

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

NORTHWEST TELEPHONE, INC.,)	DOCKET NO. UT-053081
)	
Complainant,)	
)	ORDER NO. 01
v.)	
)	
QWEST CORPORATION,)	
)	PREHEARING CONFERENCE
Respondent.)	ORDER
)	
.....)	

- 1 **NATURE OF PROCEEDING.** Docket No. UT-053081 is a complaint filed by Northwest Telephone, Inc., (NTI) against Qwest Corporation (Qwest). NTI alleges that Qwest has breached the parties' Local Interconnection Agreement because Qwest has refused to compensate NTI for Qwest's proportionate usage of interconnection facilities. Qwest answered the complaint and filed a motion to dismiss. NTI filed a response opposing Qwest's motion to dismiss.

- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on November 7, 2005. The matter was heard before Administrative Law Judge Karen M. Caillé.

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

- 4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.
- 5 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, pursuant to WAC 480-07-400. This matter is one that qualifies for discovery, and the rules are invoked.
- 6 **PROTECTIVE ORDER.** The parties agree that a protective order is necessary to protect confidential information, including customer-specific information. The Commission will enter a protective order in this proceeding to facilitate the filing and exchange among parties, during discovery and otherwise, of information that is deemed confidential by the party in whose custody and control the information is held.
- 7 **PRELIMINARY/SUBSTANTIVE MOTION.** Qwest filed a Motion to Dismiss on September 27, 2005. NTI filed a response in opposition to the Motion to Dismiss on October 6, 2005. Qwest argued that the Motion to Dismiss should be decided prior to any hearing in the proceeding. NTI argued that the Motion to Dismiss should be carried with the case. The ALJ ruled that the Motion to Dismiss would be carried with the case.
- 8 **PROCEDURAL SCHEDULE.** The parties agreed to a procedural schedule, including a date for hearing. The Commission establishes the procedural schedule that is attached to this Order as Appendix B, which is incorporated into the body of this Order by this reference.
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus 5 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.

- 10 All filings must be mailed to the Commission 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 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.
- 11 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. **Electronic documents that are redacted versions that mask confidential information, should be filed exclusively in "read only" .pdf format.** Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file 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 5 copies, of the document with the Commission by the following business day.

13 **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.

14 **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 9th day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET NO. UT-053081

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Northwest Telephone, Inc.	Gregory J. Kopta Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688	206-628-7692	206-628-7699	gregkopta@dwt.com
Qwest Corporation	Lisa Anderl Qwest Corporation 1600 7 th Avenue, Room 3206 Seattle, WA 98191 Adam L. Sherr Qwest Corporation 1600 7 th Avenue, Room 3206 Seattle, WA 98191	206-345-1574 206-398-2507	206-343-4040 206-343-4040	lisa.anderl@qwest.com adam.sherr@qwest.com
Presiding Administrative Law Judge	Karen M. Caillé 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250	360-664-1136	360-664-2654 [ALD fax only – do not use to file]	kcaille@wutc.wa.gov

APPENDIX B

PROCEDURAL SCHEDULE
DOCKET NO. UT-053081

EVENT	DATE	INTERVAL
NTI Files Testimony	December 22, 2005	
Qwest Files Testimony	January 31, 2006	40 days
NTI Rebuttal Testimony	February 28, 2006	28 days
Hearing	March 30, 2006, 9:30 a.m.	30 days
Briefs	To Be Determined	