

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

In the Matter of the Petition for	)	DOCKET UT-093035
Arbitration and Approval of an	)	
Interconnection Agreement Between	)	ORDER 02
	)	
NORTH COUNTY	)	
COMMUNICATIONS CORPORATION	)	PREHEARING CONFERENCE
OF WASHINGTON	)	ORDER;
	)	
and	)	NOTICE OF PREHEARING
	)	CONFERENCE
QWEST CORPORATION	)	<b>(Set for October 7, 2009,</b>
	)	<b>at 9:30 a.m.)</b>
Pursuant to 47 U.S.C. Section 252(b)	)	
	)	
.....	)	

- 1     **NATURE OF PROCEEDING.** Docket UT-093035 involves a petition by Qwest Corporation (Qwest) for arbitration and approval of an interconnection agreement with North County Communications Corporation of Washington (North County) pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996.
  
- 2     **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on Monday, August 31, 2009, before Administrative Law Judge Ann E. Rendahl.
  
- 3     **PARTY REPRESENTATIVES.** Lisa A. Anderl, Associate General Counsel, Seattle, Washington, represents Qwest. Joseph G. Dicks, Dicks & Workman, San Diego, California, represents North County. Contact information provided for the parties’ representatives is attached as Appendix A to this Order.
  
- 4     **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

5 **REQUEST FOR STAY.** Due to a calendaring mistake, Counsel for North County did not appear at the conference. Because of his failure to appear, Counsel for Qwest was prepared to file a motion for default. Immediately following the conference, counsel for North County and Qwest contacted Judge Rendahl to determine how to proceed. Counsel for North County filed a letter with the Commission on Tuesday, September 1, 2009, requesting a stay of the proceeding for at least 30 days to allow the companies to negotiate an interconnection agreement without arbitration. Counsel for North County will also submit a formal notice of appearance before the Commission.

6 The purpose of arbitration of interconnection agreements is to resolve disputed issues between the parties in the event they cannot negotiate an agreement on their own. Although Qwest has filed for arbitration in this proceeding, the Commission supports the informal resolution of disputes, and encourages the parties to resolve the issues in this matter. In addition, given that counsel for North County is now actively involved in the proceeding, a motion for default would serve no purpose. North County's request for a stay of the proceeding is granted, and a prehearing conference is scheduled for Wednesday, October 7, 2009.

7 Should the parties negotiate an agreement prior to the October 7 conference, the parties should notify the Commission, request cancellation of the conference, and provide a copy of the negotiated agreement, advising the Commission whether to consider the agreement as a negotiated agreement or through the Arbitrator.

8 **NOTICE OF PREHEARING CONFERENCE.** The Commission schedules a prehearing conference in this matter, on **Wednesday, October 7, 2009, beginning at 9:30 a.m., in Room 108 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The purpose of the conference is to determine the status of settlement discussions between the parties, and if necessary, establish a procedural schedule and address any remaining procedural matters.

9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **three (3)** copies of all pleadings, motions, briefs, and other prefiled materials. These 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.

- 10 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.
- 11 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.
- 12 **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 **three (3)** 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](mailto: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 identified on Appendix A to this Order as well as to the parties to the proceeding.
- 13 **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.

14 **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 September 2, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Arbitrator and Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET UT-093035**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Qwest</b>	<b>Lisa A. Anderl</b> Qwest Corporation 1600 7 <sup>th</sup> Ave. – Suite 1506 Seattle, WA 98191  <b>Mark Reynolds</b>	206-345-1574	206-343-4040	<u><a href="mailto:lisa.anderl@qwest.com">lisa.anderl@qwest.com</a></u>  <u><a href="mailto:mark.reynolds3@qwest.com">mark.reynolds3@qwest.com</a></u>
<b>North County</b>	<b>Joseph G. Dicks</b> Dicks & Workman 2720 Symphony Towers 750 B Street San Diego, CA 92101-8122	619-685-6800	619-557-2735	<u><a href="mailto:jdicks@dicks-workmanlaw.com">jdicks@dicks-workmanlaw.com</a></u>  <u><a href="mailto:admin@dicks-workamnlaw.com">admin@dicks-workamnlaw.com</a></u>
<b>Presiding Admin. Law Judge</b>	<b>Ann E. Rendahl</b> 1300 S. Evergreen Pk. Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1144	360-664-2654 [ALD fax only – do not use to file]	<u><a href="mailto:arendahl@utc.wa.gov">arendahl@utc.wa.gov</a></u>
<b>Policy Advisor</b>	<b>Brian Thomas</b> 1300 S. Evergreen Pk. Dr. SW P.O. Box 47250 Olympia, WA 98504-7250			<u><a href="mailto:bthomas@utc.wa.gov">bthomas@utc.wa.gov</a></u>