

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

|                              |   |   |
|------------------------------|---|---|
| AT&T COMMUNICATIONS OF       | ) | DOCKET NO. UT-051682                          |
| THE PACIFIC NORTHWEST, INC., | ) |   |
| TCG SEATTLE, AND TCG         | ) |   |
| OREGON; AND TIME WARNER      | ) |   |
| TELECOM OF WASHINGTON, LLC,  | ) | NOTICE OF DATE FOR FILING                     |
|                              | ) | ANSWER TO MOTION FOR                          |
| Complainants,                | ) | DISMISSAL/SUMMARY                             |
|                              | ) | JUDGEMENT                                     |
| v.                           | ) | <b>(By December 19, 2005)</b>                 |
|                              | ) |   |
| QWEST CORPORATION,           | ) | NOTICE OF PREHEARING                          |
|                              | ) | CONFERENCE                                    |
| Respondent.                  | ) | <b>(Set for December 22, 2005, 9:30 a.m.)</b> |
| .....                        | ) |   |

1 **PROCEEDING.** On November 4, 2005, AT&T Communications of the Pacific Northwest, Inc., TCG Seattle and TCG Oregon (collectively AT&T), and Time Warner Telecom of Washington, LLC (TWTC) filed with the Commission a formal complaint against Qwest Corporation (Qwest). The complaint alleges that Qwest overcharged AT&T and TWTC for intrastate telecommunications services and facilities. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission’s office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at [www.wutc.wa.gov/051682](http://www.wutc.wa.gov/051682). It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

2 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter

pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. Statutes and rules cited in the complaint include 47 U.S.C. §§ 251, 252, RCW 80.36.170, RCW 80.36.180, RCW 80.36.186, and RCW 80.36.610. Statutes involved, in addition to those previously cited, include those within chapters 80.01 RCW, 80.04 RCW, 80.36 RCW, 480-07 WAC, and 480-120 WAC, including but not limited to RCW 80.01.040 and RCW 80.04.020.

3 The ultimate issues involved are generally stated above and more specifically contained in the complaint.

4 **MOTION FOR DISMISSAL/SUMMARY DETERMINATION.** On November 28, 2005, Qwest filed an answer to the complaint, a motion for summary determination pursuant to WAC 480-07-380(2), alternatively styled a motion for dismissal, pursuant to WAC 480-07-380(1) (dismissal).

5 According to these Commission rules, an answer to a motion for summary determination must be filed 20 days from the filing of the motion. However, an answer to a motion for dismissal must be filed within 10 days of the filing of the motion. Because Qwest filed its motion under both provisions, it is reasonable to permit answers to be filed according to the lengthier 20-day time limit

6 **THE COMMISSION GIVES NOTICE That the parties may file answers to Qwest's motion for dismissal, or alternatively, motion for summary determination, on or before December 19, 2005.**

7 **THE COMMISSION GIVES FURTHER NOTICE** That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

8 **THE COMMISSION GIVES FURTHER NOTICE That a prehearing conference in this matter will be held at 9:30 a.m. on Thursday, December 22, 2005, in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 The purpose of the prehearing conference is to take appearances and interventions, establish dates for the distribution of evidence and workpapers and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.

10 Petitions to intervene should be made in writing at least three business days prior to the date scheduled for the prehearing conference, as required in WAC 480-07-355(a). The Commission will consider petitions to intervene made orally during the conference, but strongly prefers written petitions to intervene. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission. The time and place for any evidentiary hearings will be set at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

11 **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 in accordance with RCW 34.05.440. The parties are further advised that the sanction provisions of WAC 480-07-450 are specifically invoked.**

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

Complainants:

AT&T Communications of the  
Pacific Northwest, Inc.  
Letty S.D. Friesen  
1875 Lawrence Street, Suite 1575  
Denver, CO 80202  
(303) 298-6475

TCG Seattle  
1875 Lawrence Street, Suite 1500  
Denver, CO 80202

TCG Oregon  
1875 Lawrence Street, Suite 1500  
Denver, CO 80202

Time Warner Telecom of Washington, LLC  
Brian Thomas  
223 Taylor Avenue North  
Seattle, WA 98109  
(206) 676-8090

Representative:

Gregory J. Kopta  
Davis Wright Tremaine LLP  
2600 Century Square  
1501 Fourth Avenue  
Seattle, WA 98101-1688  
(206) 628-7692

Respondent:

Qwest Corporation  
1600 7<sup>th</sup> Avenue, Room 3206  
Seattle, WA 98191

Representatives: Lisa A. Anderl  
Adam L. Sherr  
1600 7<sup>th</sup> Avenue, Room 3206  
Seattle, WA 98191  
(206) 398-2500

13 Administrative Law Judge Theodora M. Mace, from the Utilities and Transportation Commission's Administrative Law Division, will preside during this proceeding.

14 Notice of any other procedural phase will be given in writing or on the record, as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective this 6th day of December, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

Inquiries may be address 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**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned 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 No.: \_\_\_\_\_

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

