

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

WASHINGTON INDEPENDENT)	DOCKET UT-111816
TELECOMMUNICATIONS)	
ASSOCIATION, WASHINGTON)	
EXCHANGE CARRIER)	
ASSOCIATION, THE TOLEDO)	
TELEPHONE CO., INC., TENINO)	NOTICE OF PREHEARING
TELEPHONE COMPANY, KALAMA)	CONFERENCE
TELEPHONE COMPANY AND)	(Set for November 28, 2011,
HOOD CANAL TELEPHONE)	at 10:30 a.m.)
COMPANY, d/b/a HOOD CANAL)	
COMMUNICATIONS,)	
)	
Complainants,)	
)	
v.)	
)	
MCLEODUSA)	
TELECOMMUNICATIONS)	
SERVICES, L.L.C. AND PAETEC)	
COMMUNICATIONS, INC.,)	
)	
Respondent.)	
.....)	

1 On October 17, 2011, the Washington Independent Telecommunications Association (WITA), on behalf of itself and its participating member companies, Washington Exchange Carrier Association, The Toledo Telephone Co., Inc., Tenino Telephone Company, Kalama Telephone Company, and Hood Canal Telephone Company, d/b/a Hood Canal Communications (Complainants) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against McLeodUSA Telecommunications Services, Inc. (McLeodUSA) and PAETEC Communications, Inc. (PAETEC). On November 8, 2011, McLeodUSA and PAETEC filed an answer to the complaint. The complaint alleges that McLeodUSA and PAETEC are engaging in activities whereby they send telecommunications traffic to incumbent local exchange carriers for termination and are altering the data in the call signaling

stream to mask the true origination point or jurisdiction of the traffic, therefore making it appear as if the telecommunications traffic is not subject to access charges. 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 website at www.utc.wa.gov/111816. 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 80.36.140, RCW 80.36.160, RCW 80.36.170, RCW 80.36.180, RCW 80.36.200, RCW 80.36.220, and RCW 80.36.260. 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 finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a).

5 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 10:30 a.m. on Monday, November 28, 2011, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

6 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.

7 **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.

8 **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.**

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

Complainants: Washington Independent Telecommunications
Association
2405 Evergreen Park Drive SW
Suite B-4
Olympia, WA 98502

Washington Exchange Carrier Association
800 "C" Street
Vancouver, WA 98660

The Toledo Telephone Co., Inc.
183 Plomondon Road
Toledo, WA 98591

Tenino Telephone Company
P.O. Box 4005
Tenino, WA 98589

Kalama Telephone Company
P.O. Box 1276
Tenino, WA 98589

Hood Canal Telephone Company
d/b/a Hood Canal Communications
P.O. Box 249
Union, WA 98592-0249

Representative: Richard A. Finnigan
Attorney at Law
2112 Black Lake Blvd. SW
Olympia, WA 98512
(360) 956-7001

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

PAETEC Communications, Inc.
William A. Haas
VP Public Policy & Regulatory
One Martha's Way
Hiawatha, IA 52233

Representatives: Arther A. Butler
Stephen J. Kennedy
Ater Wynne LLP
601 Union Street, Suite 1501
Seattle, WA 98101-3981
(206) 623-4711
aab@aterwynne.com
sjk@aterwynne.com

10 Administrative Law Judge Gregory J. Kopta, from the Commission's Administrative Law Division, will preside during this proceeding.

- 11 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 November 14, 2011.

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.: (____) _____