

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

LEVEL 3 COMMUNICATIONS,	)	
LLC,	)	DOCKET NO. UT-053039
	)	
Petitioner,	)	ORDER NO. 01
	)	
v.	)	PREHEARING CONFERENCE
	)	ORDER; NOTICE OF HEARING
	)	<b>(September 15, 2005, at 9:00 am);</b>
QWEST CORPORATION,	)	NOTICE OF ORAL ARGUMENT
	)	<b>(November 2, 2005, at 9:30 am)</b>
Respondent	)	
	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket No. UT-053039 involves a petition by Level 3 Communications, L.L.C. (Level 3), for enforcement of the terms of its interconnection agreement with Qwest Corporation (Qwest). Level 3 alleges that Qwest has breached its obligations to compensate Level 3 for transport and termination of Qwest-originated ISP-bound traffic and has failed to negotiate an amendment reflecting the Federal Communications Commission’s (FCC) Core Forbearance Order.<sup>1</sup> Qwest has filed counterclaims against Level 3 addressing the same issues.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on July 8, 2005, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Gregg Strumberger and Victoria Mandell, Regulatory Counsel, Broomfield, Colorado, represent Level 3. Lisa Anderl, Associate

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<sup>1</sup> *Petition of Core Communications, Inc. for Forbearance Under 47 U.S.C. § 160(c) from Application of ISP Remand Order, Order, FCC 04-241, WC Docket No. 03-171 (rel. Oct. 18, 2004) [Hereinafter “Core Forbearance Order”].*

General Counsel, Seattle Washington, represents Qwest. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

- 4 **PROTECTIVE ORDER.** The parties request that the Commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423, to protect the confidentiality of proprietary information. The request was granted, and a protective order will be entered.
- 5 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. During the conference the parties agreed to shorten the response time for discovery after the initial round of testimony is filed to five (5) business days. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 6 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.
- 7 **NOTICE OF HEARING.** The Commission schedules a hearing in this matter, to be held on **Thursday, September 15, 2005, at 9:00 a.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**
- 8 **NOTICE OF ORAL ARGUMENT.** The Commission schedules oral argument in this matter, to be held on **Wednesday, November 2, 2005, at 9:30 a.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**

- 9     **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus 3 copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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 by e-mail delivery to <[records@wutc.wa.gov](mailto: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 including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12    **ELECTRONIC FILING.** Pursuant to WAC 480-07-145(6), the presiding officer grants parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may submit documents electronically to the Commission by e-mailing the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and must file an original, plus 3 paper copies, of the document with the Commission by the following business day.

- 13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 11th day of July, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET NO. UT-053039**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>LEVEL 3</b>	<b>GREGG STRUMBERGER</b> <b>VICTORIA MANDELL</b> Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021  <b>RICK THAYER</b>	720-888-1780 720-888-2439	720-888-5134 (Same)	<a href="mailto:Gregg.strumberger@Level3.com">Gregg.strumberger@Level3.com</a> <a href="mailto:Victoria.mandell@Level3.com">Victoria.mandell@Level3.com</a>  <a href="mailto:Richard.thayer@Level3.com">Richard.thayer@Level3.com</a>
<b>QWEST</b>	<b>LISA A. ANDERL</b> Assoc. General Counsel QWEST 1600 7 <sup>th</sup> Ave., Room 3206 Seattle, WA 98191  <b>ADAM L. SHERR</b>  <b>MARK REYNOLDS</b>	206-345-1574	206-343-4040	<a href="mailto:Lisa.anderl@Qwest.com">Lisa.anderl@Qwest.com</a>  <a href="mailto:Adam.sherr@Qwest.com">Adam.sherr@Qwest.com</a>  <a href="mailto:Mark.reynolds3@Qwest.com">Mark.reynolds3@Qwest.com</a>
<b>Admin. Law Judge</b>	<b>ANN E. RENDAHL</b> 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	<b>360-664-1144</b>	<b>360-664-2654</b> [ALD fax only – do not use to file]	<a href="mailto:arendahl@wutc.wa.gov">arendahl@wutc.wa.gov</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET NO. UT-053039**

EVENT	DATE	INTERVAL
Prehearing Conference	July 8, 2005	—
Simultaneous Motions for Summary Judgment	August 10, 2005	32 Days
Decision on Motions	August 25, 2005	15 Days
Direct Testimony	August 31, 2005	6 Days
Discovery Cut-Off	September 6, 2005	6 Days
Reply Testimony	September 8, 2005	2 Days
Witness lists, cross- examination time estimates, cross-examination exhibits, exhibit lists filed	September 12, 2005	4 Days
Evidentiary Hearing	September 15, 2005	3 Days
Simultaneous Briefs	September 27, 2005	12 Days
Recommended Decision	October 12, 2005	15 Days
Exceptions to Recommended Decision	October 24, 2005	12 Days
Oral Argument	November 2, 2005	9 Days
Commission Order	November 23, 2005	21 Days
Petitions for Reconsideration	December 5, 2005	12 Days