

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

	)	
In the Matter of the Six-Month Review	)	DOCKET NO. UT-033020
of Qwest Corporation's Performance	)	
Assurance Plan	)	ORDER NO. 02
	)	
	)	PREHEARING CONFERENCE
	)	ORDER; OPPORTUNITY TO FILE
	)	COMMENTS
	)	
	)	<b>(Comments Due October 17, 2003;</b>
	)	<b>Responsive Comments Due</b>
.....	)	<b>October 27, 2003)</b>

- 1 **Nature of the Proceeding:** The Washington Utilities and Transportation Commission (Commission) initiated this proceeding to begin the first six-month review of performance measures in Qwest Corporation's (Qwest) Performance Assurance Plan, or QPAP. The Commission approved the QPAP on July 1, 2002, in Docket Nos. UT-003022 and UT-003040. Section 16 of the QPAP provides for a review of performance measures in the QPAP every six months following the December 23, 2002, approval by the Federal Communications Commission (FCC) of Qwest's Section 271 application for the state of Washington.
  
- 2 **Prehearing Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on October 2, 2003, before Administrative Law Judge Ann E. Rendahl. The purpose of the prehearing conference was to take appearances of the parties, consider petitions for intervention, determine the current status of the proceeding, identify the issues in the proceeding, and establish a procedural schedule for the proceeding.
  
- 3 **Appearances.** Steven H. Weigler and John F. Finnegan, attorneys, Denver, CO, represent AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle and TCG Oregon (AT&T). Karen Shoresman Frame, attorney, Denver, CO, represents Covad Communications Company (Covad). Ray Smith of Eschelon Telecomm Inc., Minneapolis, MN, and Karen Clauson, attorney, Minneapolis, MN, represent Eschelon Telecom, Inc

(Eschelon). Michel Singer Nelson, attorney, Denver, CO, represents WorldCom, Inc., d/b/a MCI, Inc (MCI). Douglas N. Owens, Lisa A. Anderl, and Adam L. Sherr, attorneys, Seattle, WA, represent Qwest Corporation (Qwest). Gregory J. Trautman, Assistant Attorney General, Olympia, WA, represents Commission Staff. Contact information for the parties' representatives is attached as Appendix A to this order.

- 4 **Scope and Timing of the Six-Month Review.** Qwest, AT&T, Covad, and Eschelon filed comments in response to a May 15, 2003, notice requesting comments on the process, scope, and timing of issues addressed in the first six-month review. On August 21, 2003, the Commission entered Order No. 01 in this proceeding, directing Commission Staff to participate in the Regional Oversight Committee's ad hoc multi-state collaborative, known as the Long-Term PID Administration (LTPA) collaborative. In that Order, the Commission stated that "addressing the common issues first in a regional collaborative process will provide to all parties and the Commission the benefits of greater efficiency and time-savings in the six-month review proceeding." *Order No. 01 at ¶ 17.*
- 5 During the conference, the parties explained that the LTPA collaborative has progressed more slowly than participants had hoped, but that the collaborative is close to finalizing a contract with a facilitator. Parties also reported that some discussions have also proceeded without the facilitator, and that participants have reached some agreements. The parties repeated their preference that the Commission not begin a six-month review proceeding until after the LTPA collaborative has completed an initial review of performance measures.
- 6 Qwest requested that the Commission forgo the first six-month review proceeding, and begin the second six-month review proceeding in January 2004, following a report from the LTPA collaborative. Covad and Eschelon, however, expressed concern that certain issues may be specific to Washington State and should be addressed during the first six-month review period.
- 7 **Comments.** The administrative law judge distributed a list of issues raised by the parties in their May 2003 comments. Parties must file additional comments with the Commission by **Friday, October 17, 2003**, identifying issues that are currently under review by or could be addressed by the LTPA collaborative, issues that are unique to Washington state, and any new issues the Commission

should consider in the first six-month review period. Parties should address in their comments whether the Commission should address any of these issues in the first six-month review period, or defer a review of issues until the second review period. Responsive comments must be filed with the Commission by **Monday, October 27, 2003.**

8 **LTPA Collaborative Status Report.** Parties agreed to file a status report with the Commission by **January 9, 2004**, concerning the status of discussions in the LTPA collaborative. Parties may file a joint status report or file separate reports.

9 **Protective Order.** The issue of whether to enter a protective order in this docket was not raised at the conference. If the parties would like the Commission to enter a protective order in this docket pursuant to RCW 34.05.446 and RCW 80.04.095, to protect the confidentiality of proprietary information, parties should make a request in comments filed on October 17, 2003, or in responses filed on October 27, 2003.

