

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

In the Matter of the Implementation of	)	DOCKET NO. UT-033025
the Federal Communication	)	
Commission’s Triennial Review Order	)	NOTICE OF PREHEARING
	)	CONFERENCE
	)	<b>(Set for September 26, 2003)</b>
	)	
	)	NOTICE OF HEARING
	)	<b>(Set for November 10-13, 2003)</b>
.....	)	

- 1 On August 21, 2003, the Federal Communications Commission (FCC) released its Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, also known as the Triennial Review Order (Order), in CC Docket Nos. 01-338, 96-98, and 98-147. This Order adopts certain new rules concerning unbundled network elements. The Order also imposes certain requirements on state commissions to make determinations concerning whether incumbent local exchange carriers (ILECs) must provide on an unbundled basis certain network elements requested by competitive local exchange carriers (CLECs) pursuant to 47 U.S.C. § 251(c)(3). The Order and rules will become effective on October 2, 2003, thirty days after the publication of the Order in the Federal Register on September 2, 2003.
  
- 2 Specifically, the Order delegates to state commissions the responsibility to conduct a granular, fact-specific analysis of whether CLECs would be impaired under 47 U.S.C. § 252(d)(2)(B) without unbundled access to certain loops, transport, and switching network elements. The Order requires state commissions to complete the granular impairment analysis for most of the network elements within nine months of the effective date of the Order.
  
- 3 As to unbundled switching that serves enterprise market customers at the DS1 capacity level or higher, the FCC makes a national finding that competitors are not impaired without access to such unbundled switching. The FCC allows states to rebut the national finding of no impairment by conducting a granular market-by-market analysis of DS1 capacity level and higher enterprise market

switching, and to petition the FCC to waive the finding of no impairment for certain markets within 90 days of the effective date of the Order.

4 On August 22, 2003, the Commission issued a notice requesting comments concerning the Commission's process for implementing the terms of the Triennial Review Order. The notice was sent to all parties in the following open dockets at the Commission: Consolidated Docket Nos. UT-003022 and UT-003040, Docket No. UT-023003, Docket No. UT-011219, and Docket No. UT-030614. The notice requested comments from interested persons by Thursday, September 4, 2003. Upon the request of certain interested persons, the Commission on September 3, 2003, granted an extension of time until September 11, 2003, for all interested persons to file comments concerning the Commission's implementation of the Order.

5 In order to address the issues presented in the Order, in particular the enterprise market switching issue, the Commission must convene a prehearing conference promptly in order to identify the parties to the proceeding, formulate issues, establish a procedural schedule, and other matters that will aid the Commission in its determination of this proceeding. In addition, the Commission finds it necessary to schedule time for possible evidentiary hearings concerning the enterprise market switching issue, in the event the Commission finds that evidentiary hearings are essential in determining the issue.

6 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including, but not limited to RCW 34.05.431, RCW 34.05.443, RCW 34.05.449, and RCW 34.05.455. The Commission has jurisdiction over this matter under Title 80 RCW, RCW 80.36.610(1), 47 U.S.C. § 251(d)(3), and 47 U.S.C. § 252(b), (c), and (d).

7 **NOTICE IS GIVEN That a prehearing conference in this matter will be held beginning at 9:30 a.m., on Friday, September 26, 2003, in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 **NOTICE IS FURTHER GIVEN That a hearing in this matter will be held beginning at 9:30 a.m., on November 10, 2003, in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The hearing may be recessed on Tuesday, November 11, to accommodate the Veteran's Day holiday, and will reconvene on Wednesday morning, November

12. The hearing will recess in the afternoon to allow the Commission to hold its regularly scheduled open meeting, and will reconvene Thursday morning, November 13, 2003.

9 Counsel may attend the conference and hearing via the Commission's teleconference bridge (360-664-3846). The bridge line is limited to twenty callers, and will be reserved for the first twenty people requesting the service. Please contact Kippi Walker, at (360) 664-1139 to request this service. If you appear via teleconference, you must appear five minutes before the time that the conference or hearing is scheduled to begin.

10 Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. Appearances will be taken. If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

11 While there are no official parties at this point, the following persons have filed comments or expressed a desire to participate in this proceeding:

Commission: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

Representative: Mary Tennyson  
Senior Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1192

Company: Qwest Corporation  
1600 Seventh Avenue  
Seattle, WA 98191

Representative: Lisa Anderl  
Attorney at Law  
1600 Seventh Avenue, Suite 3206  
Seattle, WA 98191  
(206) 345-1574

Company/Representative: J. Jeffrey Oxley  
Executive Vice President and General Counsel  
Eschelon Telecom, Inc.  
730 Second Avenue South, Suite 1200  
Minneapolis, MN 55402  
(612) 436-6692

Company/Representative: Stephen S. Melnikoff  
General Attorney  
Regulatory Law Office  
U.S. Army Litigation Center  
901 N. Stuart Street, Suite 700  
Arlington, VA 22203-1837  
(703) 696-1643

Company: AT&T Communications of the  
Pacific Northwest, Inc.  
2120 Caton Way S.W., Suite B  
Olympia, WA 98502

Representative: Mary B. Tribby  
Letty S.D. Friesen  
AT&T Law Department  
1875 Lawrence Street, Suite 1575  
Denver, CO 80202  
(303) 298-6475

Company/Representative: Michel Singer Nelson  
MCI WorldCom Communications, Inc. and  
MCIMetro Transmission Services, LLC  
707 17<sup>th</sup> Street, Suite 4200  
Denver, CO 80202  
(303) 390-6206

Company/Representative: Karen Johnson  
Integra Telecom of Washington, Inc.  
19545 NW Von Neumann, Suite 200  
Beaverton, OR 97006  
(503) 748-2048

Company: Verizon Northwest, Inc.  
1800 – 41<sup>st</sup> Street  
Everett, WA 98201

Representative: Judith Endejan  
Attorney at Law  
Graham & Dunn PC  
1420 Fifth Avenue, Fl. 33  
Seattle, WA 98101-2390

Public Counsel: Simon J. ffitc  
Public Counsel Section  
Office of Attorney General  
900 Fourth Avenue, Suite 2000  
Seattle, WA 98164-1012  
(206) 464-7744

12 Ann E. Rendahl, Administrative Law Judge from the Washington Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, WA 98504-7250, (3690) 664-1144, has been designated to preside at the prehearing conference.

13 The Commission will provide at its offices in Olympia, Washington, current records of the hearing for the use of those who may wish to review them. The

Public Counsel section of the Office of the Attorney General has been designated by the Attorney General to represent the public. The address of the Commission, shown below, may be used for inquiries of Public Counsel, or Public Counsel may be contacted directly by writing or calling the address or telephone number listed below.

*14* Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

Dated at Olympia, Washington and effective this 5<sup>th</sup> day of September, 2003.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**CAROLE J. WASHBURN**  
Executive Secretary

Inquiries may be addressed to:

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

or

Public Counsel Section  
Office of Attorney General  
900 Fourth Avenue, Suite 2000  
Seattle, WA 98164-1012  
(206) 464-7744

**NOTICE**

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: \_\_\_\_\_

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.: (\_\_\_\_) \_\_\_\_\_