

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

PEND OREILLE COUNTY PUBLIC)	DOCKET NO. UT-053040
UTILITY DISTRICT NO. 1,)	
)	ORDER NO. 01
Complainant,)	
)	
v.)	PREHEARING CONFERENCE
)	ORDER
PEND OREILLE TELEPHONE)	
COMPANY,)	
)	
Respondent)	
.....)	

- 1 **NATURE OF PROCEEDING.** Docket No. UT-050340 involves a complaint by Pend Oreille Public Utility District (District) against Pend Oreille Telephone Company (Telephone Company or Company) alleging that the Telephone company refuses to interconnect with RCC Holdings, Inc., d/b/a Unicel through the District's facilities.

- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on August 31, 2005, before Administrative Law Judge Theodora M. Mace.

- 3 **APPEARANCES.** Jerry K. Boyd, attorney, Spokane, WA, represents the District. Richard A. Finnigan, attorney, Olympia, WA represents the Telephone Company. Robert C. Cromwell, Jr, Assistant Attorney General, Seattle, WA, represents the Public Counsel Section of the Washington Office of the Attorney General.

4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference
seeking to intervene.

5 **PROTECTIVE ORDER.** A protective order will be entered in this docket.

6 **DISCOVERY.** The parties asked that the discovery rules be invoked in this
docket, pursuant to WAC 480-07-400. The matter is one that qualifies for
discovery, and the rules are invoked.

7 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural
schedule:

November 1, 2005	Complainant's direct testimony
November 14, 2005	Settlement conference
January 15, 2006	Respondent's testimony
March 1, 2006	Rebuttal testimony
April 13, 2006	Filing of witness and exhibit lists, including order of witnesses and cross-examination time estimates
April 18-19, 2006	Evidentiary hearing
May 9, 2006	Initial briefs
May 23, 2006	Reply briefs

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus 5 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 480-07-460, and must 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 to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. 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 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).

11 **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 5 copies, of the document with the Commission by the following business day.

- 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 360-664-1142.
- 13 **NOTICE OF HEARING:** The evidentiary hearing will be held on Tuesday, April 18, 2006 at 9:30 a.m. in Room 206 of the Commission's offices, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 14 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective this 2nd day of September, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET NO. UT-053040**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Pend Oreille Public Utility District No. 1	Jerry K. Boyd Attorney Paine, Hamblen, Coffin, Brooke & Miller 717 W. Sprague Ave. Suite 1200 Spokane WA 99201-3505	509-455-6000	509-838-007	Jerry.boyd@painehamblen.com
Pend Oreille Telephone Co.	Richard A. Finnigan Attorney 2112 Black Lake Blvd. S.W. Olympia WA 98512	360-956-7001	360-753-6862	rickfinn@localaccess.com
Public Counsel	Robert C. Cromwell, Jr. Assistant Attorney General 900 Fourth Avenue Suite 2000 Seattle WA 98164-1012	206-464-6595	206-389-2058	Robertc1@atg.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UT-053040

EVENT	DATE	INTERVAL
Prehearing conference	August 31, 2005	
Complainant filing	November 1, 2005	62 days
Settlement conference	November 14, 2005	13 days
Respondent filing	January 15, 2006	62 days
Rebuttal filing	March 1, 2006	46 days
Witness/exhibit list filing	April 13, 2006	42 days
Evidentiary hearing	April 18-19, 2006	5 days
Initial briefs	May 9, 2006	20 days
Reply briefs	May 23, 2006	14 days