10 **Discovery.** As with the issue of entering a protective order, the issue of discovery was not addressed at the conference. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The Commission will invoke the discovery rule if parties make such a request in their comments or responses filed on October 17 and 27, 2003, respectively.

11 **Service On Other Parties.** Pursuant to WAC 480-09-120(2)(b) parties must serve documents by delivering one copy to each other party via mail “properly addressed with first-class postage prepaid; commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously.” WAC 480-09-120(2)(d) provides that “any party may consent to receive service by electronic mail,” and provides that parties must file their consent with the Commission, in the form of a waiver of other types of service.” Such a waiver is only required if the party requests service solely via electronic mail.

12 The list of parties’ representatives and their e-mail addresses is set forth in Appendix A to this order. The Commission encourages parties to serve documents on other parties electronically, as well as through the other methods

identified in WAC 480-09-120(2)(d) if the other party has not filed a waiver of other forms of service.

- 13 **Filing requirements, document preparation, and process issues.** The requirements for filing documents with the Commission are set forth in WAC 480-09-120. Parties making paper-only filings with the Commission must file an original and 12 copies of each document filed with the Commission, and are encouraged to submit documents in electronic form, pursuant to WAC 480-09-120(1)(b)(ii). Parties filing documents electronically with the Commission must do so by submitting the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). To ensure that electronic filing is complete pursuant to WAC 480-09-120(a), parties must file an original, plus six copies, of the document with the Commission by the following business day. Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties will be expected to comply with these provisions.

Dated at Olympia, Washington, and effective this 10<sup>th</sup> day of October, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

**NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.

APPENDIX A

**PARTIES REPRESENTATIVES**

DOCKET NO. UT-033020

Updated 10/10/03

COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
<b>AT&amp;T Communications of the Pacific Northwest, Inc. and AT&amp;T Local Services (TCG Seattle and TCG Oregon)</b>	<i>(Paper &amp; Fax Service)</i> <b>JOHN F. FINNEGAN</b> AT&T Law Department 1875 Lawrence Street Suite 1575 Denver, CO 80202	303-298-6335	281-664-9850	<a href="mailto:finneganjf@att.com">finneganjf@att.com</a>
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		404-942-3492	404-942-3495	<a href="mailto:g Watkins@covad.com">g Watkins@covad.com</a>

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Qwest Corporation	<p><i>(Paper &amp; Fax Service)</i> <b>DOUGLAS N. OWENS</b> 1325 Fourth Avenue Suite 940 Seattle, WA 98101</p> <p><i>(E-mail Service Only)</i> <b>LISA A. ANDERL</b> <b>ADAM SHERR</b> <b>MARK S. REYNOLDS</b> Qwest Corporation 1600 7<sup>th</sup> Avenue, Room 3206 Seattle, WA 98191</p> <p><b>BARBARA J. BROHL</b> Qwest Corporation 930 15<sup>th</sup> Street – 10<sup>th</sup> Floor Denver, CO 80202</p>	206-748-0367	206-748-0369	<a href="mailto:dnowens@qwest.net">dnowens@qwest.net</a>
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		206-398-2507	(Same)	<a href="mailto:Adam.Sherr@qwest.com">Adam.Sherr@qwest.com</a>
		206-345-1568	(Same)	<a href="mailto:Mark.Reynolds3@qwest.com">Mark.Reynolds3@qwest.com</a>
		303-624-4444	303-624-6151	<a href="mailto:Barbara.Brohl@qwest.com">Barbara.Brohl@qwest.com</a>

<b>Commission Staff</b>	<b>(Paper &amp; Fax Service)</b> <b>GREGORY J. TRAUTMAN</b> Asst. Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	360-586-5522	<a href="mailto:gtrautma@wutc.wa.gov">gtrautma@wutc.wa.gov</a>
<b>Presiding Administrative Law Judge</b>	<b>ANN E. RENDAHL</b> 1300 S. Evergreen Park Drive S.W. P.O. Box 47250 Olympia, WA 98504-7250	360-664-1144	360-664-2654 (ALD fax only - do not use to file)	<a href="mailto:arendahl@wutc.wa.gov">arendahl@wutc.wa.gov</a>

## Appendix B

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

#### A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

#### B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown. Electronic files must be designated R for revision, when applicable, with an ordinal number showing the revision number.



**II. Identifying exhibit numbers; Exhibits on cross examination.**

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and (JQP) designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-filing.