

1                   BEFORE THE WASHINGTON UTILITIES AND  
2                   TRANSPORTATION COMMISSION

3   In the Matter of the                    )  
Investigation into                        )  
4    )  
U S WEST COMMUNICATIONS, INC.'s   )   Docket No. UT-003022  
5    )   Volume LII  
Compliance with Section 271 of   )   Pages 7529 to 7538  
6   the Telecommunications Act of    )  
1996                                        )  
7   -----)  
In the Matter of                        )  
8    )   Docket No. UT-003040  
U S WEST COMMUNICATIONS, INC.'s   )   Volume LII  
9    )   Pages 7529 to 7538  
Statement of Generally                )  
10   Available Terms Pursuant to        )  
Section 252(f) of the                 )  
11   Telecommunications Act of 1996    )  
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13                   A hearing in the above matters was held on  
14   May 8, 2002, at 9:30 a.m., at 1300 South Evergreen Park  
15   Drive Southwest, Room 108, Olympia, Washington, before  
16   Administrative Law Judge ANN RENDAHL.

17                   The parties were present as follows:  
18                   QWEST CORPORATION, by LISA ANDERL, Attorney  
at Law, 1600 Seventh Avenue, Suite 3206, Seattle,  
19   Washington 98191, Telephone (206) 345-1574, Fax (206)  
343-4040, E-mail landerl@qwest.com; and by JONATHAN  
20   JOSHUA FRANKEL, Wilmer Cutler and Pickering, 2445 M  
Street Northwest, Washington, D.C. 20037, Telephone  
(202) 663-6113, Fax 202) 663-6363, E-mail jfrankel.com.

21                   AT&T, via bridge line, by REBECCA B. DECOOK,  
22   Attorney at Law, 1875 Lawrence Street, Suite 1575,  
Denver, Colorado 80202, Telephone (303) 298-6508, Fax  
23   (303) 298-6301, E-mail decook@att.com.

24                   Joan E. Kinn, CCR, RPR  
25   Court Reporter

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1                   THE PUBLIC, by ROBERT W. CROMWELL, JR.,  
Assistant Attorney General, 900 Fourth Avenue, Suite  
2                   2000, Seattle, Washington, 98164-1012, Telephone (206)  
                  464-6595, Fax (206) 389-2058, E-Mail  
3                   robertc1@atg.wa.gov.

4                   AT&T, via bridge line, by GREGORY J. KOPTA,  
Attorney at Law, Davis, Wright, Tremaine, LLP, 1501  
5                   Fourth Avenue, Suite 2600, Seattle, Washington 98101,  
                  Telephone (206) 628-7692, Fax (206) 628-7699, E-mail  
6                   gregkopta@dw.t.com.

7                   COVAD COMMUNICATIONS COMPANY, by MEGAN  
DOBERNECK, Attorney at Law, 7901 Lowry Boulevard,  
8                   Denver, Colorado 80230, Telephone (720) 208-3636, Fax  
                  (720) 208-3256, E-mail mdoberne@covad.com.

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1                               P R O C E E D I N G S

2                               JUDGE RENDAHL: Good morning, everyone.

3 We're here before the Washington Utility and  
4 Transportation Commission this morning, May 8th, 2002,  
5 for a pre-hearing conference in Dockets Number UT-003022  
6 and 003040, which are in the Matter of the Investigation  
7 into U S West Communications, now Qwest, Compliance with  
8 Section 271 of the Telecommunications Act of 1996 and  
9 Qwest's Statement of Generally Available terms pursuant  
10 to Section 252(f) of the Telecommunications Act of 1996.  
11 I'm Ann Rendahl, the Administrative Law Judge presiding  
12 over this pre-hearing conference.

13                              The purpose of this prehearing is to prepare  
14 for the hearing scheduled to begin next week on Monday,  
15 May 13th, to address any outstanding issues, to schedule  
16 what topics will be presented during the hearing, and to  
17 mark exhibits offered by the parties.

