

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

COMPUTER 5*, INC., d/b/a) DOCKET NO. UT-040018
LOCALTEL COMMUNICATIONS,)
Complainant,) ORDER NO. 01
v.) PREHEARING CONFERENCE
) ORDER
AT&T COMMUNICATIONS OF)
THE PACIFIC NORTHWEST, INC.,)
Respondent.)
.....)

1 NATURE OF PROCEEDING. Docket No. UT-040018 is a complaint alleging that AT&T is refusing to pay the complainant's tariffed rate for carrier access services.

2 CONFERENCE. The Commission convened a prehearing conference in this docket at Olympia, Washington on March 5, 2004 before Administrative Law Judge Theodora Mace.

3 APPEARANCES. Mark Nyhus and Richard A. Finnigan, attorneys, Olympia, Washington, represent complainant Computer 5*, Inc. d/b/a LocalTel Communications (LocalTel). Letty S. D. Friesen, attorney, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc. (AT&T). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 PETITIONS FOR INTERVENTION. The Commission received no requests for intervention.

5 PROTECTIVE ORDER. The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05.446 and RCW 80.04.095, to protect the confidentiality of proprietary information. The request is granted, and a protective order will be entered.

- 6 **DISCOVERY.** Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.
- 7 **ISSUES.** The contested issues in this case are: 1) whether AT&T should pay certain access charges to LocalTel; 2) whether LocalTel has properly filed tariffs for access charges; 3) whether Local Tel has violated those tariffs; and, 4) whether the Commission has jurisdiction regarding the access charges at issue. AT&T has also filed defense and counterclaims about money owed by LocalTel to AT&T and other interexchange carriers.
- 8 **SETTLEMENT.** The parties state that they are already pursuing settlement of the case.
- 9 **WAIVER OF ORAL HEARING.** The parties waived oral hearing. If they do not reach settlement they will file affidavits, exhibits and briefs in accord with the following schedule.
- 10 **SCHEDULE OF PROCEEDINGS.** The parties agreed upon the following schedule for the proceedings in the event they do not reach settlement.

First discovery cutoff	April 16, 2004
Filing of initial affidavits And exhibits	April 22, 2004
Second discovery cutoff	May 3, 2004
Filing of responsive Affidavits and exhibits	May 6, 2004
Filing of initial briefs	May 20, 2004
Filing of reply briefs	June 4, 2004

- 11 **DOCUMENT PREPARATION AND PROCESS ISSUES.** Parties must file with the Commission an original plus 9 copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 280-07-460, and must be three-holed 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.
- 12 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S.E. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Record Center at the Washington Utilities and Transportation Commission, 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.
- 13 An electronic copy of all filings must be provided by e-mail delivery to records@wutc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 14 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), parties must submit the document to records@wutc.wa.gov, and file an original, plus 9 copies, of the document with the Commission by the following business day.
- 15 **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 1-360-664-1139.

Dated at Olympia, Washington, and effective this 9th day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
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.

APPENDIX A

<u>PARTIES REPRESENTATIVES</u>				
DOCKET NO. UT-040018				
COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Computer 5*, Inc. d/b/a LocalTel Communications	MARK NYHUS RICHARD FINNIGAN 2405 Evergreen Park Drive SW, Suite B-1 Olympia, WA 98502	360-956-7211 360-956-7001	360-753-6862	mnyhus@ywave.com rickfinn@ywave.com
AT&T Communications of the Pacific Northwest, Inc.	LETTY FRIESEN 1875 Lawrence Street Floor 15 Denver, CO 80202	303-298-6475	303-298-6301	lsfriesen@att.com