

UT-043013



Ann Rendahl/WUTC  
09/14/2004 12:55 PM

To Mike Sommerville/WUTC@WUTC  
cc  
bcc

Fw: UT-043013 - Notice of Preliminary Hearing Thursday  
at 1:30 pm PST to Address Balance of Harms  
Presented by CLECs' Motion for Enforcement

Please post in the formal file.

Ann E. Rendahl  
Administrative Law Judge  
Washington Utilities and Transportation Commission  
Tel: (360) 664-1144  
Fax: (360) 664-2654

----- Forwarded by Ann Rendahl/WUTC on 09/14/2004 12:54 PM -----



"Harlow, Brooks"  
<Brooks.Harlow@MillerNash.com>

09/08/2004 03:35 PM

"O'Connell, Timothy J." <TJOCONNELL@stoel.com>, Ann Rendahl <arendahl@wutc.wa.gov>, XUT-043013  
To External Mail Group  
<XUT-043013\_External\_Mail\_Group@wutc.wa.gov>, Margret Kaech <MKaech@wutc.wa.gov>  
Bob Wallis <bwallis@wutc.wa.gov>, Bob Williamson  
cc <BWilliam@wutc.wa.gov>, Dave Griffith <DGriffit@wutc.wa.gov>, Jing Roth <jroth@wutc.wa.gov>  
RE: UT-043013 - Notice of Preliminary Hearing Thursday  
Subject at 1:30 pm PST to Address Balance of Harms  
Presented by CLECs' Motion for Enforcement

Judge Rendahl, it may help simplify the issues, and even eliminate some witnesses for tomorrow, if we clarify that our motion does NOT seek to stop or postpone Verizon's conversion of its Mt. Vernon switch. We have spoken with the other CLECs and it is our understanding that they likewise do not plan to seek a postponement of the conversion.

Brooks E. Harlow  
Voice: 206-777-7406  
Fax: 206-622-7485  
mailto:brooks.harlow@millernash.com  
http://www.millernash.com

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privileged information. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us, and do not review, disclose, copy, or distribute it. Thank you.

-----Original Message-----

From: O'Connell, Timothy J. [mailto:TJOCONNELL@stoel.com]  
Sent: Wednesday, September 08, 2004 10:53 AM  
To: Ann Rendahl; XUT-043013 External Mail Group; Margret Kaech  
Cc: Bob Wallis; Bob Williamson; Dave Griffith; Jing Roth  
Subject: RE: UT-043013 - Notice of Preliminary Hearing Thursday at 1:30 pm  
PST to Address Balance of Harms Presented by CLECs' Motion for Enforcement

Dear Judge Rendahl:

Thank you for your e-mail.

For the record, Verizon objects to proceeding in this manner and requests that you and/or the Commissioners reconsider. Verizon had been moving forward based on the claim made in the text of the CLEC motion itself, that this was "purely" a pricing issue. We understand the only allegation of a customer affecting impact to be the claims advanced by MCI's and AT&T's representatives at yesterday's PHC, that they will have difficulty billing their UNE-P customers on a resale basis. Yesterday was the first we had heard of this claim, which was clearly not advanced in the text of their pleading. Given the large number of customers served by AT&T and MCI on a resale basis, we are unable to respond intelligently as to what it is in the AT&T or MCI back office systems that renders this a customer affecting problem.

Moreover, we are unable to identify what it is that precludes AT&T and MCI from simply continuing to bill their customers in their current manner, and disputing whatever bills they receive from Verizon for resale circuits. Such disputes could then be handled on an exception basis.

Finally, the CLEC's delay has either (a) mooted the need for emergency treatment or (b) mandated that some customers will be adversely affected. That is to say, at this point it is impossible to postpone the conversion of the Mt. Vernon switch without causing network disruption. Other carriers throughout the North American Numbering Plan have updated their LERGs to reflect the Friday cut-over. If the conversion is put off, some customers in Mt. Vernon WILL lose calls.

I am unable to identify at this time who would represent Verizon in this

hearing, or who our witnesses would be.

Given these facts, we respectfully request that you and/or the Commissioners reconsider the need for an emergency hearing, and permit this issue to be resolved in an efficient but orderly manner.

Tim

Timothy J. O'Connell  
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Seattle, WA 98101  
Tel: (206) 386-7562  
Fax: (206) 386-7500

-----Original Message-----

From: Ann Rendahl [mailto:arendahl@wutc.wa.gov]  
Sent: Wednesday, September 08, 2004 9:49 AM  
To: XUT-043013 External Mail Group; Margret Kaech  
Cc: Bob Wallis; Bob Williamson; Dave Griffith; Jing Roth  
Subject: UT-043013 - Notice of Preliminary Hearing Thursday at 1:30 pm  
PST to Address Balance of Harms Presented by CLECs' Motion for  
Enforcement

I will be sending out a more formal written notice later today via courtesy e-mail, but wanted to notify you at the earliest time that the Commissioners have requested that I hold a hearing on the CLECs' Motion for Enforcement tomorrow at 1:30 p.m. in the nature of a preliminary hearing to address the balance of harms. Parties who wish to present witnesses to provide oral testimony must make those witnesses available either in person or via a teleconference bridge line, which number will be provided in the more formal notice to be provided later today. Witnesses should be prepared to address the operational aspects of the conversion from the circuit to the packet switch in Mount Vernon, Washington, as well as any customer affecting aspects of the conversion. The primary issue at this hearing is whether the conversion is truly a pricing issue or if customers will be discontinued or otherwise affected by the conversion.

Parties must notify me or Margret Kaech via e-mail or telephone (Margret Kaech's number is 360-664-1140) as to who will need access to the conference bridge so that we know how many lines to order. I will also need to know how many parties wish to present witnesses, and the names or basic identity of those witnesses. There is another hearing scheduled for tomorrow for which the Commission's regular conference bridge will be used.

Ann E. Rendahl  
Administrative Law Judge  
Washington Utilities and Transportation Commission  
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Fax: (360) 664-2654