

March 20, 2003

RE: AT&T Communications of the Pacific Northwest v. Verizon Northwest  
Inc., Docket No. UT-020406

TO ALL PARTIES OF RECORD:

On March 19, 2003, the Commission entered its Sixth Supplemental Order; Order Determining to Review Settlement in the above matter.

Some administrative or procedural questions have arisen about the terms of the Sixth Supplemental Order in this docket. This letter addresses the required timing for filings under the order, and the scheduling of the public hearing.

**Required timing of filings.** The order directs Verizon to file in this docket, by March 24, tariff pages that would implement the parties' settlement. The order allows the participating parties in the stipulation until March 27 to file additional information in support of the proposed settlement.

Verizon by letter of March 20, 2003, asks if the order intended both filings to be made on March 27. The answer is no; the dates are correct. The parties are free to choose to file any additional support, but must file a complete package including all support on March 27.<sup>1</sup>

**Arrangements for public hearing.** The participating parties' stipulation provides<sup>2</sup> (to the extent relevant to this discussion) as follows:

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<sup>1</sup> Verizon must file a package on or before March 27 containing materials identified in the order, in the required number of copies. *Sixth Supplemental Order, Paragraph 47.*

<sup>2</sup> *Stipulation, Page 5.*

5. Parties further agree that:

- a. Customers receiving the services included in the rate increases should be notified of the proposed increases at least 30 days before the Commission acts on the proposed settlement;
- b. The Commission should schedule at least one hearing for public testimony on the proposed Settlement Stipulation in a location where Verizon provides local service; \* \* \*.

The commission's Sixth Supplemental Order provides, in part, at page 14:

- (4) Verizon must provide actual notice to its customers of the proposed increases and decreases, and of the date upon which a public hearing will be held in which customers may present their statements about the settlement proposal and their requests for any further process they believe is due before the Commission decides whether to approve the proposed rate increases.

Neither the settling parties in their proposal nor the Commission in its Order made specific provisions for the timing of notice or the location and timing of a public hearing. Verizon has initiated discussions with administrative staff, asking for immediate review of a notice and the immediate scheduling of a single hearing, a process not discouraged in the order.

Unanticipated questions have arisen about the administrative and procedural aspects of scheduling, however. These include, for example, whether Public Counsel agrees with the proposed schedule; whether customers should receive notice at least 30 days prior to the public hearings; whether the Commission should convene a hearing for public comment in two locations, including one in eastern Washington; whether scheduling of the public hearings should await indications of public concern that might be available at the time of the prehearing conference; whether evidentiary hearings might be required and how such hearings could interface with the schedule for public hearing or hearings; and whether parties might need the opportunity to address process questions generally -- including the schedule of hearings -- at the prehearing conference.

In short, it has become apparent today that questions not anticipated at the time of the Order should be addressed before the public hearing is firmly scheduled and notice is accepted, and that it is not possible to explore those issues fully and properly in a short time frame while the Commission is occupied with ongoing hearings.

Therefore, the Commission invites the participating parties to the stipulation to file no later than March 27 a recommended customer notice and public hearing schedule. The proposal should indicate whether Public Counsel supports the proposal. Public Counsel may respond to the proposal no later than March 31. The issues may then be considered at the prehearing conference now set for April 3, 2003.

Sincerely

MARJORIE R. SCHAER  
Administrative Law Judge