18                              Before we proceed further, let's take  
19 appearances from the parties, and let's stay here in the  
20 room and then go on to the conference bridge. For those  
21 of you who have previously appeared, just state your  
22 name, who you represent, and if you have not, please  
23 state your full name, the party you represent, your full  
24 address, telephone number, fax, and E-mail.

25                              So let's start with Qwest.

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1 MS. ANDERL: Lisa Anderl representing Qwest.

2 JUDGE RENDAHL: Thank you.

3 MR. CROMWELL: Robert Cromwell on behalf of  
4 the Public Counsel Section of the Attorney General's  
5 Office.

6 JUDGE RENDAHL: Thank you.

7 MS. DOBERNECK: Megan Doberneck on behalf of  
8 Covad Communications Company.

9 JUDGE RENDAHL: On the bridge beginning with  
10 Qwest.

11 MR. FRANKEL: Jonathan Joshua Frankel,  
12 F-R-A-N-K-E-L, on behalf of Qwest. I'm with Wilmer  
13 Cutler and Pickering, 2445 M Street Northwest,  
14 Washington, D.C. 20037. Telephone number is (202)  
15 663-6113, the fax number is (202) 663-6363, and my  
16 E-mail address is jfrankel, all one word, @willmer,  
17 W-I-L-L-M-E-R, .com.

18 JUDGE RENDAHL: W-I-L-M-E-R .com?

19 MR. FRANKEL: Mm-hm.

20 JUDGE RENDAHL: Okay, thank you.

21 Okay, for AT&T.

22 MR. KOPTA: This is Gregory J. Kopta of the  
23 law firm Davis Wright Tremaine, LLP, on behalf of AT&T  
24 at least with respect to Section 272 issues.

25 JUDGE RENDAHL: Okay.

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1 MS. DECOOK: Rebecca DeCook.

2 JUDGE RENDAHL: Thank you, Ms. DeCook, you're  
3 kind of -- are you talking on a speaker?

4 MS. DECOOK: That's all we have in this  
5 conference room.

6 JUDGE RENDAHL: Okay, well, we will make do.

7 Mr. Kopta, are you representing other parties  
8 as well?

9 MR. KOPTA: Not in this particular  
10 proceeding, no.

11 JUDGE RENDAHL: Okay, thank you.

12 Okay, there are a few preliminary issues I  
13 need to raise with all of you. First, after  
14 conferencing with the commissioners, they wanted me to  
15 pass on to you that you should not expect an order at  
16 this time on the performance data, data reconciliation,  
17 and change management until later. We expect the issues  
18 will be all rolled into one towards the end, given that  
19 there is certain information that's not yet available to  
20 finalize the issues. I expect that an order on  
21 reconsideration on the QPAP will be available by May  
22 20th, and I think we can still meet the compliance  
23 filing date on the 28th. Is that still possible,  
24 Ms. Anderl?

25 MS. ANDERL: Sure.

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1                   JUDGE RENDAHL:  If not, let me know, and we  
2 can adjust that.

3                   And I'm not sure if we have set a response  
4 date for compliance filings on the SGAT, and I can take  
5 a brief look.

6                   MS. ANDERL:  I had thought that perhaps it  
7 would be Monday, June 3rd, when the other responses on  
8 OSS came in, but I don't know if we actually established  
9 that.

10                  JUDGE RENDAHL:  No, I don't think we did.  Is  
11 that acceptable, a June 3rd date, for responses to a  
12 compliance filing on the QPAP?

13                  MS. DECOOK:  Your Honor, it depends on how  
14 significant and limited the changes are.  That seems  
15 like a fairly quick turn around, fairly voluminous  
16 change.  So I -- we don't have any objection for setting  
17 it for now.  What's the possibility that we may extend  
18 it if the changes are significant and voluminous?

19                  JUDGE RENDAHL:  You may need to speak more  
20 slowly and right into the speaker of the speaker phone.  
21 What I understood you to say is that it's acceptable  
22 now, but if the changes are voluminous, you may want to  
23 make a request for an extension.

