## BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T BROADBAND PHONE OF WASHINTON, LLC.,	) DOCKET NO. UT-020388
Complainant,	) )
y.	) THIRD SUPPLEMENTAL ORDER; ) PREHEARING CONFERENCE
V.	ORDER
QWEST CORPORATION,	
Respondent.	
	)

- Proceeding: Docket No. UT-020388 is a complaint filed by AT&T Broadband Phone of Washington, LLC (AT&T Broadband) against Qwest alleging Qwest engaged in reverse slamming pursuant to WAC 480-120-139.
- 2 **Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on April 12, 2002 before Administrative Law Judge Theodora M. Mace.
- Appearances. Gregory J. Kopta, attorney, Seattle, for AT&T Broadband. Lisa Anderl, attorney, Seattle, for Qwest. Michel Singer-Nelson, attorney, Denver, Colorado for WorldCom, Inc. (WorldCom). Gregory Trautman, Assistant Attorney General for WUTC Staff. Robert Cromwell, Assistant Attorney General, Olympia, for Public Counsel. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- Petitions for Intervention. WorldCom presented an oral Petition to Intervene during the prehearing conference. WorldCom stated that it expected to be serving customers in Washington very soon and that its Petition to Intervene was based on a concern that Qwest's alleged reverse slamming tactics would cause a detriment to WorldCom's ability to compete as a telecommunications carrier in Washington markets.
- WorldCom was not serving Washington customers at the time its Petition to Intervene was presented and had no relationship with Qwest similar to that of AT&T Broadband's in this proceeding.

- Qwest objected to the WorldCom Petition to Intervene on grounds that WorldCom currently served no Washington customers and that WorldCom had stated no basis for its intervention in the complaint proceeding.
- Discussion and decision. Because WorldCom did not serve Washington customers during the time period upon which the Complaint is based, has not experienced reverse slamming on the part of Qwest, and has no relationship with Qwest similar to AT&T Broadband's in this case, WorldCom's Petition to Intervene is denied. WorldCom is not precluded from filing a complaint on its own behalf against Qwest if it believes that Qwest violates the Telecommunications Act of 1996, state statutes or Commission rules in connection with service provided to WorldCom or WorldCom's customers
- 8 **Protective order.** The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05.446 and RCW 80.04.095, to protect the confidentiality of proprietary information. The request was granted, and a protective order has been entered.
- Discovery. Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.
- 10 **Issues.** The parties discussed the issues that they believe to be involved and were offered the assistance of the Commission with mediation or analysis in a "settlement judge" setting of the issues in dispute.
- Hearing schedule. The parties agreed upon the following schedule for the proceeding..

AT&T Broadband files direct testimony April 30, 2002

Qwest & Staff file direct testimony May 23, 2002

Rebuttal filing June 12, 2002

Prehearing conference June 20, 2002 (9:30 am)

Hearing June 27-28, 2002

Document preparation and process issues. Parties must file an original and twelve 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. Parties will be expected to comply with these provisions.

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.

Dated at Olympia, Washington, and effective this th day of April, 2002.

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.