

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

QWEST CORPORATION,	)	DOCKET UT-090892
	)	
Complainant,	)	
	)	
v.	)	
	)	NOTICE OF PREHEARING
MCLEODUSA	)	CONFERENCE
TELECOMMUNICATIONS	)	(Set for July 29, 2009, at 10:00 a.m.)
SERVICES, INC., d/b/a PAETEC	)	
BUSINESS SERVICES,	)	
	)	
Respondent.	)	
.....	)	

1 Qwest Corporation (Qwest) on June 10, 2009, filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services (McLeod). On July 2, 2009, McLeod filed an answer to the complaint. The complaint alleges that McLeod’s assessment of its Wholesale Service Ordering Charge violates RCW 80.04.110, which prohibits conduct by a competitor that is unreasonable, discriminatory, illegal, unfair or intending or tending to oppress the complainant, or to stifle competition. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission’s web site at [www.utc.wa.gov/090892](http://www.utc.wa.gov/090892). It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. Statutes and rules cited in the complaint include RCW 80.04.110 and Telecommunications Act of 1996, 47 U.S.C. 151, *et seq.*, specifically sections 251 and 252. The statutes that apply to this matter, in addition to those previously cited, include those within RCW 80.01, RCW 80.04, RCW 80.36, WAC 480-07, and WAC

480-120, including but not limited to RCW 80.01.040, RCW 80.04.020, and RCW 80.04.110.

3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

4 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 10:00 a.m. on Wednesday, July 29, 2009, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

5 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters, and establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

6 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

7 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**

8 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant : Qwest Corporation  
1600 7<sup>th</sup> Avenue  
Seattle, WA 98191

Representative: Lisa A. Anderl  
Adam L. Sherr  
Qwest Corporation  
1600 7<sup>th</sup> Avenue, Room 1506  
Seattle, WA 98191  
(206) 398-2500  
[lisa.anderl@qwest.com](mailto:lisa.anderl@qwest.com)  
[adam.sherr@qwest.com](mailto:adam.sherr@qwest.com)

Respondent: McLeodUSA Telecommunications  
Services, Inc.  
d/b/a PAETEC Business Services  
One Martha's Way  
Hiawatha, IA 52233

Representative: Gregory J. Kopta  
Davis Wright Tremaine LLP  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101  
(206) 757-8079  
[gregkopta@dwt.com](mailto:gregkopta@dwt.com)

9 Administrative Law Judge Marguerite E. Friedlander, from the Commission's Administrative Law Division, will preside during this proceeding, pending reassignment to a different administrative law judge.

10 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 7, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER  
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary  
Washington State Utilities and  
Transportation Commission  
Richard Hemstad Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : \_\_\_\_\_

Case Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary  
Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Do you need a certified sign language interpreter:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_