

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

ESCHELON TELECOM OF)	DOCKET NO. UT-033039
WASHINGTON, INC.,)	
)	ORDER NO. 01
Petitioner/Complainant,)	
)	PREHEARING CONFERENCE
v.)	ORDER
)	
QWEST CORPORATION,)	
)	
Respondent.)	
.....)	

1 **Proceeding.** Docket No. UT-033039 involves a petition filed by Eschelon Telecom of Washington, Inc. (Eschelon) for enforcement of Section 252(i) of the Federal Telecommunications Act of 1996 and a complaint against Qwest Corporation (Qwest) pursuant to the Commission's Interpretive and Policy Statement in Docket No. UT-990355 and WAC 480-09-530. The petition alleges that Qwest charges Eschelon a higher rate for UNE-Star than it charges to McLeodUSA (McLeod).

2 **Conference.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on October 7, 2003.

3 **Appearances.** Dennis D. Ahlers, attorney, Minneapolis, Minnesota, represents Eschelon. 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 **Petitions to Intervene.** No parties sought to intervene in this matter.

5 **Protective Order.** The parties do not request that the Commission enter a Protective Order at this time.

6 **Discovery.** The parties requested that the Commission invoke the provisions of
WAC 480-09-480, the discovery rule.

7 **Issues.** The parties indicated that based on negotiations that occurred prior to
the prehearing conference, the only issue that remains unresolved is the effective
date of the McLeod rate. This involves consideration of whether a refund to
Eschelon is appropriate.

8 **Schedule of Proceedings.** The parties agreed that they would address the sole
remaining issue by filing briefs and that a hearing would not be required. The
parties will file simultaneous initial briefs on November 12, 2003 and reply briefs
on November 26, 2003.

9 **Document preparation and process issues.** Parties must file an original plus
seven copies of each document filed with the Commission. Appendix B states
relevant Commission rules and other directions for the preparation and
submission of evidence and for other process in this docket. To the extent they
are applicable to this proceeding, the parties will be expected to comply with
these provisions.

Dated at Olympia, Washington and effective this ___ day of October, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

**Notice to Parties: Any objection to the provisions of this Order must be filed
within ten (10) days after the date of mailing of this statement, pursuant to
WAC 480-09-460(2). Absent such objections, this prehearing conference order
will control further proceedings in this matter, subject to Commission review.**

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.: (____) _____

APPENDIX A

<u>PARTIES REPRESENTATIVES</u>				
DOCKET NO. UT-033039				Updated 10/8/03
COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Eschelon Telecom Inc.	DENNIS D AHLERS Senior Attorney Eschelon Telecom Inc. 730 Second Avenue South Suite 1200 Minneapolis, MN 55402-2456	612-436-6249	612-436-6349	ddahlers@eschelon.com
Qwest Corporation	LISA A. ANDERL Qwest Corporation 1600 7th Avenue Room 3206 Seattle, WA 98191	206-345-1574	206-343-4040	Lisa.Anderl@qwest.com

Appendix B

I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for

revision, when applicable, with an ordinal number showing the revision number.

II. Identifying exhibit numbers; Exhibits on cross examination.

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and (JQP) designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing. We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require prefilings.