

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

WASHINGTON UTILITIES AND	)	DOCKET UT-080455
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	ORDER 01
v.	)	
	)	
WTI, LLC,	)	
	)	PREHEARING CONFERENCE
Respondent.	)	
	)	
.....	)	

1     **PROCEEDINGS:** This is a Complaint proceeding initiated by the Washington Utilities and Transportation Commission (Commission) against WTI, LLC (WTI), on findings of probable cause that WTI 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 4, 2009. WTI did not file an answer.

2     **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on April 8, 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).<sup>1</sup> No one appeared for WTI.

4     **PETITION TO INTERVENE.** No one petitioned to intervene.

5     **PROTECTIVE ORDER.** No one requested a protective order.

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<sup>1</sup> 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 ALJ, and the Commissioners’ policy and accounting advisors from all parties, including Staff. *RCW 34.05.455*.

6 **DISCOVERY.** There is no need for discovery.

7 **PROCEDURAL SCHEDULE.** Inasmuch as WTI did not answer the Complaint and did not appear at the prehearing conference, the presiding officer suggested that the most efficient way to proceed will be on an appropriate motion from Staff. This could be a motion for default judgment, a motion for summary determination, or another form of motion that Staff may elect to file seeking disposition of this docket without the need for a hearing. Staff accepted this suggestion and will file its motion in due course.

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](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto: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](http://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.**

Dated at Olympia, Washington, and effective April 13, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS  
Administrative Law Judge