

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UT-033011
	)	
Complainant,	)	ORDER NO. 06
	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER; ESTABLISHING
ADVANCED TELECOM GROUP,	)	PROCEDURAL SCHEDULE;
INC; ALLEGIANCE TELECOM, INC.;	)	NOTICE OF HEARING;
AT&T CORP; COVAD	)	<b>(To be held November 1-5, 2004)</b>
COMMUNICATIONS COMPANY;	)	NOTICE OF PREHEARING
ELECTRIC LIGHTWAVE, INC.;	)	CONFERENCE
ESCHELON TELECOM, INC. f/k/a	)	<b>(To be held Tuesday,</b>
ADVANCED	)	<b>October 26, 2004, at 9:30 a.m.)</b>
TELECOMMUNICATIONS, INC.;	)	
FAIRPOINT COMMUNICATIONS	)	
SOLUTIONS, INC.; GLOBAL	)	
CROSSING LOCAL SERVICES, INC.;	)	
INTEGRA TELECOM, INC.; MCI	)	
WORLDCOM, INC.; McLEODUSA,	)	
INC.; SBC TELECOM, INC.; QWEST	)	
CORPORATION; XO	)	
COMMUNICATIONS, INC. f/k/a	)	
NEXTLINK COMMUNICATIONS,	)	
INC.,	)	
	)	
Respondents.	)	
.....	)	

1     **NATURE OF THE PROCEEDING.** This is a complaint proceeding brought by the Washington Utilities and Transportation Commission (Commission), through its staff, against Qwest Corporation (Qwest) and 13 other telecommunications companies alleging that the companies entered into certain

interconnection agreements identified in Exhibit A to the Amended Complaint,<sup>1</sup> and failed to file, or timely file, the agreements with the Commission as required by state and federal law. The complaint also alleges that the companies entered into certain agreements to resolve disputes, but that the agreements violated federal and state law by failing to make terms and conditions available to other requesting carriers, providing unreasonable preferences, and engaging in rate discrimination.

- 2     **PREHEARING CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on March 30, 2004, before Administrative Law Judge Ann E. Rendahl. The purpose of the prehearing conference was to determine the status of the proceeding since the Commission entered Order No. 05 on February 12, 2004, determine whether it is possible to narrow the issues or consider stipulations of facts or issues, and establish a procedural schedule for the proceeding.
- 3     **APPEARANCES.** Christopher Swanson, Assistant Attorney General, Olympia, Washington, represents Commission Staff. Daniel Waggoner and Mary Steele, Davis Wright Tremaine, LLP, Seattle, Washington, represent AT&T Communications of the Pacific Northwest and TCG Seattle. Karen S. Frame, Senior Counsel, Denver, Colorado, and William R. Connors, Miller Nash LLP, Seattle, Washington, represent Covad Communications Company. Charles L. Best, attorney, Vancouver, Washington, represents Electric Lightwave, LLC. Judith A. Endejan, Graham & Dunn, PC, Seattle, Washington, and Dennis J. Ahlers, Senior Attorney, Minneapolis, Minnesota, represent Eschelon Telecom of Washington, Inc. Richard A. Finnigan and Mark Nyhus, Law Office of Richard A. Finnigan, Olympia, Washington, represent Fairpoint Carrier Services, Inc., f/k/a Fairpoint Communications Solutions, Corp., Integra Telecom of Washington, Inc., and SBC Telecom, Inc. Greg Kopta, Davis Wright Tremaine,

---

<sup>1</sup> The Commission issued a Complaint against the parties on August 14, 2003, and issued an Amended Complaint on August 15, 2003 to include Exhibits A and B to the Complaint.

