



Christine O. Gregoire

# ATTORNEY GENERAL OF WASHINGTON

Utilities and Transportation Division

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April 8, 2004

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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION

Carole J. Washburn, Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
P. O. Box 47250  
Olympia, Washington 98504-7250

Re: *In the Matter of the Second Six-Month Review of Qwest Corporation's  
Performance Assurance Plan*  
Docket No. UT-043007

Dear Ms. Washburn:

Enclosed for filing are the original and 12 copies of Commission Staff Response  
To Qwest's Motion For Change Of Schedule, Evidentiary Hearing, And Discovery, and  
Certificate of Service.

Very truly yours,

GREGORY J. TRAUTMAN  
Assistant Attorney General

GJT:sgb  
Enclosures  
cc: Parties



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COMMISSION

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Second Six-Month  
Review of

QWEST CORPORATION'S

Performance Assurance Plan

DOCKET NO. UT-043007

COMMISSION STAFF  
RESPONSE TO QWEST'S  
MOTION FOR CHANGE OF  
SCHEDULE, EVIDENTIARY  
HEARING, AND DISCOVERY

On April 1, 2004, the Commission provided a notice of opportunity to respond to Qwest's motion for Change of Schedule, Evidentiary Hearing and Discovery. Staff provides the following comments in response to the Commission's notice.

Staff agrees that some modification of the current schedule may be necessary given that the LTPA process is taking longer than anticipated. Assuming the prehearing conference to discuss the schedule and other matters is set for late April, the parties will be in a better position to discuss a revised schedule.

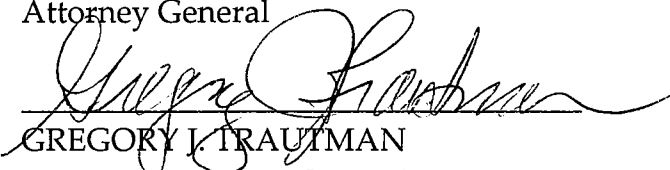
With regard to Qwest's request for an evidentiary hearing and discovery, Staff believes that it is premature at this point to decide such a hearing process is necessary for several reasons. First, Staff disagrees with Qwest's characterization that "there are at least seven very significant impasse issues." (Motion at page 2) Staff's review of these

issues does not lead to the conclusion that the issues are "very significant." They are, rather, the same sort of issues the Commission dealt with in the first six-month review without needing to resort to evidentiary hearings. Second, Staff expects that the issues will be fairly resolved by the facilitator and confirmed by state staffs by the end of April. Staff does not understand what Qwest has in mind by calling for evidentiary hearings over these issues before the facilitator has even had an opportunity to resolve them.

Finally, Staff is concerned with the Qwest motion at this time because the purpose of the multi-state collaborative is to gain the efficiencies and economies of having common issues resolved in the wider forum. If the same issues are going to be fully litigated in Washington whenever one party or the other doesn't care for the outcome in the multi-state forum, then the efficiencies are going to be lost and the Commission may as well not participate in the multi-state forum. Until the full scope of issues for the second six-month review is determined, Staff cannot determine whether it believes an evidentiary hearing will be necessary.

DATED this 8th day of April, 2004.

CHRISTINE O. GREGOIRE  
Attorney General

  
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