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BEFORE THE WASHINGTON STATE

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UTILITIES AND TRANSPORTATION COMMISSION

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WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)

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Complainant,)

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v.) DOCKET UT-121986

8

) Volume I

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QWEST CORPORATION D/B/A)

9

CENTURYLINK QC AND QWEST)

10

COMMUNICATIONS COMPANY LLC D/B/A)

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CENTURYLINK QCC,)

11

Respondent.)

12

PREHEARING CONFERENCE

13

Pages 1-10

14

ADMINISTRATIVE LAW JUDGE ADAM TOREM

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1:30 P.M.

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APRIL 23, 2014

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Washington Utilities and Transportation Commission

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ALSO PRESENT: PHIL GRATE

* * * * *

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1 OLYMPIA, WASHINGTON APRIL 23, 2014

2 1:30 P.M.

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4 JUDGE TOREM: Good afternoon. Let's be on
5 the record. It's Wednesday afternoon, a little after 1:30,
6 April 23, 2014. This is Docket UT-121986.

7 We're here in this docket today in Olympia,
8 Washington, because on March 19, 2014, the Washington
9 Utilities and Transportation Commission issued a complaint
10 against Qwest Corporation, d/b/a CenturyLink QC and Qwest
11 Communications Company LLC d/b/a CenturyLink QCC.

12 This complaint alleges violations of RCW
13 80.36.130 and WAC 480-120-461. And it seeks a specific
14 dollar amount, \$313,070 in penalties be imposed against
15 respondent Qwest and CenturyLink. That was served March 19.

16 And we got word from the Company they did not
17 wish to file an answer.

18 So the Commission sent out a prehearing
19 conference notice March 28 of this year and scheduled this
20 proceeding.

21 My name is Adam Torem. I'm the
22 Administrative Law Judge presiding over this case.

23 We'll take appearances from the parties.

24 And we've already discussed most of the
25 procedural requirements off the record, and we'll just make

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1 them part of the record today.

2 First for Commission Staff?

3 MR. FASSIO: Mike Fassio, Assistant Attorney
4 General on behalf of Commission Staff.

5 I did file and serve a notice of appearance,
6 and I would be happy to summarize my contact information if
7 it's necessary.

8 JUDGE TOREM: I don't think so.

9 For the Company?

10 MS. ANDERL: For the Company, Lisa Anderl,
11 inhouse counsel representing the Respondents in this case.

12 And I've verified that the Notice of
13 Prehearing Conference today contained my accurate contact
14 information.

15 JUDGE TOREM: Okay. And you also have
16 someone from the company with you today you wanted to
17 introduce for the record and add to the e-mail service
18 list?

19 MS. ANDERL: Yes, please, your Honor. To my
20 left is Phil Grate. He's public policy director and has
21 responsibilities for Washington. And if you'll put him on
22 the e-mail list for service.

23 JUDGE TOREM: Okay. Can I ask for the
24 spelling of your last name?

25 MR. GRATE: G-R-A-T-E.

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1 JUDGE TOREM: Okay. Thank you, Mr. Grate.

2 There's nobody on the bridge line because we
3 did not reserve it for today. So there's nobody else in the
4 room that appears they wish to intervene in the case.

5 Mr. Fassio, are you aware of anyone else that
6 wanted to intervene?

7 MR. FASSIO: I am not.

8 JUDGE TOREM: And Ms. Anderl, you haven't
9 heard of any potential intervenors?

10 MS. ANDERL: I've heard nothing.

11 JUDGE TOREM: All right. I'll make a note of
12 that.

13 You said discovery rules would be applicable
14 to this case, and you thought prefiled testimony would be
15 exchanged in sequence. So it sounds as though data requests
16 and the discovery rules will be applicable. So we'll
17 authorize discovery.