LLP, Seattle, Washington represents Global Crossing Local Services, Inc., and XO Washington, Inc. Dan Lipschultz, Moss & Barnett, Minneapolis, Minnesota, represents McLeodUSA Telecommunications Services, Inc. Arthur A. Butler, Ater Wynne, LLP, Seattle, Washington, and Michel Singer Nelson, Regulatory Attorney, Denver, Colorado, represent WorldCom, Inc. and its subsidiaries doing business in Washington (n/k/a MCI, Inc.). Lisa A. Anderl, Associate General Counsel, Adam Sherr, Senior Attorney, Seattle, Washington, Todd Lundy, Associate General Counsel, Denver, Colorado, and Peter S. Spivak, Hogan & Hartson, Washington, D.C., represent Qwest Corporation. Arthur A. Butler, Ater Wynne, LLP, Seattle, Washington, represents Time Warner Telecom of Washington, LLC. Robert Cromwell, Assistant Attorney General, Seattle, Washington, represents Public Counsel. Contact information for the parties' representatives is attached as Appendix A to this order.

- 4     **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.
  
- 5     **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this proceeding during the week of November 1-5, 2004. The hearing will be held **in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, beginning at 9:30 a.m., on November 1, 2004.**
  
- 6     **NOTICE OF PREHEARING CONFERENCE.** The Commission convenes a prehearing conference in this matter to collect and mark exhibits and cross-examination exhibits, discuss time estimates for cross-examination, and address all other pending issues prior to the hearings scheduled to begin November 1, 2004. **The conference will be held in Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington at 9:30 a.m., on Tuesday, October 26, 2004.**

7 Each party must provide to the Commission by **Noon on Monday, October 25, 2004**, a list of the party's witnesses appearing at the hearing, estimates of cross-examination time for other parties' witnesses, a list of exhibits the party plans to sponsor in the hearing, and a list of any cross-examination exhibits the party plans to offer during the hearing. Parties are granted a one-day extension of time to file paper copies of these documents with the Commission pursuant to WAC 480-07-145(6), and must submit these documents to the Commission electronically by Noon on October 25, 2004. Parties must bring to the October 26, 2004, prehearing conference **five** paper copies of all cross-examination exhibits they plan to offer at the hearing, and must file with the Commission an original and any remaining copies required to be filed.

8 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **12** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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 to the Commission's Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission's Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. 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 by e-mail delivery to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Alternatively, Parties may furnish an electronic copy

by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

11 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may only submit documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic submission of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus **12** copies, of the document with the Commission by the following business day.

12 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 1<sup>st</sup> day of April, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

APPENDIX A

<u>PARTIES REPRESENTATIVES</u>				
DOCKET NO. UT-033011			Updated 3/30/04	
COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Commission Staff	<i>(Paper &amp; Fax Service)</i> <b>CHRISTOPHER SWANSON</b> Asst. Attorney General 1400 S Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1220	360-586-5522	<a href="mailto:cswanson@wutc.wa.gov">cswanson@wutc.wa.gov</a>
AT&T Communications of the Pacific Northwest and TCG Seattle	<i>(Paper &amp; Fax Service)</i> <b>DANIEL WAGGONER</b> Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688	206-628-7707	206-628-7699	<a href="mailto:danwaggoner@dwt.com">danwaggoner@dwt.com</a>
	<i>(E-mail Service Only)</i> <b>MARY STEELE</b> Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688	206-903-3957	206-628-7699	<a href="mailto:marysteele@dwt.com">marysteele@dwt.com</a>
	<b>MARY TRIBBY</b> <b>LETTY S.D.FRIESEN</b> AT&T Law Department 1875 Lawrence Street Suite 1575 Denver, CO 80202	303-298-6475 (Same)	303-298-6301 (Same)	<a href="mailto:mtribby@att.com">mtribby@att.com</a> <a href="mailto:lfriesen@att.com">lfriesen@att.com</a>
	<b>CATHY BRIGHTWELL</b> <b>MARY TAYLOR</b>	360-705-3977 360-705-3677	360-705-4177 (Same)	<a href="mailto:brightwell@att.com">brightwell@att.com</a> <a href="mailto:marymtaylor@att.com">marymtaylor@att.com</a>
Covad Communications Company	<i>(Paper &amp; Fax Service)</i> <b>KAREN S. FRAME</b> Senior Counsel	720-208-1069	720-208-3350	<a href="mailto:Kframe@covad.com">Kframe@covad.com</a>
	<b>LYNN HANKINS</b> Covad Communications Co. 7901 Lowry Blvd. Denver CO 80230	720-208-2018	(Same)	<a href="mailto:lhankins@covad.com">lhankins@covad.com</a>

