

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
2 COMMISSION

3 ELECTRIC LIGHTWAVE, INC.; )  
4 MFS INTELENET OF WASHINGTON, )  
INC.; TCG SEATTLE; ENHANCED )  
5 TELEMANAGEMENT, INC.; AT&T )  
COMMUNICATIONS OF THE PACIFIC )  
6 NORTHWEST, INC., )  
7 Complainant, ) DOCKET NO. UT-951342  
8 vs. ) Volume 2  
9 U S WEST COMMUNICATIONS, INC., ) Pages 16 - 23

10 Respondent. )  
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11 WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )  
12 Complainant, ) DOCKET NO. UT-951244  
13 vs. )  
14 U S WEST COMMUNICATIONS, INC., )  
15 Respondent. )  
16 -----)

17 A pre-hearing conference in the above matter  
18 was held on May 2, 1996, at 9:35 a.m., at 2430  
19 Chandler Court Southwest, Olympia, Washington before  
20 Administrative Law Judge SIMON FFITCH.

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24 Cheryl Macdonald, CSR  
25 Court Reporter

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1                   The parties were present as follows:

2                   WASHINGTON UTILITIES AND TRANSPORTATION  
3                   COMMISSION STAFF, by SHANNON SMITH, Assistant  
4                   Attorney General, 1400 South Evergreen Park Drive  
5                   Southwest, Olympia, Washington 98504.

6                   AT&T COMMUNICATIONS OF THE PACIFIC  
7                   NORTHWEST, INC., TCG, AND ENHANCED TELEMAGEMENT,  
8                   INC., by GREGORY J. KOPTA, Attorney at Law, 2600  
9                   Century Square, 1501 Fourth Avenue, Seattle,  
10                   Washington 98101.

11                   U S WEST COMMUNICATIONS, INC., by LISA  
12                   ANDERL, Attorney at Law, 1600 Seventh Avenue, Room  
13                   3206, Seattle, Washington 98191.

14                   FOR THE PUBLIC, DONALD TROTTER, Assistant  
15                   Attorney General, 900 Fourth Avenue, Suite 2000,  
16                   Seattle, Washington 98164.

17                   GTE NORTHWEST, INCORPORATED, by JOAN GAGE,  
18                   Regulatory Administrator, 1800 41st Street, Everett,  
19                   Washington 98201.

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

2 JUDGE FFITCH: Good morning, everyone.

3 This is the time and the place scheduled for the  
4 second pre-hearing conference in the Washington UTC's  
5 consolidated dockets Nos. UT-951244 and UT-951342.

6 Appearing today on behalf of the Commission staff is  
7 Ms. Shannon Smith, assistant attorney general.

8 Appearing on behalf of public counsel is Don Trotter,  
9 assistant attorney general. Appearing on behalf of  
10 U S WEST Communications is Lisa Anderl, attorney.

11 Appearing on behalf of AT&T, TCG and ETI, which stands  
12 for Enhanced Telemanagement --

13 Is that correct, Mr. Kopta?

14 MR. KOPTA: That's correct.

15 JUDGE FFITCH: -- is Greg Kopta, Davis  
16 Wright Tremaine, attorney. Appearing on behalf of GTE  
17 and appearing for Richard Potter attorney is Joan  
18 Gage, regulatory administrator.

19 I will just note for the record that we  
20 don't have an appearance this morning from MCI Metro  
21 or Metronet or MFS. I believe those -- or Electric  
22 Lightwave. Those parties are not present, and  
23 regulatory affairs department has not received any  
24 communication from them regarding their appearance at  
25 the hearing today.

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1           I just wanted to run through what I have  
2 noted as an agenda for today's conference and then it  
3 may be appropriate to just go off the record and have  
4 an informal discussion about some of these matters,  
5 but first of all, there's the formal matter of the  
6 CustomChoice complaint. The complaint is still before  
7 the Commission, at least technically, although the  
8 tariff has been withdrawn. That withdrawal has been  
9 noted, accepted by the Commission. I would propose to  
10 just recommend an order to the Commission dismissing  
11 that complaint. I just want to let the parties know  
12 that and see if there were any other plans that the  
13 parties had for dealing with that complaint that's  
14 outstanding.

