

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 In the Matter of the)
Investigation Into U S West) Docket No. UT-003022
4 Communication, Inc.'s Compliance) Volume LIII
with Section 271 of the) Pages 7539 - 7548
5 Telecommunications Act of 1996)

6 In the Matter of U S West)
Communication, Inc.'s Statement) Docket No. UT-003040
7 of Generally Available Terms) Volume LIII
Pursuant to Sections 252(f)) Pages 7539 - 7548
8 of the Telecommunications Act)
of 1996)

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11 A prehearing conference in the above matter
12 was held on May 8, 2002, at 11:00 a.m., at 1300 South
13 Evergreen Park Drive Southwest, Olympia, Washington,
14 before Administrative Law Judge ANN E. RENDAHL.

15 The parties were present as follows:
16 QWEST CORPORATION, by JONATHAN J. FRANKEL,
Attorney at Law, Wilmer, Cutler, Pickering, 2445 'M'
17 Street Northwest, Washington DC 20037; telephone,
(202) 663-6113 (via bridge).

18 AT&T, by GREGORY J. KOPTA, Attorney at Law,
Davis, Wright, Tremaine, 1501 Fourth Avenue, Suite
19 2600, Seattle, Washington 98101; telephone, (206)
628-7692 (via bridge).

20
21 AT&T, by REBECCA B. DECOOK, Senior Attorney,
1875 Lawrence Street, Room 1575, Denver, Colorado
80202; telephone, (303) 298-6357 (via bridge).

22
23 PUBLIC COUNSEL, by ROBERT W. CROMWELL, JR,
Assistant Attorney General, 900 Fourth Avenue, Suite
2000 TB-14, Seattle, Washington 98164; telephone,
24 (206) 464-6595.
Kathryn T. Wilson, CCR
25 Court Reporter

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INDEX OF EXHIBITS

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MARKED:

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

2 JUDGE RENDAHL: We are back on the record
3 after an extended morning break, and we now have a
4 change of court reporters, so essentially, this is a
5 new transcript. This is the continuation of the May
6 8th prehearing conference in Docket Nos. UT-003022 and
7 003040, which is Qwest's SGAT 271 proceeding, and I'm
8 Ann Rendahl, the administrative law judge presiding
9 over the prehearing conference.

10 Earlier this morning, we did a more extensive
11 appearances, and some of the parties who were here are
12 no longer here, but for this transcript, let's take
13 appearances and allow the court reporter to know who is
14 talking and who is on the bridge. In the hearing room,
15 I'll note that there is no attorney for Qwest, but
16 Elizabeth Weber is here, paralegal for Qwest, helping
17 us mark exhibits. Here in the hearing room, public
18 counsel?

19 MR. CROMWELL: Robert Cromwell for public
20 counsel.

21 JUDGE RENDAHL: And on the bridge line
22 starting with Qwest?

23 MR. FRANKEL: Jonathan Frankel for Qwest.

24 JUDGE RENDAHL: AT&T?

25 MS. DECOOK: Rebecca DeCook for AT&T.

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1 MR. KOPTA: Gregory Kopta of the law firm
2 Davis, Wright, Tremaine, LLP, on behalf of AT&T.

3 JUDGE RENDAHL: Is there anyone else on the
4 bridge line? Janet Brown for AT&T, and they have a
5 speaker phone that is interacting with our equipment,
6 but I think I will be doing most of the talking from
7 here on out.

8 While we were off the record, we discussed
9 scheduling of witnesses and the hearing that's going to
10 begin Monday, May 13th, and cross-examination times, so
11 I'm going to repeat what I have from the parties, and
12 if you have any questions about this, please let me
13 know.

14 On Monday, the 13th, we will start at ten
15 o'clock, and we will begin with the compliance issue of
16 the LCI/QCC issue. Qwest and AT&T will each have 10
17 minutes to address that, allowing 10 minutes for
18 questions from the Bench, and on the Section 272, sub
19 E, sub I, again, Qwest and AT&T will each have 10
20 minutes to address that with 10 minutes from the Bench.

21 At approximately 11:15 after the morning
22 break, we will begin with opening statements on the
23 public interest issues beginning with Public Counsel,
24 then AT&T and then Qwest, each for 15 minutes. We'll
25 likely then take our lunch break and come back at 1:30

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1 and begin with the testimony and cross-examination of
2 Ms. Roth, and I have allotted 15 to 20 minutes of an
3 initial statement by Ms. Roth, and then Qwest has
4 indicated an hour of cross-examination.

5 At approximately 3:30, 3:45, after the
6 afternoon break, we will begin with Mr. Teitzel for
7 Qwest, and again, an initial summary of his testimony
8 for 15 or 20 minutes, and then AT&T has indicated a
9 cross-examination time of 30 to 60 minutes as has
10 Public Counsel for 30 to 60 minutes. So while we were
11 off the record, I left it up to AT&T and Public Counsel
12 to decide who will bat first, and we will likely not
13 get through both sets of cross-examination on Monday
14 afternoon, and we will end by 5:30 that day and start
15 again at 9:30 on Tuesday morning the 14th with the
16 cross-examination of Mr. Teitzel.

