

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

	)	
In the Matter of the Petition for Arbitration of	)	DOCKET NO. UT-043013
an Amendment to Interconnection	)	
Agreements of	)	ORDER NO. 06
	)	
VERIZON NORTHWEST INC.	)	PREHEARING CONFERENCE
	)	ORDER; MODIFYING
with	)	PROCEDURAL SCHEDULE
	)	
COMPETITIVE LOCAL EXCHANGE	)	
CARRIERS AND COMMERCIAL MOBILE	)	
RADIO SERVICE PROVIDERS IN	)	
WASHINGTON	)	
	)	
Pursuant to 47 U.S.C. Section 252(b), and the	)	
<i>Triennial Review Order.</i>	)	
.....	)	

1     **NATURE OF PROCEEDING:** This proceeding involves a petition Verizon Northwest Inc. (Verizon) filed with the Washington Utilities and Transportation Commission (Commission) requesting arbitration pursuant to 47 U.S.C. § 252(b)(1) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act), and the Federal Communications Commission’s Triennial Review Order.<sup>1</sup> The petition was served on all competitive local exchange carriers (CLECs) and Commercial Mobile Radio Service (CMRS) providers in Washington that have entered into interconnection agreements with Verizon.

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<sup>1</sup>*In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter “Triennial Review Order”].*

- 2     **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on June 16, 2004, before Administrative Law Judge and Arbitrator Ann E. Rendahl.
- 3     **APPEARANCES.** Timothy J. O'Connell, Stoel Rives, LLP, Seattle, Washington and Scott Angstreich, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., Washington, D.C. represent Verizon. Edward W. Kirsch and Philip J. Macres, Swidler Berlin, Shereff Friedman, LLP, Washington, D.C., represent Focal Communications Corporation of Washington, ICG Telecom Group, Inc., Integra Telecom of Washington, Inc., McLeodUSA Telecommunications Services, Inc., and Pac-West Telecomm, Inc (collectively the Competitive Carrier Coalition). Letty S.D. Friesen, AT&T Law Department, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services (TCG Seattle) (collectively AT&T). Heather T. Hendrickson, Kelley, Drye & Warren, LLP, Washington, D.C., represents Advanced TelCom Group, Inc., BullsEye Telecom Inc., Comcast Phone of Washington LLC, DIECA Communications, Inc. d/b/a Covad Communications Company (Covad), Global Crossing Local Services, Inc., and Winstar Communications LLC (collectively the Competitive Carrier Coalition). Brooks E. Harlow, Miller Nash LLP, Seattle, Washington, and Hong Huynh, Miller Nash LLP, Portland, Oregon, represent Centel Communications. Karen S. Frame, Senior Counsel, Denver, Colorado, represents Covad. Richard Pitt, attorney, Burlington, WA, represents Northwest Telephone, Inc. William E. Hendricks, III, Hood River, Oregon, represents Sprint Communications Company, LLP. Art Butler, AterWynne LLP, Seattle, WA, represents U.S. Cellular and WorldCom, Inc. and its subsidiaries in Washington (n/k/a MCI, Inc.). Gregory J. Kopta, Davis Wright Tremaine, LLP, Seattle, Washington, represents XO Washington.
- 4     **ISSUES.** On June 15, 2004, prior to the prehearing conference, counsel for Verizon circulated via electronic mail a copy of a proposed issues list for the arbitration. The parties agreed to work towards developing a final issues list that

will provide a table of open issues in the arbitration as well as a general statement of party positions to assist the Commission in arbitrating the issues and the parties in briefing the issues. The process for developing the final issues list is set forth in Appendix B, which outlines the procedural schedule for this proceeding.

- 5 During the conference, the arbitrator determined that the proceeding will go forward in two phases. In the first phase, the Commission will address issues arising from the Triennial Review Order and D.C. Circuit Court of Appeals' decision in *United States Telecom Association v. Federal Communications Commission*, 359 F.3d 554 (D.C. Cir. 2004) (*USTA II*). Overall, the issues in this first phase appear to require only briefing, although Verizon will inform the Commission by July 7, 2004, as to whether there are any issues that should be addressed through evidentiary hearings.
- 6 In the second phase of the proceeding, the Commission will address the prices for any services affected by a Commission approved amendment to the interconnection agreements. Verizon is developing a cost study for unbundled network elements in Washington State affected by the Triennial Review Order and *USTA II* and plans to file the cost study with the Commission at the end of the summer, at the earliest. Verizon must file the cost study with the Commission in a new docket, and the Commission will determine at that time whether to consolidate the pricing issues raised by its cost study with the current pricing proceeding, Docket No. UT-023003.
- 7 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule for the first phase of the proceeding during the conference. This procedural schedule is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.

- 8 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the 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 18<sup>th</sup> day of June, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Arbitrator

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET NO. UT-043103**

<b>EVENT</b>	<b>DATE</b>
Parties' responses to Verizon's Proposed Issues List, due to Verizon (not filed with the Commission).	June 23, 2004
Verizon revised Issues List due to other parties (not filed with Commission).	June 30, 2004
Final Issues List filed with Commission	July 7, 2004
Simultaneous Initial Briefs	July 30, 2004
Simultaneous Responsive Briefs	August 18, 2004
Arbitrator's Report and Decision	By September 30, 2004