

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

QWEST CORPORATION,)	DOCKET UT-090892
)	
Complainant,)	
)	ORDER 01
v.)	
)	
MCLEODUSA)	PREHEARING CONFERENCE
TELECOMMUNICATIONS)	ORDER
SERVICES, INC., d/b/a PAETEC)	
BUSINESS SERVICES,)	
)	
Respondent.)	
.....)	

- 1 **NATURE OF PROCEEDING.** On June 10, 2009, Qwest Corporation (Qwest) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint against McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services (McLeod). On July 2, 2009, McLeod filed an answer to the complaint. The complaint alleges that McLeod’s assessment of its Wholesale Service Ordering Charge violates RCW 80.04.110, which prohibits conduct by a competitor that is unreasonable, discriminatory, illegal, unfair or intending or tending to oppress the complainant, or to stifle competition.

- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on July 29, 2009, before Administrative Law Judge Marguerite E. Friedlander.

- 3 **APPEARANCES.** Lisa Anderl, Associate General Counsel, Seattle, Washington, represent Qwest. Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, and William Haas, in-house counsel for McLeod, Hiawatha, Iowa, represent McLeod. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

- 4 **PETITIONS FOR INTERVENTION.** No persons appeared at the prehearing conference seeking to intervene.

5 **PROTECTIVE ORDER.** The Commission entered a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 on July 30, 2009, to protect the parties' confidentiality of proprietary information.

6 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are invoked.

7 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is listed below and attached to this Order as Appendix B.

Motions for Summary Determination	October 14, 2009
-----------------------------------	------------------

Replies to Motions for Summary Determination	November 18, 2009
--	-------------------

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **four (4)** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

9 All filings must be mailed or delivered to David W. Danner, Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

10 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

- 11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **four (4)** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.
- 12 **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 360-664-1144.
- 13 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective July 30, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-090892**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Qwest Corporation	Lisa Anderl Qwest Corporation 1600 7 th Avenue, Rm 1506 Seattle, WA 98191	(206) 345-1574	(206) 343-4040	lisa.anderl@qwest.com
	Mark Reynolds Qwest Corporation 1600 7 th Avenue Rm 3206 Seattle, WA 98191	(206) 345-1568	(206) 343-4040	mark.reynolds@qwest.com
McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services	Gregory J. Kopta Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045	(206) 757-8079	(206) 757-7079	gregkopta@dwt.com
	William Haas McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services 1 Martha's Way Hiawatha, IA 52233	(319) 790-7295	(319) 790-7901	bill.haas@paetec.com
Administrative Law Judge	Marguerite E. Friedlander Washington Utilities and Transportation Commission 1300 S. Evergreen Park Drive SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1285	(360)664-2654	mfriedla@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-090892**

EVENT	DATE
Motions for Summary Determination	Wednesday, October 14, 2009
Replies to Motions for Summary Determination	Wednesday, November 18, 2009