

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

WASHINGTON UTILITIES AND)	DOCKET UT-090073
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 01
)	
v.)	
)	PREHEARING CONFERENCE
VERIZON NORTHWEST, INC.,)	ORDER
)	
Respondent.)	NOTICE OF HEARING
)	(August 19 and 20, 2009)
.....)	

1 **PROCEEDINGS:** This is a Complaint proceeding initiated by the Commission against Verizon Northwest, Inc. (Verizon), on findings of probable cause that Verizon committed various violations of statute and rules with which it is required to comply in providing telecommunications services in Washington. The specific matters of which the Commission complains are set forth fully in the Complaint, issued in this docket on March 18, 2009. Verizon filed an Answer, including affirmative defenses, on April 8, 2009.

2 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on April 21, 2009, before Administrative Law Judge Dennis J. Moss.

3 **PARTY REPRESENTATIVES:** Michael Fassio, Assistant Attorney General, Olympia, Washington, appeared at prehearing for the Commission’s regulatory staff (Commission Staff or Staff).¹ Gregory M. Romano, General Counsel Northwest Region, appeared for Verizon.

¹ In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

- 4 **PETITION TO INTERVENE.** No one petitioned to intervene.
- 5 **PROTECTIVE ORDER.** The Commission will not enter a protective order at this time. If the need for such an order becomes apparent, any party may request it by motion.
- 6 **DISCOVERY.** Staff anticipates the need for limited discovery. The Commission authorizes discovery in accordance with its procedural rules at WAC 480-07-400, *et seq.*
- 7 **PROCEDURAL SCHEDULE.** The parties had preliminary discussions off the record and agreed to initiate settlement negotiations on May 13, 2009. They requested a four month procedural schedule to hearing, to allow sufficient time for such negotiations considering the availability of necessary personnel and other factors. The hearing is accordingly scheduled for August 19 and 20, 2009. Given the parties' and the Bench's preference for live testimony in this proceeding, there is no need to schedule additional procedural dates at this time.
- 8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **seven** copies of all pleadings, motions, briefs, and other prefiled materials. Filed materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 9 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 10 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to <records@utc.wa.gov >. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a

separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus seven paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff as well as to the parties to the proceeding.
- 12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 13 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**
- 14 **NOTICE OF HEARING: THE COMMISSION will hold a hearing in this matter beginning at 9:30 a.m., on Wednesday, August 19, 2009, in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

15 **THE COMMISSION GIVES FURTHER NOTICE that any party who fails to attend or participate in the hearing 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.**

Dated at Olympia, Washington, and effective April 23, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge