

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re the Petition of)	
)	DOCKET NO. UT-020667
)	
WASHINGTON INDEPENDENT)	NOTICE OF PREHEARING
TELEPHONE ASSOCIATION)	CONFERENCE
)	(July 18, 2002)
for Declaratory Order on the Use of)	
Virtual NPA/NXX Calling Patterns.)	
)	
.....)	

1 On May 29, 2002, Washington Independent Telephone Association (WITA) filed with the Commission a petition for declaratory order pursuant to RCW 34.05.240 and WAC 480-09-230. Specifically, WITA seeks an order of the Commission declaring that:

1. The use of VNXX-like services are not in the public interest and prohibiting their use, or in the alternative, use of VNXX-like services are appropriately classified as interexchange services subject to the assessment and payment of access charges where the call originates and terminates in two separate rate centers without a Commission approved extended area service arrangement between those rate centers.
2. Such service arrangements are an inappropriate use of numbering resources where that service uses a new NPA/NXX for each rate center, and prohibit such practice.
3. Where a single NPA/NXX is desired to be spread over several rate centers, such practice would violate standards needed to implement number portability, and is prohibited.

2 A more detailed account of WITA's request for a declaratory order is reflected in the petition which is available for inspection at the Commission's offices located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

3 On June 7, 2002, the Commission gave notice of receipt of the petition for declaratory order, and gave interested persons the opportunity to submit statements of fact and law in response to the petition. AT&T Communications of the Pacific Northwest, Inc., TCG Oregon and TCG Seattle, Focal Communications Corporation of Washington, Fox Communications Corp., International Telecom, Inc., Pac West Telecom, Inc., Time Warner Telecom of Washington, LLC, WorldCom, Inc., and XO Washington, Inc. (collectively Joint CLECs) filed a joint statement of fact and law. KMC Telecom, Sprint

Spectrum LP, Verizon Northwest Inc., and Level 3 Communications, LLC (Level 3), filed individual statements of fact and law.

- 4 In its response, Level 3 cites *RCW 34.05.240(7)*, declares that it is a necessary party, and objects to determination of this matter through a declaratory order proceeding. Level 3 suggests that all local exchange carriers, both incumbent and competitive are necessary parties to this proceeding because the declarations WITA seeks would have a profound impact on the entire telecommunications industry.
- 5 It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.
- 6 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.449, RCW 34.05.452, RCW 80.36.610, RCW 80.36.300, RCW 80.01.100, RCW 34.05.240 and WAC 480-09-230. The Commission has jurisdiction over this matter under Title 80 RCW, having legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. In addition to the foregoing, statutes and rules involved include those within chapter 80.36 RCW, chapter 480-09 WAC, and chapter 480-120 WAC. The issues involved are generally stated above and more specifically contained in the petition.
- 7 **NOTICE IS FURTHER GIVEN that a prehearing conference in this matter will be held at 1:30 p.m., on Thursday, July 18, 2002, in the Commission's Hearing Room, Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 8 The purpose of the prehearing conference is to consider formulating the issues in the proceeding, including the issue of defining *necessary parties* referenced in RCW 34.05.240(7), and to determine other matters to aid in its disposition, as specified in WAC 480-09-460.
- 9 Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. The time and place for the evidentiary hearing will be set at the prehearing conference or by later written notice. Appearances will be taken.
- 10 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.
- 11 The names and mailing addresses of all parties and their known representatives are as follows:

Petitioner: Washington Independent Telephone Association
2405 S. Evergreen Park Drive S.W.
Suite B-2
Olympia, WA 98502

Representative: Richard A. Finnigan
2405 Evergreen Park Drive S.W.
Suite B-1
Olympia, WA 98502
(360) 956-7001

Commission Staff: Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Sally Johnston
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1193

Participant: Sprint Spectrum LP
902 Wasco Street
Hood River, OR 97031

Representative: William E. Hendricks, III
Attorney
902 Wasco Street
Hood River, OR 98031

Participant: Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, CO 80021

Representative: Rogelio E. Peña
Peña & Associates, LLC
1919-14th Street
Boulder, CO 80302

Participant: Joint CLECs (AT&T Communications of the Pacific
Northwest, Inc., TCG Oregon and TCG Seattle, Focal
Communications Corp., International Telecom, Inc., Pac-
West Telecom, Inc., Time Warner Telecom of Washington,
LLC and XO Washington, Inc.)

Representative: Gregory J. Koptka
Davis Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101

Participant: Verizon Northwest
PO Box 152092
HQE02H2O
Irving, TX 75038

Representative: Charles H. Carrathers, III
Vice President and General Counsel
PO Box 152092
Irving, TX 75038

Participant: KMC Telecom Holdings, Inc.
1200-19th Street NW
Suite 500
Washington, DC 20036

Representative: Stephen Kennedy
Local Counsel for KMC Telecom
601 Union Street, Suite 5450
Seattle, WA 98101

- 12 Karen M. Caillé has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.
- 13 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

June 28, 2002

Inquires may be addressed to:

Executive Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

[Service Date June 28, 2002]

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250.

(SUPPLY ALL REQUESTED INFORMATION)

Docket No.: UT-020667

Case Name: In re the Petition of the Washington Independent Telephone Association for Declaratory Order on the Use of Virtual NPA/NXX Calling Patterns

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter: (Yes) _____ (No) _____

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____