

[Service Date April 16, 2004]

April 16, 2004

**NOTICE AMENDING PROCEDURAL SCHEDULE
(Indefinite continuance of May 5-7, 2004 evidentiary hearing)**

**NOTICE OF OPPORTUNITY FOR RESPONSES TO STAFF MOTION FOR
SUMMARY DETERMINATION
(Responses due April 26, 2004)**

**NOTICE OF OPPORTUNITY FOR REPLY
(Reply due April 26, 2004)**

RE: *WECA, et al. v. LocalDial Corporation,*
Docket No. UT-031472

TO ALL PARTIES OF RECORD:

In a letter filed on April 13, 2004, responding to an informal inquiry from the undersigned presiding Administrative Law Judge, LocalDial states its view that Commission Staff's Motion for Summary Determination, filed on April 5, 2004, and resubmitted as a "corrected" version on April 8, 2004, requires additional response. LocalDial states its intention to file such a response by April 26, 2004, as required under WAC 480-07-380(2)(c).

In a letter filed on April 13, 2004, WECA requests "the opportunity to submit a short reply to the Answer of Broadband Communications Association of Washington," filed in response to WECA's Motion for Summary Determination that was filed on February 26, 2004. We grant this request and set April 26, 2004, as the deadline for WECA's reply.

We note that there is a considerable paper record developing in this proceeding, including two pending motions for summary determination supplemented by affidavits, testimony, and other evidence offered in support. We have LocalDial's Response to WECA's Motion for Summary Determination and it

appears we will have its response to Staff's Motion by April 26, 2004. We have, or shortly will have, various other responses.

These materials collectively present a significant body of material for the Commission's consideration. The remedies proposed by various parties include several that could obviate the need for an evidentiary hearing, or at least militate in favor of postponing any evidentiary hearing. Yet, our hearing is currently scheduled to begin on May 5, 2004.

To avoid the prospect of having parties devote significant resources to prepare for an evidentiary hearing that may not be necessary, and to accommodate the Commission's administrative needs, including the need for adequate time to give full consideration to the paper record that will not be fully developed until April 26, 2004, we find that it is in the public interest to cancel the currently scheduled hearing dates of May 5 – 7, 2004. This continuance of the procedural schedule will be of indefinite duration pending the Commission's further consideration, after April 26, 2004, of the process needed going forward. The Commission may schedule a prehearing conference or solicit the parties' views by other means, or may find that action should be taken consistent with the pending motions and responses that will determine process and scheduling questions without the need for further discussion.

NOTICE IS HEREBY GIVEN That the evidentiary hearings in this proceeding that are currently scheduled to begin on Wednesday, May 5, 2004, are continued pending further notice consistent with the foregoing discussion.

NOTICE IS HEREBY GIVEN That any responses to Staff's Motion for Summary Determination must be filed by April 26, 2004.

NOTICE IS HEREBY GIVEN That WECA's reply to the Answer of Broadband Communications Association of Washington, filed in response to WECA's Motion for Summary Determination must be filed by April 26, 2004.

Sincerely,

DENNIS J. MOSS
Administrative Law Judge