24                  MS. DECOOK:  That's correct.

25                  JUDGE RENDAHL:  Okay.  So at this point, we

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1 will set the date for responses to the compliance filing  
2 on June 3rd or any compliance issues essentially for the  
3 June hearing on June 3rd.

4           Just an FYI disclosure to all the parties.

5 In I believe it was AT&T's materials, there is Appendix  
6 I that includes an answer that Qwest filed on the Touch  
7 America complaint filed with the FCC, and there's an  
8 affidavit by a David Sieradzki. And I want you all to  
9 know that I went to high school with him, and I went to  
10 graduate school with his wife, and I know them fairly  
11 well. But I don't think it will bias me in any way, but  
12 I wanted to disclose that to all of you. It's funny how  
13 small the world is.

14           And it has been pointed out to me that we  
15 have not set a briefing schedule for public interest  
16 issues, and so I'm open to and acceptable to file briefs  
17 on public interest issues, and that's something we can  
18 talk about after we talk about scheduling.

19           And we have also not set a pre-hearing for  
20 the June hearings, and I think it might be necessary to  
21 do that. And again, we can talk about that later.

22           But I think let's get into the meat of it  
23 while Ms. Anderl is here. She needs to leave in about  
24 10 minutes. So to the extent -- what's your preference,  
25 do you want to set those dates now or --

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1                   MS. ANDERL: That will be fine. It will be  
2 fine when I have to leave. I mean Mr. Frankel and  
3 Ms. Webber will be adequately representing us. I'm not  
4 worried about what happens in my absence.

5                   JUDGE RENDAHL: Okay.

6                   MS. ANDERL: So however you want to do it.

7                   JUDGE RENDAHL: Okay.

8                   MS. ANDERL: One thing that I did want to ask  
9 specifically about the June hearings but it slipped my  
10 mind before we went on the record to ask you is when the  
11 Commission expects to designate which days will be the  
12 OSS days and which day will be the compliance day.

13                   JUDGE RENDAHL: Well, let's find out. Are  
14 there any conflicts that the parties have at this point  
15 during that week? I mean does it matter?

16                   MS. ANDERL: I know that there are still  
17 discussions ongoing in Colorado in connection with the  
18 potential conflicts or overlaps or everyone trying to do  
19 OSS in the same week, and I think it would be our  
20 request, to the extent that the Commission can  
21 accommodate this and the vendors are available, that we  
22 would actually do compliance on the 5th and do the OSS  
23 on the 6th and 7th.

24                   JUDGE RENDAHL: Now is there going to be a  
25 hearing on the 5th, or is that going to be available as



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1 a travel day for the parties in the event that there is  
2 something going on in Colorado that week? I mean if  
3 we're going to do it that way, I want to make sure that  
4 the parties can be here. The Commission really, really  
5 prefers live testimony, and I don't think they want on  
6 this particular issue to have people calling in,  
7 particularly for testimony, and so I would stress that  
8 to the extent the scheduling can be done to accommodate,  
9 you know, Colorado. The Chairwoman in particular has  
10 expressed to me that she does not hear, she does not  
11 hear things well without seeing a person in front of  
12 her, and so to the extent you want her to hear what you  
13 have to say, I think live testimony is important on  
14 this.

15 MS. ANDERL: Certainly. And, Your Honor, I  
16 know that Chairman Gifford just took some scheduling  
17 issues under advisement this morning in Colorado. I  
18 don't know what the outcome of that will be. I think  
19 he's going to issue an order by the end of this week or  
20 sometime early next week.

21 JUDGE RENDAHL: Is there a proposal though?

22 Let's be off the record.

23 (Discussion off the record.)

24 JUDGE RENDAHL: While we were off the record,  
25 we determined that we did some discussing of scheduling

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1 about when the vendors can come in, and I think we're  
2 going to continue that discussion off line. There are  
3 simultaneous briefs due on public interest issues, the  
4 issues that will be discussed next week on June 7th, and  
5 the pre-hearing conference for the June hearings is set  
6 for June 4th.

7 Let's be off the record for a moment.

8 (Discussion off the record.)

9 (Hearing adjourned at 10:00 a.m.)

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