	<p><i>(E-mail Service Only)</i> WILLIAM R. CONNORS Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101</p>	206-777-7515	206-622-7485	<a href="mailto:bill.connors@millernash.com">bill.connors@millernash.com</a>
Electric Lightwave, LLC	<p><i>(Paper &amp; Fax Service)</i> <b>CHARLES L. BEST</b> Electric Lightwave, Inc. 4400 NE 77<sup>th</sup> Avenue Vancouver, WA 98662</p> <p><b>LANCE TADE</b> Electric Lightwave, Inc. 4 Triad Center Suite 200 Salt Lake City, UT 84180</p>	360-816-3311	360-816-0999	<a href="mailto:charles_best@eli.net">charles_best@eli.net</a>
Eschelon Telecom, of Washington, Inc.	<p><i>(Paper &amp; Fax Service)</i> <b>JUDITH A. ENDEJAN</b> Graham &amp; Dunn PC Pier 70 2801 Alaskan Way–Suite 300 Seattle, WA 98121-1128</p> <p><i>(E-mail Service Only)</i> RICHARD J. BUSCH Graham &amp; Dunn PC Pier 70 2801 Alaskan Way–Suite 300 Seattle, WA 98121-1128</p> <p>DENNIS D. AHLERS Senior Attorney Eschelon Telecom Inc. 730 Second Avenue South, Suite 1200 Minneapolis, MN 55402-2456</p>	206-340-9694	206-340-9599	<a href="mailto:jendejan@grahamdunn.com">jendejan@grahamdunn.com</a>  <a href="mailto:rbusch@grahamdunn.com">rbusch@grahamdunn.com</a>  <a href="mailto:ddahlers@eschelon.com">ddahlers@eschelon.com</a>
Fairpoint Carrier Services, Inc. f/k/a Fairpoint Communications Solutions Corp.	<p><i>(Paper &amp; Fax Service)</i> <b>RICHARD A. FINNIGAN</b> Law Office of Richard A. Finnigan 2405 Evergreen Park Dr. SW, Suite B-1 Olympia, WA 98502</p> <p><b>JOHN LAPENTA</b> Director, Regulatory &amp; Carrier Relations 6324 Fairview Rd #4 Charlotte NC 28210-3271</p>	360-956-7001	360-753-6862	<a href="mailto:rickfinn@ywave.com">rickfinn@ywave.com</a>

<p>Fairpoint Carrier Services, Inc. f/k/a Fairpoint Communications Solutions Corp.</p>	<p><i>(E-mail Service Only)</i> MARK NYHUS Law Office of Richard A. Finnigan 2405 Evergreen Park Dr. SW, Suite B-1 Olympia, WA 98502</p>	<p>360-956-7211</p>	<p>360-753-6862</p>	<p><a href="mailto:mnyhus@ywave.com">mnyhus@ywave.com</a></p>
<p>Global Crossing Local Services, Inc.</p>	<p><i>(Paper &amp; Fax Service)</i> <b>GREGORY J. KOPTA</b> Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688</p> <p><b>TERESA REFF</b> Senior Financial Analyst Global Crossing Local Services, Inc. Regulatory Affairs 1080 Pittsford Victor Road Pittsford NY 14534</p>	<p>503-628-7692</p> <p>585-255-1427</p>	<p>503-628-7699</p> <p>585-381-7592</p>	<p><a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a></p> <p><a href="mailto:Teresa.reff@globalcrossing.com">Teresa.reff@globalcrossing.com</a></p>
<p>Integra Telecom of Washington, Inc.</p>	<p><i>(Paper &amp; Fax Service)</i> <b>RICHARD A. FINNIGAN</b> Law Office of Richard A. Finnigan 2405 Evergreen Park Dr. SW, Suite B-1 Olympia, WA 98502</p> <p><b>KAREN JOHNSON</b> Corporate Regulatory Attorney Integra Telecom of Washington, Inc. 19545 N.W. Von Neumann Dr., Suite 200 Beaverton, OR 97006</p> <p><i>(E-mail Service Only)</i> MARK NYHUS Law Office of Richard A. Finnigan 2405 Evergreen Park Dr. SW, Suite B-1 Olympia, WA 98502</p>	<p>360-956-7001</p> <p>503-748-2048</p> <p>360-956-7211</p>	<p>360-753-6862</p> <p>503-748-1976</p> <p>360-753-6862</p>	<p><a href="mailto:rickfinn@ywave.com">rickfinn@ywave.com</a></p> <p><a href="mailto:Karen.Johnson@integratelecom.com">Karen.Johnson@integratelecom.com</a></p> <p><a href="mailto:mnyhus@ywave.com">mnyhus@ywave.com</a></p>