18 There was also a discussion as to whether any
19 of the prefiled testimony might contain customer
20 information, which typically, if it's provided to the
21 Commission, might not be private or confidential anymore.
22 But if the company records aren't exactly the papers that
23 are submitted by the customers, there would still be a
24 concern to make sure no privacy violations occurred. So for
25 that issue, I will issue the standard protective order,

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1 making sure if there's anything else that comes in that's
2 outside the bounds of it, you let me know if you need to
3 otherwise expand the protective order. But I'll enter the
4 protective order that's our standard language for the
5 Commission.

6 Mr. Fassio, I'm going to have you recite the
7 proposed schedule on how to handle this complaint against
8 CenturyLink and get all the evidence in to the Commission in
9 the months ahead.

10 MR. FASSIO: Thank you, your Honor.

11 We have agreed on a proposed schedule. And
12 the dates are as follows: The first date is for Staff to
13 file its prefiled direct testimony and exhibits on June 26,
14 2014.

15 The second date is the Company filing its
16 prefiled response testimony and exhibits on August 7, 2014.

17 Staff would file its rebuttal testimony on
18 September 10, 2014.

19 And then we would schedule a hearing on a
20 hearing date of October 7, 2014, if that date is available.

21 JUDGE TOREM: All right. And I think subject
22 to confirmation, my calendar shows it available. And I
23 think you've already checked with ALD staff.

24 Ms. Anderl, do those dates line up with what
25 you talked to Mr. Fassio about?

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1 MS. ANDERL: Yes, exactly. Thank you.

2 JUDGE TOREM: My understanding is also that
3 the parties will engage in settlement negotiations, but
4 we're not going to specify a particular date so that you're
5 not handcuffed to any one particular date prior to the
6 filing of testimony or even ongoing after that filing.

7 If you do reach a settlement prior to any of
8 these dates coming up where you need the procedural schedule
9 suspended or extended to allow further settlement
10 discussions, you have to let me know. Otherwise, that June
11 26 date will be the first triggering date of papers being
12 filed in the case.

13 Anything else we need to take care of
14 procedurally in this matter from the Commission's
15 perspective?

16 MS. ANDERL: Your Honor, I'm sorry. I didn't
17 ask you this off the record. But are there any dates that
18 you were unavailable that you know of if we have discovery
19 disputes or if we do have any motions or anything that we
20 want to file?

21 Sometimes it's good to know if the ALJ is not
22 going to be right at his desk.

23 JUDGE TOREM: As of today, I know for sure
24 I'm out of town next week and then a week in July. I think
25 it's somewhere between the Staff direct and the CenturyLink

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1 response. I think it's July 19 to 27.

2 MS. ANDERL: Okay. Thanks. Sorry to put you
3 on the spot.

4 JUDGE TOREM: No worries.

5 MS. ANDERL: Thank you.

6 JUDGE TOREM: There may be another chunk of
7 time, but that still remains up in the air. But right now
8 those are the weeks that I know: One here bridging April
9 and May and one in mid-July.

10 So any other items that we have to address
11 and put into the prehearing conference order?

12 MS. ANDERL: Not for CenturyLink, your Honor.

13 MR. FASSIO: Not for Staff, your Honor.

14 JUDGE TOREM: All right. Thank you for your
15 advance work getting the schedule together.

16 And all those dates look clear, particularly
17 the hearing date from where I can see it on my calendar.
18 I'll confirm that.

19 We can figure out the number of copies that
20 have to be filed, and I'll put that into the prehearing
21 conference order. That should come out by the end of week.

22 And I'll wait to hear if there's a
23 breakthrough in settlement discussions between now and June
24 26. And if so, we'll schedule the appropriate hearing or
25 get the right pleadings in to have the settlement reviewed

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1 by the Commission.

2 If not, press on and hope not to have any
3 disputes between now and October 7.

4 If there's nothing further, then this
5 prehearing conference is adjourned.

6 (Whereupon, the proceedings were
7 concluded at 1:41 p.m.)

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CERTIFICATE OF REPORTER)

5 STATE OF WASHINGTON)

) ss

6 COUNTY OF KING)

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