17 Assuming we finish with Mr. Teitzel,
18 midmorning we will begin with the compliance issues.
19 If not, we will begin at 1:30 after lunch, and we have
20 designated a time at three o'clock for Ms. Doberneck to
21 call in and address the issues of loop qualifications,
22 and on those issues, Qwest will have 10 minutes, and on
23 the first issue, the manual look-up issue, Qwest will
24 have 10 minutes -- I'm sorry, 15 minutes if need be,
25 and AT&T and Covad will split 15 minutes, and on the

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1 audits issue, Qwest and AT&T will each have five
2 minutes. So I think that deals with our scheduling
3 issues, except that instead of having the parties there
4 on Monday at 8:30, I don't need you there until 9:30
5 for any prehearing matters.

6 Turning to the exhibits, while we are off the
7 record, we started marking exhibits, and we started
8 with No. 1625, and although there is no testimony
9 associated with it, these are Public Counsel's
10 exhibits, and 1625 will be Exhibit A. 1626 is Exhibit
11 B. Actually, they were appendices, so Appendix A and
12 Appendix B. 1627 is Appendix C. 1628 is Appendix D.
13 1629 is Appendix E. 1630 is Appendix F. 1631 is
14 Appendix G. 1632 is Appendix H. 1633 is Appendix I.
15 1634 is Appendix K, and 1635-C are the responses to
16 Bench Request 46, including any supplemental responses.

17 Then 1638 is designated as a Covad exhibit.
18 It's Covad's late-filed exhibit, FCC filing in response
19 to Exhibit 1657. 1640-T is the supplemental affidavit
20 by Ms. Roth for AT&T. 1641 is Exhibit A to that
21 affidavit. 1642 is Exhibit B. 1643 is Exhibit C.
22 1644 is Exhibit D. 1645 is Exhibit E. 1646 is Exhibit
23 F. 1647 is Exhibit G, and 1648 is Exhibit H. 1649 is
24 AT&T's late-filed response to Exhibit 1657 filed with
25 the FCC.

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1 Then beginning with Exhibit 1655, the
2 supplemental rebuttal affidavit of Mr. Teitzel. 1656
3 is Exhibit DLT-11, and it is a white paper by
4 Dr. Hausman. 1657 is a May 2nd, 2002, letter from Kirk
5 Nelson of Qwest with attachments, and that will be
6 provided to the parties. Ms. Weber will make
7 arrangements for that to overnight copies to the
8 parties today.

9 Then turning to Exhibit 1665, these are
10 compliance exhibits. 1665 is Qwest's notice of the
11 updated SGAT filed on April 19th, 2002. Exhibit 1666
12 is the fifth revision to the SGAT, again, filed April
13 19th. Exhibit 1667 is the red-lined version of the
14 fifth revision to the SGAT filed April 19th. Exhibit
15 1668 we have designated for the May 10th compliance
16 filing Qwest is making in response to agreements
17 reached in the last hearing in April.

18 Exhibit 1670 is AT&T's response to Qwest's
19 demonstration of compliance as of April 19th, 2002, and
20 Exhibit 1671 is AT&T's response to the April 11th
21 filings filed with the commission on May 6th, and
22 finally, Exhibit 1675 is WorldCom's response to Qwest's
23 memorandum concerning remote deployment of DSL.

24 And that covers the exhibits that we marked.
25 Is there anything that we discussed off the record that

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1 I have not recorded now that we are back on the record?

2 MR. FRANKEL: I was just wondering whether it
3 made sense to talk about the possibility that Qwest may
4 need to file additional cross-examination exhibits for
5 Diane Roth, depending on the testimony that AT&T files
6 this afternoon, and the hopefully theoretical
7 possibility that Qwest may need to present an
8 additional witness.

9 JUDGE RENDAHL: Thank you for clarifying
10 that. While we are off the record, AT&T explained that
11 they would be filing a responsive affidavit by Ms. Roth
12 this afternoon and that Qwest reserved the right to
13 request another witness. In that case, I directed
14 Qwest to inform the commission and all other parties by
15 fax and electronically and include any time estimates
16 for that witness, and I think, Mr. Frankel, we also
17 discussed that if Qwest needs to file any
18 cross-examination exhibits in response to what Ms. Roth
19 files this afternoon that the same applies. Please
20 provide them by Friday and electronically, if possible,
21 so that I can include them in all of the commissioners'
22 binders and in my own binder in preparation for Monday,
23 and it will give the parties an opportunity to see
24 those exhibits as well. Does that address those
25 issues?

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1 MR. FRANKEL: Yes, Your Honor.

2 JUDGE RENDAHL: I think we placed on the
3 record earlier this morning the briefing dates, but I
4 will reiterate them if not. I believe the briefing
5 dates for the public interest issues are June 7th, and
6 there is a prehearing for the June hearing scheduled on
7 June 4th, and I think that wraps up all of our issues
8 this morning, again, unless there is something I have
9 not discussed.

10 MR. FRANKEL: I'm also wondering whether it
11 makes sense to put on the record your guidance to all
12 the parties that the posthearing briefing be limited to
13 specific issues raised at the hearing and not to go
14 back and rebrief all the public interest issues.

15 JUDGE RENDAHL: I will do that, but I think
16 everyone is fully aware of that, because I advised the
17 parties before we even scheduled this matter that any
18 issues we take up now are separate from what we have
19 done before. So the briefing is limited to the matters
20 discussed at the hearing next week on public interest,
21 and those issues are not a recitation of what occurred
22 during the fourth workshop and the briefs and the oral
23 argument that already occurred on those matters but the
24 new issues raised by the parties here in this hearing.

25 MR. FRANKEL: Thank you, Your Honor.

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1 JUDGE RENDAHL: Anything further? Hearing

2 nothing, we will be off the record.

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4 (Prehearing conference concluded at 11:15 a.m.)

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