

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

THE LUMMI NATION,)	
)	DOCKET UT-060147
Complainant,)	
)	
v.)	ORDER 01
)	
VERIZON NORTHWEST INC. AND)	
QWEST CORPORATION,)	PREHEARING CONFERENCE
)	ORDER
Respondent.)	
.....)	
...)	

1 **PROCEEDINGS:** On January 23, 2006, the Lummi Nation filed with the Commission a complaint against Verizon Northwest Inc. (Verizon) and Qwest Corporation (Qwest). On February 14, 2006, Verizon and Qwest filed answers to the complaint. The complaint alleges that Verizon and/or Qwest are liable for payments the Lummi Nation made to Verizon for Foreign Exchange (FX) Service after the service was disconnected or because the service was never provided. Verizon and Qwest dispute the allegations in the complaint and plead affirmative defenses. The Commission conducted a prehearing conference before Administrative Law Judge Dennis J. Moss on March 23, 2006.

2 **PARTY REPRESENTATIVES:** Margaret M. Schaff, Margaret M. Schaff PC, Boulder, Colorado and David M. Neubeck, Office of the Reservation Attorney, Bellingham, Washington, appeared for the Lummi Nation. Judith K. Bush, Office of the Reservation Attorney, is on the pleadings for the Lummi Nation. Timothy J. O’Connell and John H. Ridge, Stoel Rives LLP, Seattle, Washington, appeared for Verizon. Lisa Anderl, Qwest Corporation, Seattle, Washington, appeared for Qwest. Neither the Public Counsel Section of the Washington Office of Attorney General nor Commission regulatory staff appeared for their respective clients.

3 **PETITIONS TO INTERVENE:** There were no petitions to intervene.

- 4 **DISCOVERY; PROTECTIVE ORDER:** The parties will conduct discovery pursuant to the Commission’s discovery rules, WAC 480-07-400—425. Initially, until resolution of issues concerning the statute of limitations, which may be dispositive, the parties will limit their discovery to matters concerning the statute of limitations. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 5 **PROCEDURAL SCHEDULE:** The Commission establishes the preliminary procedural schedule that is attached to this Order as Appendix B, which is incorporated into the body of this Order by this reference. This schedule includes dates for the filing by Verizon of a motion arguing that this action is barred, in whole or part, by the statute of limitations, an Answer by the Lummi Nation and a Reply by Verizon.¹ If this matter is not disposed of on the basis of this threshold issue, the Commission will convene a second prehearing conference to establish additional procedural dates as necessary to conduct whatever further process is required to resolve this matter.
- 6 **ALTERNATE DISPUTE RESOLUTION:** The Commission supports the informal settlement of matters before it. If parties need the services of a settlement judge, they should telephone the Director, Administrative Law Division, at 360-664-1142.
- 7 **FILING; COPIES OF MATERIALS:** Parties must submit the original and eight copies of all documents filed. All paper copies of filed documents must be mailed to the Commission Executive Secretary, Washington State 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’s Records Center at the agency’s physical address. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service.
- 8 Paper copies of filed 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, preferably with *oversized* holes, to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

¹ Qwest may join Verizon’s motion, or may file a similar motion.

- 9 An electronic copy of all filings is required. Electronic copies may 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).
- 10 The Commission prefers that parties furnish electronic copies of all filings that do not include confidential information and unredacted versions of documents that do include confidential information 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).
- 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 March 24, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES				
DOCKET UT-060147				
	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Lummi Nation	Margaret M. Schaff, PC 749 Deer Trail Road Boulder, CO 80302	303-443-0182		mschaffpc@att.net
	David M. Neubeck Judith H. Bush Reservation Attorney 2616 Kwina Road Boulder, CO 80302	303-384-2258		davidn@lummi-nsn.gov
Verizon	Timothy J. O'Connell John H. Ridge Stoel Rives LLP 600 University Street, Ste 3600 Seattle, WA 98101	206-624-0900		tjoconnell@stoel.com jhridge@stoel.com
Qwest	Lisa A. Anderl Qwest Corporation 1600 7 th Avenue, Room 3206 Seattle, WA 98191	206-398-2500		Lisa.Anderl@qwest.com
Public Counsel	NO APPEARANCE ENTERED			
Commission Regulatory Staff	NO APPEARANCE ENTERED			

**APPENDIX B –
PROCEDURAL SCHEDULE**

EVENT	DATE	INTERVAL
Complaint	January 23, 2006	
Answers	February 14, 2006	
Notice of Prehearing Conference	February 23, 2006	9 days
Prehearing Conference (Order entered March 24, 2006)	March 23, 2006	28 days
Dispositive Motion(s) re Statute of Limitations	April 6, 2006	14 days
Answer(s) to Dispositive Motion(s)	April 21, 2006	15 days
Reply(ies) to Dispositive Motions	May 5, 2006	14 days