

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

In the Matter of the Petition of	)	DOCKET UT-083060
	)	
VERIZON NORTHWEST, INC.	)	ORDER 01
	)	
For Commission Approval of Addition	)	ORDER GRANTING REQUEST FOR
to Non-Impaired Wire Center List	)	PROTECTIVE ORDER; INVOKING
	)	DISCOVERY RULES, AND
	)	ESTABLISHING DEADLINE TO
	)	FILE OBJECTIONS
	)	<b>(Objections due 30 days after</b>
	)	<b>Response to Data Requests)</b>

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1 **NATURE OF PROCEEDINGS.** Docket UT-083060 involves Verizon Northwest, Inc.’s (Verizon) request before the Washington Utilities and Transportation Commission (Commission) for approval to designate the Hall Wire Center as a “Tier 2” non-impaired wire center based on the number of business lines served by the wire center.

2 **PROCEDURAL HISTORY.** Verizon filed this petition on November 18, 2008. On November 25, 2008, the Commission issued a notice of opportunity to file comments and established December 30, 2008, as the deadline for submitting comments.

3 **REQUEST FOR PROTECTIVE ORDER.** On December 30, 2008, Integra Telecom and its affiliates (Integra) and 360networks(USA) inc. (collectively referred to as the Joint CLECs) requested the Commission to issue a protective order in this docket that will allow them and other interested Competitive Local Exchange Carriers (CLEC) to review the confidential data submitted by Verizon. They proposed that the Commission issue the form of Protective Order issued in Docket UT-073033.<sup>1</sup> On January 20, 2009, Verizon filed a non-opposition to the issuance of a protective order.

4 We grant the request to issue a protective order. We consider the request a discovery motion and resolve it in accordance with WAC 480-07-375(1)(c). There is no

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<sup>1</sup> *In the Matter of the Petition of Qwest Corporation for Commission Approval of 2007 Additions to Non-Impaired Wire Center List, Order 07, (March 21, 2008).*

objection to issuing a protective order or any objection to the form of order requested by the Joint CLECs. Accordingly, we will issue, under separate cover, the form of protective order requested by the Joint CLECs.

5 **DATA REQUESTS/DISCOVERY RULES.** In addition to the confidential information filed by Verizon, the Joint CLECs also requested the following information:

- (1) Carrier specific loop counts broken down between 2-wire, DS1 and DS3 loops and 2-wire, DS1 and DS3 EELs (and any other loop count category that Verizon included in its loop counts);
- (2) An indication of whether or not the carriers identified above are collocated in the Halls Lake wire center;
- (3) Verification that all line counts represent end of year 2007 lines and, if not, an explanation of the vintage of each data component used;
- (4) A description of any adjustments and/or calculations that Verizon made to line counts in order to produce the confidential line counts filed with Verizon's proposal;
- (5) The source of the line count data Verizon used in its petition; and
- (6) Any other data Verizon determines would be useful in facilitating CLEC review of the line count data.

6 The Joint CLECs stated that, within 30 days of the receipt of this information, they could complete a review of the data and indicate whether or not they have any issues with the petition.

7 In its January 20, 2009 filing, Verizon expressed its willingness to provide the confidentially-protected data requested by the Joint CLECs subject to some limitations. Verizon agreed to respond to the first data request with respect to the Joint CLECs but indicated that it is unable to provide the proprietary data of other companies. Verizon objected to providing data on collocation because that information is irrelevant to this petition. Verizon confirmed that all line counts represent end-of-year 2007 line counts without adjustment. Verizon stated that the

source of the line count data is Verizon's internal system. Finally, Verizon stated that it did not believe that any other information would aid the Joint CLECs' review of the petition. Verizon requested that the Commission issue an order approving the non-impairment designation for the Halls Lake wire center unless the Joint CLECs raise specific objections within 30 days of receiving the requested information. If the Joint CLECs object, Verizon requested that the Commission adopt an expedited schedule in this proceeding.

8 On our own motion, we conclude that it would be appropriate to invoke to Commission's discovery rules. (*WAC 480-07-400 – 480-07-425*). These rules provide deadlines for responses to discovery requests and procedures for resolving discovery disputes. The adoption of specific processes to address discovery matters should aid in the expeditious resolution of any discovery issues.

9 We have reviewed the data requests and response and conclude that Verizon should be required to produce the information in the first data request for the lines included in Verizon's petition for non-impairment status. If Verizon's line count includes the proprietary information of other carriers, Verizon must take additional measures (such as "coding" the data) to retain the confidentiality of the carriers' information before producing it to the Joint CLECs. We find that information regarding collocation is irrelevant to this proceeding therefore Verizon is not obligated to produce information in response to the second data request. While some non-impairment designations may be based on collocation information, in this proceeding Verizon seeks that designation based on business line counts. Verizon responded to the remainder of the data requests in its January 20, 2009, filing but is reminded that should additional information come to its attention that would aid the Joint CLECs' review of the filing, that the sixth data request should be considered an ongoing request and supplemented or updated, as necessary. (*WAC 480-07-405(8)*).

10 **PROCEDURAL SCHEDULE.** The Joint CLECs indicated that they should be able to file objections to the petition, if any, within 30 days of receiving the requested data. Verizon also seeks to impose a 30-day deadline for objections to the petition. The unopposed request to establish a 30-day deadline for objections is reasonable and should be adopted. However, the Commission does not receive copies of discovery responses and will not be apprised of the date Verizon submits responses to the discovery requests. (*WAC 480-07-405(2)(c.)*) To provide the Commission with sufficient information to calculate the deadline for filing objections to the petition,

Verizon must provide notice, in the form of a letter, to the Commission of the date it responds to the Joint CLECs' data requests.

- 11 If the Joint CLECs object to the petition, a prehearing conference will be convened to establish an expedited procedural schedule to resolve any disputed issues. The prehearing conference may be scheduled on abbreviated notice.
- 12 **GENERAL FILING REQUIREMENTS.** All filings must be mailed or delivered to the Executive 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.
- 13 An electronic copy of all filings must be submitted either through the Commission's Records Center Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or via 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 including the filed document(s). Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 14 **ELECTRONIC SUBMISSION. Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.**
- 15 Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus seven (7) 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 ([pclark@utc.wa.gov](mailto:pclark@utc.wa.gov)) and the parties to the proceeding.

16 **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 January 28, 2009.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge