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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

NORTHWEST TELEPHONE, INC.,)	Docket No. UT-053081
)	
Complainant,)	Volume I
)	Pages 1 to 7
vs.)	
)	
QWEST CORPORATION,)	
)	
Respondent.)	

A prehearing conference in the above matter was held on November 7, 2005, from 11:00 a.m to 11:20 a.m., at 1300 South Evergreen Park Drive Southwest, Room 206, Olympia, Washington, before Administrative Law Judge KAREN CAILLE.

The parties were present as follows:

QWEST CORPORATION, by LISA ANDERL, Attorney at Law, 1600 Seventh Avenue, Suite 3206, Seattle, Washington 98191, Telephone (206) 345-1574, Fax (206) 343-4040, E-Mail lisa.anderl@qwest.com.

NORTHWEST TELEPHONE, INC., by GREGORY J. KOPTA, Attorney at Law, Davis Wright Tremaine, LLP, 1501 Fourth Avenue, Suite 2600, Seattle, Washington 98101, Telephone (206) 628-7692, Fax (206) 628-7699, E-Mail gregkopta@dwtr.com.

Joan E. Kinn, CCR, RPR
Court Reporter

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

2 JUDGE CAILLE: We are here today for the
3 first prehearing conference in this proceeding in Docket
4 Number UT-053081, which concerns a complaint of
5 Northwest Telephone Incorporated against Qwest
6 Corporation alleging that Qwest has breached the
7 interconnection agreement between NTI and Qwest. On
8 September 27th, 2005, Qwest filed its answer to the
9 complaint and a motion to dismiss the complaint, and on
10 October 6th, 2005, NTI filed its pleading in opposition
11 to Qwest's motion to dismiss.

12 My name is Karen Caille, and I am the
13 presiding Administrative Law Judge for this proceeding.
14 Today is November the 7th, 2005, and we are convened in
15 a hearing room at the Commission's offices in Olympia,
16 Washington. I would like to start out this morning by
17 taking appearances from the parties, if we could begin
18 with NTI.

19 MR. KOPTA: Thank you, Your Honor, Gregory J.
20 Kopta of the law firm Davis Wright Tremaine LLP, 2600
21 Century Square, 1501 Fourth Avenue, Seattle, Washington
22 98101-1688, telephone (206) 628-7692, fax (206)
23 628-7699, E-mail gregkopta@dwt.com.

24 JUDGE CAILLE: Mr. Kopta, could you please
25 repeat your telephone number, because the one I have

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1 down here is different from what you said.

2 MR. KOPTA: Yes, my direct line is the one
3 that I just gave.

4 JUDGE CAILLE: Oh, okay.

5 MR. KOPTA: Which is (206) 628-7692.

6 JUDGE CAILLE: Thank you.

7 MR. KOPTA: You're welcome.

8 JUDGE CAILLE: Ms. Anderl.

9 MS. ANDERL: Thank you, Your Honor, Lisa
10 Anderl, in-house attorney representing Qwest
11 Corporation, my business address is 1600 Seventh Avenue,
12 Room 3206, Seattle, Washington 98191, telephone (206)
13 345-1574, fax (206) 343-4040, and E-mail is
14 lisa.anderl@qwest.com. In addition, Adam Sherr,
15 S-H-E-R-R, may also appear on behalf of Qwest in this
16 matter.

17 JUDGE CAILLE: All right, thank you.

18 Let the record reflect there are no other
19 appearances, and it looks like there are no interveners.

20 We have had a substantive motion filed, a
21 motion to dismiss, and the opposition to that motion.

22 Are there any other motions?

23 MS. ANDERL: Not at this time.

24 MR. KOPTA: Not that I'm aware of, Your
25 Honor.

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1 JUDGE CAILLE: Okay.

2 My next question is, is there any possibility
3 of amicably resolving the issues in this proceeding?
4 The Commission always encourages the parties to consider
5 the use of a settlement process or other means of
6 alternative dispute resolution.

7 MR. KOPTA: Well, Your Honor, at this point I
8 know that there are some discussions going on between
9 the two companies. Of course I think both parties would
10 prefer to resolve it amicably if possible. They haven't
11 been able to up to this point but as far as I know are
12 continuing to have some discussions and are always open
13 to the possibility of resolving the issues short of
14 having a Commission order doing so.

15 JUDGE CAILLE: Okay.

16 MS. ANDERL: I agree with that, I'm not sure
17 that we at this point need to schedule anything around
18 possible settlement discussions or ask for mediation
19 from the Commission, if that was your next question.

20 JUDGE CAILLE: Yes.

21 MS. ANDERL: I just haven't -- I haven't
22 heard that we're at that point, I kind of haven't heard
23 that we're not either.

24 JUDGE CAILLE: All right.

25 MS. ANDERL: From our standpoint, we were

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1 just going to proceed with the litigated case unless we
2 heard otherwise from NTI.

3 JUDGE CAILLE: And if you do find that you
4 need the services of a mediator, please contact Bob
5 Wallis, and he will attempt to get one of the ALJ's to
6 mediate.

7 Next I guess we should look at discovery.
8 Will anyone be requesting discovery in this docket?

9 MR. KOPTA: I think there may be some limited
10 discovery that we may need for each party. I'm assuming
11 Qwest will have some but I know we will.

12 MS. ANDERL: We will have some.

13 JUDGE CAILLE: Okay, then the discovery rule
14 will be invoked.

15 Is there a need for a discovery cutoff?

16 MS. ANDERL: I don't think so. Well, I guess
17 when we see what the schedule looks like, maybe we can
18 talk about that, but typically we have been able to get
19 by without that level of detail in the schedule.

20 JUDGE CAILLE: All right.

21 And how about a protective order, is there a
22 need for a protective order?

23 MR. KOPTA: Yes, Your Honor.

24 MS. ANDERL: Yes.

25 JUDGE CAILLE: All right, then I will prepare

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1 a standard protective order for the Commissioners'
2 signatures.

3 Before we go to scheduling matters, does
4 anyone wish to comment on the issues in this proceeding
5 at this time?

6 MR. KOPTA: Not at this time, Your Honor, I
7 think we've laid them out in the pleadings to date.

8 MS. ANDERL: Agreed, Your Honor.

9 JUDGE CAILLE: All right.

10 Have you had a chance to discuss a schedule
11 between yourselves?

12 MS. ANDERL: We have not.

13 JUDGE CAILLE: Okay, then let's go off the
14 record and we'll discuss a schedule.

15 (Discussion off the record.)

16 JUDGE CAILLE: We've had an off record
17 discussion concerning scheduling of this matter, and the
18 parties have agreed to the following schedule. First of
19 all, the motion to dismiss will be carried with the
20 case. NTI will file its testimony on December 22nd.
21 Qwest will file response testimony on January 31st. NTI
22 will file rebuttal testimony on February 28th. And we
23 will have a hearing on March 30th beginning at 9:30.

24 As I stated off record, I am going to need to
25 check the number of copies we're going to need for

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1 distribution. I'm sure you folks are familiar with
2 where you are to file, and I won't go through that.

3 The Commission will enter a prehearing
4 conference order and a protective order, and the
5 prehearing conference order will contain the substance
6 of what we have covered today, the procedural schedule
7 and contact information.

8 And once again I remind you the Commission
9 encourages stipulations both as to facts and if you can
10 make any progress towards settlement. If you need
11 assistance, please contact the Chief ALJ, Mr. Wallis.

12 And that's all I have. Do you have anything
13 further?

14 MR. KOPTA: Not at this time, Your Honor.

15 MS. ANDERL: No, Your Honor.

16 JUDGE CAILLE: All right, thank you, this
17 hearing is adjourned.

18 (Hearing adjourned at 11:20 a.m.)

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