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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 In the Matter of the Petition)
 for Arbitration of an)
 4 Interconnection Agreement)
 Between) DOCKET NO. UT-093035
 5) Volume I
 NORTH COUNTY COMMUNICATIONS) Pages 1 - 8
 6 CORPORATION OF WASHINGTON)
 with)
 7 QWEST CORPORATION)
)
 8 Pursuant to 47 U.S.C.)
 Section 252(b))
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11 A prehearing conference in the above matter
 12 was held on August 31, 2009, at 1:40 p.m., at 1300
 13 South Evergreen Park Drive Southwest, Olympia,
 14 Washington, before Administrative Law Judge ANN
 15 RENDAHL.

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17 The parties were present as follows:

18 QWEST CORPORATION, by LISA A. ANDERL (via
 bridge line), Associate General Counsel, 1600 Seventh
 19 Avenue, Room 1506, Seattle, Washington 98191;
 telephone (206) 345-1574.

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24 Kathryn T. Wilson, CCR

25 Court Reporter

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1 P R O C E E D I N G S

2 JUDGE RENDAHL: Good afternoon. My name is
3 Ann Rendahl, the arbitrator presiding over this
4 proceeding. We are here before the Washington
5 Utilities and Transportation Commission this Monday,
6 August 31st, 2009, for a prehearing conference in
7 Docket UT-093035, which is captioned, In the matter of
8 the petition for arbitration and approval of an
9 interconnection agreement between North County
10 Communications Corporation of Washington and Qwest
11 Corporation, pursuant to 47 U.S.C., Section 252.

12 Qwest filed its arbitration petition with the
13 Commission on August 3rd, 2009, and the sole issue in
14 dispute appears to be the signaling system used under
15 the Agreement. Qwest's petition states that it seeks
16 to enter into a new agreement to replace the existing
17 agreement with North County, specifically to require
18 North County to use a different signaling system,
19 quote, "For communication between switches to
20 accomplish call setup and management, including
21 tracking and reporting," unquote.

22 The petition further alleges that North
23 County uses multifrequency, or MF signaling, and Qwest
24 would like North County to use the system known as
25 Signaling System 7 or SS-7. Qwest reports that North

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1 County does not want to incur the cost of converting to
2 SS-7, and that North County asserts that all traffic
3 between the parties terminates to North County and that
4 there is no need for it to convert to SS-7.

5 So Qwest proposes a draft agreement that
6 allows North County to continue using MF signaling for
7 traffic terminating only to North County. The proposed
8 agreement attached to Qwest's petition includes a
9 provision requiring North County to negotiate an
10 amendment requiring SS-7 if North County wishes to
11 originate traffic sent to Qwest.

12 Under the Commission's rules, North County
13 was required to respond to the petition by Friday,
14 August 28th, 2009. North County did not file a
15 response. I've checked with our records center staff
16 and they have confirmed that they have not filed a
17 response.

18 So at the prehearing conference now, we are
19 going to take appearances, address any petitions for
20 intervention, further identify the issues, if possible,
21 and discuss the procedural schedule for the
22 arbitration, as well as any other procedural issues the
23 parties wish to discuss.

24 So we are going to take appearances now. I
25 will note that there is no one here in person in the

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1 hearing room. Ms. Anderl from Qwest is calling in on
2 the bridge line, and that there is no one else on the
3 bridge line, but we will give an opportunity for a
4 representative for North County to state their
5 appearance if there is anyone. So let's begin with
6 you, Ms. Anderl.

7 MS. ANDERL: Thank you, Your Honor. Lisa
8 Anderl, in-house attorney representing Qwest
9 Corporation. My address is 1600 Seventh Avenue, Room
10 1506, Seattle, Washington, 98191. My phone is
11 (206) 345-1574. My fax is (206) 343-4040, and my
12 e-mail is lisa.anderl@qwest.com.

13 JUDGE RENDAHL: Thank you, and I noticed that
14 Mr. Sherr, Adam Sherr had also signed the petition. Do
15 you wish to include him for courtesy e-mail purpose?

