to Covad's motion on Monday, April 1, 2002. The parties presented brief oral argument on the motion. Covad's motion is denied.
- 5 Mr. Stright's testimony is important to the proceeding as he is the person who prepared the Data Reconciliation Report which is the subject of the hearing. There is no prejudice in the amount of time parties have to respond to the testimony, as the testimony is not extensive, repeats information from the Data Reconciliation Report and the parties have seen the information when Mr. Stright has testified in other states. However, as explained on the record, it is not appropriate for Qwest, or any other party, to file the testimony of an independent third party retained by the states as a part of the OSS testing process. Representatives of the consulting firms retained by the states may independently file any testimony, but only after obtaining permission from the Commission. The Commission will inform the consulting firms of this decision and the process for obtaining permission to file testimony.
- 6 **Witness and Exhibit Lists.** In addition to the comments, testimony, and evidence filed for the hearings scheduled for April 22-26, 2002, the parties filed a large amount of information with the Commission concerning performance data for the December hearings, and concerning Qwest's change management process. To determine which of these documents the parties wish to use during the April hearings, parties must file with the Commission **by Noon on Tuesday, April 16, 2002**, a list of the witnesses sponsoring testimony, and exhibits and cross-examination exhibits. This information will allow the Commission and the parties to better prepare for the April 18, 2002 prehearing conference, and the hearings scheduled for April 22-26, 2002.
- 7 **Schedule and Process.** During the prehearing conference, the parties established a schedule for hearings to be held on May 13-15, 2002, and June 4-6, 2002, to address the question of Public Interest, to determine whether Qwest has modified its SGAT in compliance with Commission orders, and to review the final OSS Test Report to be issued by KPMG on May 20, 2002. The parties agreed to the following schedule for pre-filing testimony and comments for these hearings:

May 13-15 Hearings.

April 19, 2002: Qwest Compliance Filing (QPAP Final Order, Order on Reconsideration for Workshops 3 and 4); Public Counsel/CLEC Comments/Testimony re: Public Interest

May 1, 2002: Responses to Qwest's Compliance Filing
Qwest Response to Public Interest Comments/Testimony

May 8, 2002: Qwest Rebuttal re: Compliance Filing
Public Counsel/CLEC Rebuttal re: Public Interest

8 With its Initial Compliance Comments, Qwest must file an SGAT that complies with all Commission orders arising from Workshops One through Four, and Qwest's Performance Assurance Plan, if entered by the Commission, as well as any comments concerning its compliance. At the same time, Qwest must file with the Commission a document that lists, for each ordering paragraph in the Commission's orders that required Qwest to either change its SGAT or its behavior to comply with its obligations for a checklist item, the SGAT section or other documentation that demonstrates Qwest's compliance with the orders.

9 **Notice of Prehearing Conference.** The Commission will convene a prehearing conference on **May 8, 2002** to identify and mark pre-filed testimony and exhibits to be used during the May hearings and to address any procedural issues that must be resolved prior to the hearing. The conference will be held in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington, **on May 8, 2002 beginning at 9:30 a.m.**

10 **Notice of Hearing.** The Commission will hold evidentiary hearings on **Monday, May 13 through Wednesday, May 15, 2002, beginning at 9:30 a.m. in the Commission's Hearing Room, Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia Washington.** The Commission holds these hearings for the purpose of addressing the public interest requirement of section 271((d)(3)(C), and determining whether Qwest has revised its SGAT in compliance with Commission orders concerning the QPAP and Workshops 3 and 4.

11 The parties must be present in the hearing room at **8:30 a.m. on Monday, May 13, 2002**, to discuss any preliminary issues prior to the start of the hearing.

June 4-6 Hearings

May 24, 2002: Qwest Comments/Pleading re: KPMG Final Report

May 31, 2002: Public Counsel/CLEC Responses to Qwest Comments on KPMG Final Report

June 3, 2002: Lists of Exhibits, Witnesses, Cross-Exhibits Due at Noon.

12 The parties agreed to defer the question of filing dates for compliance issues until the April hearings.

13 **Notice of Hearing.** The Commission will hold evidentiary hearings on **Tuesday, June 4 through Thursday, May 15, 2002, beginning at 9:30 a.m. in the Commission's Hearing Room, Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia Washington.** The Commission holds these hearings for the purpose of addressing KPMG's final report on the third party OSS testing process, and any remaining issues of compliance with Commission orders.

14 The parties must be present in the hearing room at **8:30 a.m. on Tuesday, June 4, 2002**, to discuss any preliminary issues prior to the start of the hearing.

15 **Electronic Filing and Service.** Given the expedited schedule in this case, and that parties are involved in similar proceedings in other states at the same time, the Commission will allow parties to file with the Commission electronic copies of pre-filed testimony, exhibits, comments and briefs. Parties must mail the original and 19 copies to the Commission the same day to ensure proper filing with the Commission. However, if any document cannot be sent via electronic mail, it must be filed via overnight mail to the Commission and all parties.

16 Pursuant to WAC 480-09-120(2)(d), parties may elect to receive service from other parties by electronic mail. The 27th Supplemental Order required the parties to provide a record of their consent to electronic service and waiver of rights to other forms of service in writing to the Commission by February 15, 2002. If any party has not yet done so, it must do so by **Friday, April 12, 2002.**

Dated at Olympia, Washington, and effective this 3rd day of April, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

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 statement, 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.