15           And then the next item on the agenda and  
16 probably the more significant one is how we proceed to  
17 deal with the single number tariff docket 951244 sort  
18 of under the general heading of adopting a schedule  
19 for addressing that tariff. I have three issues  
20 listed there. There's the 10-month time line issue,  
21 the order of appearance question that had been  
22 discussed in prior pre-hearing, and then just address  
23 what kind of discovery we want to provide for, and  
24 that may well be just to invoke the discovery  
25 provisions of the Commission's rules, but in any event

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1 we want to make sure that we have that clarified. So  
2 those were the things that I felt we should address  
3 today.

4           Was there anything else that parties wanted  
5 to raise? I will note that before we went on the  
6 record Mr. Kopta has indicated that in connection with  
7 the CustomChoice matter ETI, Enhanced Telemanagement,  
8 intends to withdraw from the proceeding, from the  
9 complaint, and as I understand it, there's no  
10 objection from any other party to ETI's withdrawal.  
11 Is there any objection to ETI withdrawing? I guess  
12 before I note objections are none for the record, just  
13 to clarify, does that relate to the entire proceeding,  
14 the consolidated proceeding or simply to that  
15 complaint under 951342?.

16           MR. KOPTA: It relates to the entire  
17 proceeding.

18           JUDGE FFITCH: With that clarification, is  
19 there any objection to Enhanced Telemanagement's  
20 withdrawal from this proceeding? Hearing none I will  
21 prepare the appropriate order noting that they're  
22 withdrawing, and just ask then if there are any other  
23 agenda items that we should take up this morning.  
24 Hearing none why don't we go off the record at this  
25 time and talk about the agenda that I've set out.

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1 (Recess.)

2 JUDGE FFITCH: Let's go back on the record.  
3 We've had a recess during which the parties and the  
4 ALJ have discussed the schedule for the case, and I  
5 will just state that for the record now, and ask  
6 parties to correct me if I misstate what we've arrived  
7 at.

8 First of all, the schedule will be as  
9 follows: The complainants will file an amended  
10 complaint on the CustomChoice tariff matter by May 10.  
11 Staff's and complainant's opening testimony will be  
12 due June 17. Discovery will open for U S WEST on June  
13 17 also and that is discovery against the other  
14 parties by U S WEST. The discovery against U S WEST  
15 by staff and complainants will begin immediately. On  
16 August 2, U S WEST's opening testimony is due and  
17 GTE's testimony is due. On September 6 staff and  
18 complainant's rebuttal is due. On September 20 the  
19 parties may file simultaneous memos on the issue of  
20 who has the burden of persuasion in the proceeding.  
21 The hearing is scheduled for October 1 and 2, and post  
22 hearing briefs will be due on October 25. That will  
23 be one round of simultaneous briefing.

24 There are a number of other issues which I  
25 will just run through. First of all there's the issue

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1 of waiver of an initial order. All parties present  
2 today with the exception of U S WEST and GTE agree to  
3 waive the initial order. U S WEST and GTE are going  
4 to check with their client and advise me in writing  
5 whether their clients would waive the initial order.

6           The statutory 10-month time line that's  
7 applicable in this type of proceeding will be  
8 extended, and it's my understanding that the parties  
9 agree to that extension. Any objection to that  
10 extension? None being heard the order on this  
11 pre-hearing conference will memorialize that extension  
12 and set a date certain following the final briefs  
13 and allowing enough time for Commission consideration  
14 and preparation of an order. Public counsel has  
15 stated that they do not expect to file testimony.  
16 However, if they do file testimony in this matter they  
17 will follow the schedule for complainants and staff.  
18 The U S WEST has indicated that they will not be  
19 filing an answer to the amended complaint and will  
20 rely on their existing answer in the case. And just  
21 to repeat, Enhanced Telemanagement is withdrawing from  
22 the consolidated proceeding. We addressed that on the  
23 record earlier. I believe that covers all of the  
24 items that we needed to address from our off the  
25 record discussion.

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1                   Is there anything else that we need to  
2 place on the record at this time? The schedule that  
3 I've announced and the other matters will be  
4 memorialized in a supplemental order that will be  
5 issued shortly. Is there anything further today?  
6 Hearing nothing we are adjourned. Thank you.

7                   (Hearing adjourned at 10:35 a.m.)

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