16 MS. ANDERL: That's not necessary.

17 JUDGE RENDAHL: Does Mr. Reynolds need to be
18 included?

19 MS. ANDERL: Mr. Reynolds would be good to
20 have on there.

21 JUDGE RENDAHL: Let me confirm his e-mail;
22 mark.reynolds3@qwest.com; is that still correct?

23 MS. ANDERL: Yes, it is.

24 JUDGE RENDAHL: Thank you, Ms. Anderl. Is
25 there anyone on the bridge line appearing for North

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1 County? Hearing nothing, I will note that we delayed
2 the beginning of the prehearing conference until 1:40.
3 We did send the notice of prehearing conference to the
4 contact person for North County Communications, and
5 having received no rejection of the prehearing
6 conference through the mail, my only assumption is that
7 the Company has received both the Qwest petition and
8 the notice of prehearing conference and has chosen not
9 to make an appearance.

10 Ms. Anderl, do you have any further
11 information about North County?

12 MS. ANDERL: Just so the record is clear, we
13 did negotiate with North County, and Qwest understood
14 that North County was going to file a request for an
15 extension of all the deadlines in the docket,
16 specifically the deadline for filing their answer and
17 the date for today's prehearing conference, for 30
18 days. We would have had no objection to that
19 extension, but nothing was ever filed to the best of
20 our knowledge, and I have not had any direct
21 communication with the attorney for North County since
22 August 20th.

23 My understanding is that there has been some,
24 -- I don't know, some ongoing negotiation. I don't
25 know how significant it's been, but nothing procedural

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1 in terms of today's prehearing for arranging a new
2 schedule in the docket.

3 JUDGE RENDAHL: So how do you suggest that we
4 proceed?

5 MS. ANDERL: Your Honor, we do believe that
6 it may be appropriate to enter an order of default
7 against North County and impose the interconnection
8 agreement requested by Qwest. However, we are willing
9 to file, as opposed to just making a motion for default
10 here today, we can make a formal filing in writing.

11 JUDGE RENDAHL: I think I would prefer you to
12 file a formal motion giving North County an opportunity
13 to respond and also because the issue -- I'm not sure
14 that this commission has ever been presented with
15 default in an arbitration proceeding, and I would be
16 interested to have more than just a verbal discussion
17 and motion of the issues. How much time do you think
18 you would like to have for a default motion?

19 MS. ANDERL: I think we could probably file
20 something by September 9th.

21 JUDGE RENDAHL: That's a Thursday?

22 MS. ANDERL: Wednesday, I think.

23 JUDGE RENDAHL: So you would like to file
24 something by Wednesday, September 9th?

25 MS. ANDERL: Yes. You know what? I just

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1 realized I'm going to have support staff issues.

2 JUDGE RENDAHL: If you would like to defer
3 that to Friday the 11th, that's fine with me.

4 MS. ANDERL: That would be better.

5 JUDGE RENDAHL: So why don't we defer the
6 filing of the motion for default to September 11th, and
7 I will provide until Wednesday the 23rd for a response
8 unless, and I don't have the rules in front of me.
9 There may be a set time for responding to a default
10 motion.

11 MS. ANDERL: I think all motions are five
12 days, five business days, but I don't object if you set
13 it out to the 23rd.

14 JUDGE RENDAHL: I may extend it simply to
15 make sure they have sufficient time to respond, and
16 this is somewhat of a different issue.

17 Do you see a need in this proceeding to
18 invoke the discovery rules or issue a protective order?

19 MS. ANDERL: Not unless or until we get an
20 appearance, and if we kind of reactivate the proceeding
21 if they somehow avoid a default by making some sort of
22 an appearance between now and then, we might want to
23 revisit that, but at the time, I don't see the need to
24 invoke the discovery rule or issue a protective order.

25 JUDGE RENDAHL: Why don't we defer a ruling

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1 on those, and I will defer also any further discussion
2 about procedural schedule or any discussion about
3 issues. I think I've captured the issues fairly well
4 from what's in the petition, but this doesn't give us
5 the perspective of North County.

6 Is there anything else you think we need to
7 address today?

8 MS. ANDERL: No, Your Honor.

9 JUDGE RENDAHL: So what I will likely do is
10 issue a prehearing conference order in the next day or
11 so that identifies the schedule for filing the motion
12 for default, and I will check the rules and identify an
13 appropriate response time for a response to the motion
14 and we will take it from there. Is there anything else
15 we need to do today?

16 MS. ANDERL: Not from Qwest's perspective,
17 Your Honor.

18 JUDGE RENDAHL: Hearing nothing, this
19 prehearing conference is adjourned, and I will issue
20 the order within the next day or two, so thank you very
21 much for calling in.

22 MS. ANDERL: Thank you.

23 JUDGE RENDAHL: We are off the record.

24 (Prehearing conference adjourned at 1:55 p.m.)

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