

[Service Date January 11, 2007]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Penalty Assessment)	DOCKET UT-061420
Against)	
)	ORDER 01
MCIMETRO ACCESS)	
TRANSMISSION SERVICES LLC)	PREHEARING CONFERENCE
D/B/A VERIZON ACCESS)	ORDER
TRANSMISSION SERVICES)	
)	NOTICE OF HEARING
In the Amount of \$85,000)	<i>(Set for June 12-13, 2007 at 9:30</i>
)	<i>a.m.)</i>
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-061429 involves a request by MCI Metro Access for a hearing on a penalty assessment issued by the Commission in the amount of \$85,000.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on January 11, 2007, before Administrative Law Judge Theodora M. Mace.

3 **APPEARANCES.** Thomas F. Dixon, attorney, Denver, Colorado, represents MCI metro Access Transmission Services LLC (MCI metro). Michael Fassio, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).¹ Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

¹ In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding

5 **PROTECTIVE ORDER.** The parties may request the Commission to enter a
protective order at a later point in the proceeding, if they deem it necessary. .

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's
discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work
cooperatively together to avoid having to bring discovery matters forward for formal
resolution

7 **REQUEST FOR APPOINTMENT OF SETTLEMENT JUDGE.** The parties
request the appointment of a settlement judge to resolve the one remaining issue in
contention between them. The parties request a settlement conference with the
appointed judge to be held during the week of February 26, 2007.

8 **PROCEDURAL SCHEDULE.** If this matter should not reach settlement, the
parties agreed on a procedural schedule to govern the remainder of the proceeding.
The Commission adopts the following procedural schedule, which is also attached to
this Order as Appendix B.

February 26 – March 2, 2007	Meeting with settlement judge
April 13, 2007	Staff prefiled direct testimony
May 11, 2007	MCI metro response
May 25, 2007	Staff rebuttal
June 12-13, 2007	Evidentiary hearing
July 13, 2007	Initial briefs
July 27, 2007	Response briefs

- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **5** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided through the Commission's Web Portal (www.wutc.wa.gov/e-filing) or by e-mail delivery to records@wutc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer may grant parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may only submit documents electronically with the Commission in this proceeding with the permission of the presiding officer. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document through the Commission's Web Portal (www.wutc.wa.gov/e-filing) or by e-mail to records@wutc.wa.gov, and file an original, plus **5** copies, of the document with the Commission by the following business day. At the request of the parties, the presiding officer granted a one-day extension of the paper-filing requirement under WAC 480-07-145(6), allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents through the Commission's Web Portal (www.wutc.wa.gov/e-filing) or by e-mail to

records@wutc.wa.gov, and file an original, plus 5 paper copies, of the documents with the Commission by the following business day. Finally, to perfect filing, parties must provide courtesy copies of filings to the presiding administrative law judge and advisory staff as well as the parties to the proceeding.

- 13 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective January 11, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-061420**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
MCImetro Access	Thomas Dixon Assistant General Counsel c/o MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services 707 – 17 th Street, #4200 Denver, CO 80202	303-390-6206	303-390-6333	thomas.f.dixon@verizon.com
Commission Staff	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504- 0128	360-664-1192	360-586-5522	mfassio@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-061420

EVENT	DATE	INTERVAL
Settlement Conference	Week of February 26, 2007	46 days
Staff prefiled direct testimony	April 13, 2007	46 days
Company response testimony	May 11, 2007	29 days
Staff rebuttal testimony	May 25, 2007	14 days
Evidentiary Hearing	June 12-13, 2007	18 days
Initial briefs	July 13, 2007	30 days
Response briefs	July 27, 2007	14 days