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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 In the Matter of)
4 TSS DIGITAL SERVICES, INC.) DOCKET NO. UT-073042
5 Petition for Enforcement Of) Volume I
6 Its Interconnection Agreement) Pages 1 - 7
7 With Qwest Corporation,)
8 (f/k/a US WEST COMMUNICATIONS,)
9 INC.) Pursuant to)
10 WAC 480-07-650.)
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12 A prehearing conference in the above matter
13 was held on August 23, 2007, at 9:30 a.m., at 1300
14 South Evergreen Park Drive Southwest, Olympia,
15 Washington, before Administrative Law Judge ANN
16 RENDAHL.

17 The parties were present as follows:

18 QWEST CORPORATION, by LISA A. ANDERL (via
19 bridge), Associate General Counsel, 1600 Seventh
20 Avenue, Room 3206, Seattle, Washington 98191;
21 telephone, (206) 345-1574.

22 TSS DIGITAL SERVICES, INC., by JUDITH A.
23 ENDEJAN (via bridge), Attorney at Law, Graham & Dunn,
24 2801 Alaskan Way, Suite 300, Seattle, Washington
25 98121; telephone, (206) 340-9694.

26 Kathryn T. Wilson, CCR

27 Court Reporter

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

2 JUDGE RENDAHL: Good morning. I'm Ann
3 Rendahl, the administrative law judge presiding over
4 this proceeding. We are here before the Washington
5 Utilities and Transportation Commission on Thursday,
6 August 23rd, 2007, for a prehearing conference in
7 Docket UT-073042, which is a petition by TSS Digital
8 Services, Inc., filed for enforcement of its
9 interconnection agreement with Qwest Corporation, under
10 WAC 480-07-650.

11 The purpose of our prehearing conference this
12 morning is to take appearances, consider any petitions
13 to intervene, and discuss procedural matters, including
14 a procedural schedule. So before we go any farther,
15 let's take appearances. As this is the first
16 prehearing conference, we need to take your full
17 appearance, and let's start with the petitioner, TSS
18 Digital.

19 MS. ENDEJAN: Thank you, Judge Rendahl. This
20 is Judith A. Endejan appearing for TSS Digital with
21 Graham and Dunn PC, 2801 Alaskan Way, Suite 300,
22 Seattle, Washington, 98121; telephone, (206) 340-9694;
23 fax number, (206) 340-9599. E-mail is
24 jendejan@grahamdunn.com.

25 JUDGE RENDAHL: For Qwest?

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1 MS. ANDERL: Thank you, Your Honor. This is
2 Lisa Anderl representing Qwest. I'm at 1600 Seventh
3 Avenue, Room 3206, Seattle, Washington, 98191. The
4 e-mail is lisa.anderl@qwest.com. Telephone is (206)
5 345-1574, and fax is (206) 343-4040.

6 JUDGE RENDAHL: Thank you, and I'll note that
7 there is no one else here in the hearing room to make
8 an appearance in this matter. Is there anyone
9 appearing on the conference bridge that wishes to make
10 an appearance in this matter? I note that there is no
11 response.

12 Ms. Endejan and Ms. Anderl, is there anyone
13 else you wish to have included on our courtesy e-mail
14 list in this case for either TSS Digital or Qwest?

15 MS. ANDERL: No, Your Honor.

16 MS. ENDEJAN: No, Your Honor.

17 JUDGE RENDAHL: The Commission hasn't
18 received any petitions to intervene in this proceeding,
19 and no one else has appeared either in the hearing room
20 or on the conference bridge, so there are no petitions
21 to intervene in this proceeding. Do the parties see a
22 need for a protective order in this docket?

23 MS. ENDEJAN: I do not.

24 MS. ANDERL: Not at this point, Your Honor.

25 JUDGE RENDAHL: Is there a need to invoke the

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1 Commission's discovery rules in this proceeding?

2 MS. ENDEJAN: At this point, Your Honor, I
3 believe that all of the materials that are relevant
4 have been exchanged between the parties, so I do not
5 perceive a need for further discovery at this point.

6 JUDGE RENDAHL: If at any point the parties
7 wish to either enter a protective order or to invoke
8 the discovery rules, just notify me and we will pursue
9 that.

10 MS. ANDERL: Thank you, Your Honor. We can
11 probably cooperate to do something like that.

12 JUDGE RENDAHL: The next matter is the
13 procedural schedule, and in setting the schedule for
14 this proceeding, we need to be mindful that the
15 procedural rules governing petitions for enforcement do
16 identify some time periods for a recommended decision.
17 That's within 75 days of the petition being filed, the
18 presiding officer needs to serve a recommended decision
19 on the parties or do so 21 days after the last hearing
20 session for submission. Now, I understand from
21 discussions off the record that the parties wish to
22 first engage in mediation with the assistance of a
23 settlement judge; is that correct?

24 MS. ENDEJAN: That's correct.

25 MS. ANDERL: Yes.

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1 JUDGE RENDAHL: Before we go off the record
2 to discuss the schedule, is there anything else the
3 parties think we need to discuss on the record at this
4 point?

5 MS. ENDEJAN: No, Your Honor.

6 MS. ANDERL: Nothing, Your Honor.

7 JUDGE RENDAHL: Let's be off the record to
8 discuss a schedule.

9 (Discussion off the record.)

10 JUDGE RENDAHL: While we were off the record,
11 we discussed what the parties envision through
12 mediation and agreed that the parties would submit
13 directly to Judge Moss by mail and e-mail simultaneous
14 filings presenting their understanding of the issues
15 and their positions and interests in the matter.

16 The date for submitting those to Judge Moss
17 is Thursday, September 13th, with the understanding
18 that the parties may e-mail those submissions to Judge
19 Moss on that date and have the mailed version arrive on
20 the 14th, and that's Thursday, September 13th and
21 Friday, September 14th. There will be no responsive
22 round, but the parties will work out with Judge Moss in
23 the mediation process how to address any responses they
24 might have to each other's filings.

25 The parties and Judge Moss agreed to a date

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1 of Monday, September 24th, for an initial mediation
2 session, and if any other sessions need to be
3 scheduled, they will be done during discussions with
4 the parties and Judge Moss, and we are deferring
5 establishing any other procedural schedule in the case
6 until the results of the mediation.

7 If mediation is not successful, the parties
8 will notify me and we will schedule a prehearing
9 conference and then establish a procedural schedule, if
10 necessary, at that point. If the parties are
11 successful, they will file a settlement agreement with
12 the Commission that will follow the Commission's rules
13 for considering settlement agreements and proceed a
14 pace. With that, is there anything further we need to
15 discuss this morning at the prehearing conference?

16 MS. ANDERL: No, Your Honor.

17 MS. ENDEJAN: No, Your Honor.

18 JUDGE RENDAHL: Does any party wish to order
19 a transcript from this morning's proceeding?

20 MS. ANDERL: No, Your Honor.

21 MS. ENDEJAN: Not at this time.

22 JUDGE RENDAHL: With nothing else to discuss,
23 this prehearing conference is adjourned. I will be
24 preparing a prehearing conference order, and hopefully,
25 that will either go out today or tomorrow, and if there

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1 is any objections to what is in that order, there is a
2 notice at the bottom that will tell you how to do so.
3 Thank you very much for appearing this morning. This
4 prehearing conference is adjourned.

5 (Prehearing conference adjourned at 9:55 a.m.)

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