McLeodUSA Telecommunications Services, Inc.	<i>(Paper &amp; Fax Service)</i> <b>DAN LIPSCHULTZ</b> Moss & Barnett 4800 Wells Fargo Center 90 S. 7 <sup>th</sup> Street Minneapolis MN 55402	612-347-0306	612-339-6686	<a href="mailto:lipschultzd@moss-barnett.com">lipschultzd@moss-barnett.com</a>
	<b>WILLIAM COURTER</b> Senior Counsel McLeodUSA Telecommunications Services, Inc. 6400 C Street SW P.O. Box 3177 Cedar Rapids, IA 52405-3177	319-790-6242	319-790-7901	<a href="mailto:wcourter@mcleodusa.com">wcourter@mcleodusa.com</a>
Qwest Corporation	<i>(Paper &amp; Fax Service)</i> <b>LISA A. ANDERL</b> Qwest Corporation 1600 7 <sup>th</sup> Avenue, Room 3206 Seattle, WA 98191	206-345-1574	206-343-4040	<a href="mailto:Lisa.Anderl@qwest.com">Lisa.Anderl@qwest.com</a>
	<i>(E-mail Service Only)</i> <b>ADAM SHERR</b> <b>MARK S. REYNOLDS</b> Qwest Corporation 1600 7 <sup>th</sup> Avenue, Room 3206 Seattle, WA 98191	206-398-2507 206-345-1568	206-343-4040 (Same)	<a href="mailto:Adam.sherr@qwest.com">Adam.sherr@qwest.com</a> <a href="mailto:Mark.reynolds3@qwest.com">Mark.reynolds3@qwest.com</a>
	<b>TODD LUNDY</b> Qwest Corporation 1801 California Street Suite 4700 Denver, CO 80202	303-896-1446	303-896-8120	<a href="mailto:Todd.lundy@qwest.com">Todd.lundy@qwest.com</a>
	<b>PETER S. SPIVACK</b> <b>MARTHA RUSSO</b> Hogan and Hartson 555 Thirteenth Street, NW Washington, DC 20004	202-637-5600	202-637-5910	<a href="mailto:psspivack@hhlaw.com">psspivack@hhlaw.com</a> <a href="mailto:mrusso@hhlaw.com">mrusso@hhlaw.com</a>
	<b>CYNTHIA MITCHELL</b> Hogan and Hartson 1470 Walnut Street, Suite 200 Boulder, CO 80302	720-406-5300	720-406-5301	<a href="mailto:cmitchell@hhlaw.com">cmitchell@hhlaw.com</a>

