

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

QWEST CORPORATION

To Initiate a Mass-Market Switching
and Dedicated Transport Case
Pursuant to the Triennial Review
Order

DOCKET NO. UT-033044

MOTION OF COMMISSION
STAFF FOR CLARIFICATION OF
PREHEARING CONFERENCE
ORDER

1 Commission Staff files this motion seeking clarification of the October 16, 2003 Prehearing Conference Order (Order No. 01 in Docket No. UT-033044; Order No. 02 in Docket No. UT-033025), regarding the scope of responsive testimony that Staff may file during the Round 2 filing on January 30, 2004, specifically regarding the issues of market definition and DS0 cut-off level.

2 Paragraphs 10 and 11 of the Order state that the primary issues to be addressed in this docket include market definition, DS0 cut-off level, and trigger and potential deployment analyses for mass-market switching and transport. The Order provides that Qwest must file its primary case in the first round, while other parties may “present evidence” in response to Qwest’s primary case on trigger and potential

deployment analyses in the second round. The Order continues, “All parties filing testimony and exhibits must address the issues of market definition and the DS0 cut-off level in the first round.”

3 The Order does not expressly set forth what may be filed in the second round of testimony regarding market definition and the DS0 cut-off level. Staff understands the Order to require parties presenting evidence or otherwise making an affirmative case on the issues of market definition and the DS0 cut-off level (should they so desire), to do so during the Round 1 filing. Staff does not now know whether it will make such a filing. However, Staff believes its witnesses should have the opportunity, in any event, to comment on or criticize (as appropriate) the proposals of other parties during the Round 2 filing, and that the public interest would best be served if it has the opportunity to do so. Staff does not intend to present any new evidence of its own on the market definition or DS0 cut-off level issues during the Round 2 filing.

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Staff, therefore, seeks clarification from the Commission on whether it may respond to the proposals of other parties regarding market definition and DS0 cut-off levels, in the event Staff does not make a Round 1 filing on those issues.

Respectfully submitted this 19th day of November, 2003.

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