

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

In the Matter of the Petition of:)	
)	DOCKET UT-063006
)	
LEVEL 3 COMMUNICATIONS, LLC,)	ORDER 02
)	
For Arbitration Pursuant to Section)	PREHEARING CONFERENCE
252(b) of the Communications Act of)	ORDER
1934, As Amended by the)	
Telecommunications Act of 1996, and)	(ORAL ARGUMENT, scheduled
the Applicable State Laws for Rates,)	for April 18, 2006, at 1:30 p.m.)
Terms, and Conditions of)	
Interconnection with Qwest)	(EVIDENTIARY HEARINGS,
Corporation)	scheduled for August 21-25, 2006)
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-063006 involves Level 3 Communications, LLC’s (Level 3), request to arbitrate an interconnection agreement with Qwest Corporation (Qwest) under Section 252(b) of the Telecommunications Act of 1996.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on March 3, 2006, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Erik Cecil, Regulatory Counsel, Victoria Mandel, Regulatory Counsel, and Rick Thayer, Regulatory Counsel, Broomfield Colorado, and Rogelio E. Peña, attorney, Peña and Associates, LLP, Boulder, Colorado, represent Level 3. Lisa A. Anderl, Associate General Counsel, Seattle, Washington, Thomas M. Dethlefs, Senior Attorney, Denver, Colorado, Ted Smith, Stoel Rives LLP, Salt Lake City, Utah, and Arthur A. Butler, Ater Wynne, LLP, Seattle, Washington, represent Qwest. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

- 4 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution. The parties agreed to respond to discovery requests within five business days if the party responding to the request objects, in whole or in part, to the request.
- 5 **PROTECTIVE ORDER.** The parties request that the commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted, and a protective order will be entered.
- 6 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule, in part, during the conference. The Commission adopts this partial procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference. The parties agreed to negotiate an appropriate schedule for filing petitions for review of the Arbitrator's Report and Decision, filing of a proposed interconnection agreement, and Commission decision.
- 7 The presiding officer agreed to consider scheduling a technical conference prior to the hearing after consulting with advisory staff. If a technical conference is scheduled, a transcript of the workshop will be taken to ensure information discussed during the conference will be a part of the record. The parties agreed to inform the presiding officer about their recent experiences with technical conferences in other proceedings.
- 8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus three (3) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460. We encourage parties to use a three-hole punch with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

- 9 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.
- 10 An electronic copy of all filings must be submitted either through the commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via e-mail delivery to records@wutc.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). The commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 11 **ELECTRONIC SUBMISSION.** As allowed under WAC 480-07-145(6), the parties are granted a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the commission on the filing deadline. Parties must submit the document either through the commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via e-mail to records@wutc.wa.gov, and file an original, plus three (3) paper copies, of the document with the commission by the following business day.
- 12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.
- 13 **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 March 13, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET UT-063006

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
LEVEL 3	ERIK CECIL VICTORIA MANDELL RICK THAYER Regulatory Counsel Level 3 Communications, LLC 1025 Eldorado Boulevard Broomfield, CO 80021	720-888-1319 720-888-2439 720-888-2620	720-888-5134 (Same) (Same)	Erik.cecil@level3.com Victoria.mandell@level3.com Rick.thayer@level3.com
	ARTHUR A. BUTLER Ater Wynne LLP 601 Union Street, Suite 5450 Seattle, WA 98101-2329	206-603-4711	206-467-8406	aab@aterwynne.com
	ROGELIO E. PEÑA Peña & Associates, LLC 1375 Walnut Street, Suite 220 Boulder. CO 80302	303-415-0409	303-415-0433	rpena@boulderattys.com
QWEST	LISA A. ANDERL Associate General Counsel Qwest Services Corporation 1600 7 th Ave. – Room 3206 Seattle, WA 98191	206-345-1574	206-343-4040	Lisa.anderl@Qwest.com
	THOMAS M. DETHLEFS Senior Attorney Qwest Services Corporation 1801 California, 10 th Floor Denver, CO 80202	303-383-6646	303-298-8197	Thomas.dethlefs@Qwest.com
	TED SMITH Stoel Rives LLP 201 South Main Street Suite 1100 Salt Lake City, UT 84111	801-578-6961	801-578-6999	Tsmith@stoel.com
Presiding Admin. Law Judge	ANN E. RENDAHL 1300 S. Evergreen Pk Drive SW PO Box 47250 Olympia, WA 98504-7250	360-664-1144	360-664-2654 (ALD fax only – do not use to file)	arendahl@wutc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-063006**

EVENT	DATE	INTERVAL
Level 3 files Motion to Compel	By March 31, 2006	—
Qwest Reply to Motion to Compel Due	April 11, 2006	11 days
Oral Argument on Motion to Compel	April 18, 2006, at 1:30 p.m.	7 days
Decision on Motion to Compel	April 25, 2006	7 days
If required, compelled data must be provided	May 9, 2006	14 days
Simultaneous Direct Pre-filed Testimony due	May 23, 2006 by 3:00 p.m.	14 days
Simultaneous Responsive Pre-filed Testimony due	June 30, 2006, by 3:00 p.m.	38 days
Discovery Cut-off	July 12, 2006	12 days
Parties must e-mail to ALJ their estimated cross examination times, the preferred order of witnesses, and a list of any cross-examination exhibits	August 16, 2006, by Noon	36 days
Parties must distribute to other parties and the Commission paper copies of all cross-examination exhibits	August 17, 2006	1 day
Evidentiary hearings	August 21-25, 2006	4 days
Simultaneous Initial Briefs	September 15, 2006, by 3:00 pm	21 days
Simultaneous Responsive Briefs	September 29, 2006, by 3:00 pm	14 days
Arbitrator's Report and Order	By November 3, 2006	41 days