<p>SBC Telecom, Inc.</p>	<p><i>(Paper &amp; Fax Service)</i>  <b>RICHARD A. FINNIGAN</b>        Law Office of Richard A. Finnigan        2405 Evergreen Park Dr. SW,        Suite B-1        Olympia, WA 98502</p> <p><b>JOHN SCHNETTGOECKE</b>        SBC Telecom, Inc.        Regulatory / Municipal Affairs        1010 N. St. Mary's        Room 13K        San Antonio TX 78215</p> <p><i>(E-mail Service Only)</i>  <b>MARK NYHUS</b>        Law Office of Richard A. Finnigan        2405 Evergreen Park Dr. SW,        Suite B-1        Olympia, WA 98502</p>	<p>360-956-7001</p> <p>210-246-8750</p> <p>360-956-7211</p>	<p>360-753-6862</p> <p>210-246-8759</p> <p>360-753-6862</p>	<p><a href="mailto:rickfinn@ywave.com">rickfinn@ywave.com</a></p> <p><a href="mailto:mnyhus@ywave.com">mnyhus@ywave.com</a></p>
<p>Time Warner Telecom of Washington, LLC</p>	<p><i>(Paper &amp; Fax Service)</i>  <b>ARTHUR A. BUTLER</b>        Ater Wynne LLP        601 Union Street,        Suite 5450        Seattle, WA 98101-2327</p> <p><i>(E-mail Service Only)</i>  <b>BRIAN THOMAS</b>        Vice President-Regulatory        Time Warner        223 Taylor Avenue North        Seattle, WA 98109-5017</p>	<p>206-623-4711</p> <p>206-676-8090</p>	<p>206-467-8406</p> <p>206-676-8001</p>	<p><a href="mailto:aab@aterwynne.com">aab@aterwynne.com</a></p> <p><a href="mailto:Brian.Thomas@twtelecom.com">Brian.Thomas@twtelecom.com</a></p>

<p>WorldCom, Inc. and it's subsidiaries in Washington (n/k/a MCI, Inc.)</p>	<p><i>(Paper &amp; Fax Service)</i> <b>ARTHUR A. BUTLER</b> Ater Wynne LLP 601 Union Street, Suite 5450 Seattle, WA 98101-2327</p> <p><b>MICHEL SINGER NELSON</b> WorldCom, Inc. 707 17<sup>th</sup> Street, Suite 4200 Denver, CO 80202</p>	<p>206-623-4711</p> <p>303 390-6106</p>	<p>206-467-8406</p> <p>303 390-6333</p>	<p><a href="mailto:aab@aterwynne.com">aab@aterwynne.com</a></p> <p><a href="mailto:michel.singer_nelson@mci.com">michel.singer_nelson@mci.com</a></p>
<p>XO Washington, Inc.</p>	<p><i>(Paper &amp; Fax Service)</i> <b>GREG KOPTA</b> Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688</p>	<p>206-628-7692</p>	<p>206-628-7699</p>	<p><a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a></p>
<p>Public Counsel</p>	<p><i>(Paper &amp; Fax Service)</i> <b>ROBERT CROMWELL</b> Assistant Attorney General Public Counsel Section 900 4<sup>th</sup> Avenue, Suite 2000 Seattle, WA 98164-1012</p>	<p>202-464-6595</p>	<p>206-389-2058</p>	<p><a href="mailto:RobertC1@atg.wa.gov">RobertC1@atg.wa.gov</a></p>
<p>Presiding Administrative Law Judge</p>	<p>ANN E. RENDAHL 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia WA 98504-7250</p>	<p>360-664-1144</p>	<p>360-664-2654 [ALD fax only – do not use to file]</p>	<p><a href="mailto:arendahl@wutc.wa.gov">arendahl@wutc.wa.gov</a></p>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET NO. UT-033011**

EVENT / DEADLINE	DATE	INTERVAL
Stipulations of Fact and Law	Monday, May 3, 2004	—
Prefiled Direct Testimony	Tuesday, June 1, 2004	29 Days
Prefiled Responsive Testimony	Monday, August 2, 2004	62 Days
Prefiled Reply Testimony	Monday, September 27, 2004	56 Days
Witness Lists, Cross-examination Time Estimates, Exhibit Lists and Cross-examination Exhibit Lists Due	Monday, October 25, 2004, by <b>NOON</b> <b>(and submitted electronically)</b>	28 Days
Prehearing Conference	Tuesday, October 26, 2004	1 Day
Evidentiary Hearings	November 1-5, 2004	6 Days
Simultaneous Initial Briefs Filed	Friday, December 3, 2004	28 Days (from last day of hearing)
Simultaneous Responsive Briefs Filed	Friday, December 17, 2004	14 Days