

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition for)	
Arbitration of an Interconnection)	DOCKET NO. UT-043045
Agreement Between)	
)	ORDER NO. 03
DIECA COMMUNICATIONS, INC)	
d/b/a COVAD COMMUNICATIONS)	PREHEARING CONFERENCE
COMPANY)	ORDER; ESTABLISHING
)	PROCEDURAL SCHEDULE;
with)	NOTICE OF HEARING
)	(To be held on August
QWEST CORPORATION)	26 and 27, 2004)
)	
Pursuant to 47 U.S.C. Section 252(b),)	
and the <i>Triennial Review Order</i> .)	
.....)	

1 **NATURE OF PROCEEDING.** This proceeding involves a petition filed by DIECA Communications, Inc., d/b/a Covad Communications Company (Covad) requesting arbitration of amendments to its interconnection agreement with Qwest Corporation (Qwest) pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act), and the Federal Communications Commission’s Triennial Review Order.¹

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia,

¹ *In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter “Triennial Review Order”].

Washington on June 29, 2004, before Administrative Law Judge Ann E. Rendahl, the Arbitrator in this proceeding.

3 **APPEARANCES.** Karen Shoresman Frame, Senior Counsel, Denver, Colorado, and David Rice, Miller Nash, LLP, Seattle, Washington, represent Covad. Adam L. Sherr, Seattle, Washington, Mary Rose Hughes, Perkins Coie, LLP, Washington, D.C., and Winslow Waxter, Denver Colorado, represent Qwest. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **ISSUES.** The parties are continuing negotiations on the issues presented in Covad's petition and Qwest's response. The parties plan to identify issues for arbitration in an issues matrix to be filed on August 23, 2004.

5 **PROCEDURAL SCHEDULE.** The parties agreed upon, and the Commission adopts, the procedural schedule attached to this Order as Appendix B, which is incorporated into the body of this Order by this reference.

6 **NOTICE OF HEARING.** The Commission convenes a hearing in this matter to address the issues raised by the parties in the petition and answer. **The hearing will be held on Thursday, August 26 and Friday, August 27, 2004, beginning at 9:30 a.m. on August 26, 2004 in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**

7 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus 2 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, and must 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.

8 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

9 An electronic copy of all filings must be provided by 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).

10 **ELECTRONIC SUBMISSIONS.** Parties may only submit documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic submission of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to records@wutc.wa.gov, and file an original, plus 2 copies, of the document with the Commission by the following business day.

- 11 **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 this 13th day of July, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

<u>PARTIES REPRESENTATIVES</u>				
DOCKET NO. UT-043045			Updated 7/13/04	
COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Covad Communications Company	KAREN SHORESMAN FRAME Covad Communications Co. 7901 Lowry Blvd. Denver CO 80230	720-208-1069	720-208-3350	kframe@covad.com
	DAVID RICE Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352			David.rice@millernash.com
Qwest Corporation	ADAM L. SHERR Qwest Corporation 1600 7 th Avenue Room 3206 Seattle WA 98191	206-398-2507	206-343-4040	Adam.sherr@qwest.com
	MARY ROSE HUGHES Perkins Coie, LLP 697 Fourteenth Street NW Suite 800 Washington, DC 20005- 2011	202-434-1606	202-434-1690	Hughm@perkinscoie.com
	WINSLOW B. WAXTER Qwest Corporation 1005 17 th St. – Suite 200 Denver, CO 80202	303-896-1518	303-896-6095	Winslow.waxter@qwest.com
Presiding Arbitrator/ Administrative Law Judge	ANN E. RENDAHL 1300 S Evergreen Park Dr SW P.O. 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 NO. UT-043045

EVENT	DATE
Simultaneous Prefiled Direct Testimony	July 15, 2004
Simultaneous Responsive Prefiled Testimony	July 29, 2004
Discovery Cut-off	August 12, 2004
Corrected Testimony	August 19, 2004
Issues Matrix, Witness Lists, Order of Witnesses, Cross-examination estimates, exhibit list and additional exhibits, cross-exhibits due	August 23, 2004 by Noon Electronically (Paper copy filed on August 24, 2004)
Hearings	August 26-27, 2004
Simultaneous Briefs	September 24, 2004
Arbitrator's Report and Decision	October 22, 2004
Petitions for Review due	November 22, 2004
Answers to Petitions, Request for Approval of Agreement due	December 7, 2004
Commission Hearing	TBD