

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

In the Matter of the Petition for)	DOCKET UT-083041
Arbitration of an Interconnection)	
Agreement Between)	
)	ORDER 02
CHARTER FIBERLINK WA-CCVII,)	
LLC,)	
)	PREHEARING CONFERENCE
With)	ORDER;
)	
QWEST CORPORATION)	NOTICE OF HEARING
)	(Set for December 16-18, 2008)
Pursuant to 47 U.S.C. Section 252(b).)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On August 8, 2008, Charter Fiberlink WA-CCVII, LLC (Charter) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting arbitration with Qwest Corporation (Qwest). The petition was filed pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996).

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on September 10, 2008, before Administrative Law Judge Marguerite E. Russell, the Arbitrator in this proceeding.

3 **APPEARANCES.** Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, represents Charter. Lisa Anderl, attorney, Seattle, Washington, represents Qwest. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

- 4 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under 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 in this docket concurrently with this Prehearing Conference Order.
- 5 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are invoked.
- 6 **PROCEDURAL SCHEDULE.** During the conference, the procedural schedule for this docket was developed. The Commission adopts the procedural schedule, which is set forth below and attached to this Order as Appendix B.

Direct Testimony (both parties)	October 8, 2008
Responsive Testimony (both parties)	November 13, 2008
Witness Lists (both parties)	December 11, 2008
Arbitration Hearing	December 16-18, 2008
Post-Hearing Opening Briefs	January 22, 2008
Post-Hearing Closing Briefs	February 9, 2008
Projected Date of Arbitrator's Report	March 30, 2008

- 7 **NOTICE OF HEARING.** The Commission will hold a hearing in this matter, to begin on Tuesday, December 16, 2008, at 9:30 a.m., in Room 206 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington. The hearing will continue, as needed, through Thursday, December 18, 2008, in the same location.

- 8 **ARBITRATOR’S REPORT AND DECISION.** In accordance with 47 U.S.C. §252(b)(4)(c), the deadline for the arbitrator’s report and decision is December 1, 2008. However, at the prehearing conference and in subsequent letters to the Commission, the parties agreed to extend the deadline to March 30, 2008, with the option of a further extension should one prove necessary.
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus 3 copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 **ELECTRONIC SUBMISSION OF DOCUMENTS.** All filings must be mailed or delivered to the David W. Danner, Executive Director and 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.
- 11 An electronic copy of all filings must be provided through the Commission’s Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to 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 or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 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 360-664-1144.

13 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective September 17, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-083041**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Charter Fiberlink WA- CCVII, LLC	Gregory J. Kopta Davis Wright Tremaine LLP 1201 Third Avenue, Ste 2200 Seattle, WA 98101-3045	(206) 757-8079	(206) 757-7079	GregKopta@dwt.com
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	Brian Nixon Davis Wright Tremaine LLP 1919 Pennsylvania Avenue NW, Ste 200 Washington, D.C. 20006	(202) 973-4247	(202) 973-4499	BrianNixon@dwt.com
	Clifford Williams Charter Communications 12405 Powerscourt Drive, St. Louis, MO 63131	(917) 488-9236	(314) 965-6640	Cliff.Williams@Chartercom.com
Qwest Corporation	Lisa Anderl Qwest Corporation 1600 7 th Avenue, Rm 3206 Seattle, WA 98191	(206) 345-1574	(206) 343-4040	Lisa.Anderl@Qwest.com
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APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-083041

EVENT	DATE
Direct Testimony (both parties)	October 8, 2008
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