BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T BROADBAND PHONE OF WASHINGTON, LLC,)) DOCKET NO. UT-020388
Complainant) FIRST SUPPLEMENTAL ORDER
v.) ORDER DISMISSING REQUEST) FOR EMERGENCY RELIEF
QWEST CORPORATION,))
Respondent.)
)

- 1 **Synopsis.** The Commission at AT&T Broadband's request dismisses the company's petition for Emergency Relief associated with Qwest's local service freeze on customers (reverse slamming).
- 2 Background and Procedural History. On March 29, 2002, AT&T Broadband Phone of Washington, LLC ("AT&T Broadband") filed with the Commission a Complaint for Emergency Relief for Violation of WAC 480-120-139 (Reverse Slamming). In the complaint, AT&T Broadband argued that Qwest's reverse slamming violations required emergency action by the Commission pursuant to RCW 34.05.279 and WAC 480-09-510.
- ³ The Commission shortened the time for Answers to the Complaint and scheduled a hearing on the request for emergency relief for April 12, 2002. The Commission also directed AT&T Broadband to file a statement of the evidence on which it intended to rely, and a statement of its reasons for claiming that the matter required emergency adjudication pursuant to the Administrative Procedure Act and Commission rules.
- 4 On April 10, 2002, AT&T Broadband filed its Support for Expedited Relief along with an attached Exhibit A, consisting of confidential documents supporting its allegations.
- 5 On April 11, 2002, Qwest filed an Answer to the complaint.
- 6 This matter was heard, pursuant to due and proper notice to all interested persons, at Olympia, Washington on April 12, 2002, before Chairwoman Marilyn Showalter,

Commissioner's Richard Hemstad and Patrick Oshie, and Administrative Law Judge Theodora Mace.

- 7 At the hearing on April 12, 2002, the Commission inquired into the justification for the request for emergency relief.
- 8 **Appearances.** Gregory J. Kopta, attorney, Seattle, represents AT&T Broadband. Lisa Anderl, attorney, Seattle, represents Qwest. Gregory Trautman, assistant attorney general, Olympia, represents Commission Staff. Robert Cromwell, assistant attorney general, Seattle, represents Public Counsel.
- 9 **Petition to Intervene.** Michel Singer-Nelson entered an appearance and asked leave to intervene on behalf of MCI-WorldCom. The Commission did not grant the petitioner intervenor status with regard the request for emergency relief. The petition to intervene will be addressed in the administrative law judge's prehearing conference order.
- 10 **Discussion.** The issue presented to the Commission was whether or not the matters alleged in the complaint constitute an immediate danger to the public health, safety or welfare pursuant to RCW 34.05.479 and WAC 480-09-510.
- 11 During the hearing, AT&T stated to the Commissioners, in accord with a statement in support of relief, that the service problems it complains of do not rise to the level of an immediate danger as contemplated by provisions in the APA and in Commission rules related to emergency adjudications.
- 12 AT&T asked that it be allowed to withdraw its request for emergency relief under the statute. The Commission granted the request orally without prejudice to the petitioner's seeking other relief orally.
- *13* Judge Mace will preside at the hearing on the complaint and address procedural matters on a schedule to be determined.

ORDER

14 The Commission dismisses AT&T's request for emergency relief at AT&T's request.

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Dated at Olympia, Washington and effective this <u>day of April</u>, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner