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1 BEFORE THE WASHINGTON STATE

UTILITIES AND TRANSPORTATION COMMISSION

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In the Matter of the Petition )

3 for Arbitration of an ) DOCKET NO. UT-093035

Agreement between )

4 ) VOLUME III

NORTH COUNTY COMMUNICATIONS ) Pages 15 to 22

5 CORPORATION OF WASHINGTON )

)

6 and )

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7 QWEST CORPORATION )

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8 Pursuant to 47 U.S.C. Section )

252(b) )

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10 A Status Conference in the above matter was

11 held on November 20, 2009, from 1:30 p.m to 1:45 p.m.,

12 at 1300 South Evergreen Park Drive Southwest, Room 108,

13 Olympia, Washington, before Administrative Law Judge Ann

14 RENDAHL.

The parties were present as follows:

15 QWEST CORPORATION, via bridge line by LISA A.

ANDERL, Attorney at Law, 1600 Seventh Avenue, Suite

16 1506, Seattle, Washington 98191, Telephone (206)

345-1574, Fax (206) 343-4040, E-Mail

17 lisa.anderl@qwest.com.

18 NORTH COUNTY COMMUNICATIONS, via bridge line

by JOSEPH G. DICKS, Attorney at Law, DICKS & WORKMAN,

19 APC, 750 B Street, Suite 2720, San Diego, California

92101, Telephone (619) 685-6800, Fax (619) 288-6850,

20 E-Mail jdicks@dicks-workmanlaw.com.

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24 Joan E. Kinn, CCR, RPR

25 Court Reporter

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

2 JUDGE RENDAHL: We're here for a status

3 conference in Docket UT-093035 which is captioned In the

4 Matter of the Petition for Arbitration and Approval of

5 an Interconnection Agreement Between North County

6 Communications Corporation of Washington and Qwest

7 Corporation Pursuant to 47 U.S.C. Section 252(b). And

8 we had our initial prehearing conference in this case in

9 August, August 31st, with a status conference set for

10 October, which I think we deferred until November,

11 actually it was the end of October or early November,

12 and here we are again. And at the last prehearing

13 conference, I was not available, so Judge Clark of the

14 Commission presided in that matter, that was October

15 20th, and at that point the parties said they were

16 continuing to work through negotiations and wanted to

17 reschedule this status conference for 30 days, so here

18 we are on November 20th. And I received a phone message

19 from Ms. Anderl asking if -- assuming it was too late to

20 cancel the court reporter, which it was. And while we

21 were off the record I had a conversation with Mr. Dicks

22 where he alerted me that negotiations were ongoing

23 through last night which was too late to alert us to the

24 fact that we might not need this conference. So have I

25 summarized where we are?

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1 MR. DICKS: Yes.

2 MS. ANDERL: Yes, Your Honor.

3 JUDGE RENDAHL: Okay. And since I've now

4 asked you to speak without being identified on the

5 record, I will have both of you please state your

6 representation for the record, and since we have all the

7 details just your name and who you're representing.

8 MS. ANDERL: This is Lisa Anderl representing

9 Qwest.

10 JUDGE RENDAHL: Thank you.

11 MR. DICKS: And Joseph Dicks representing

12 North County Communications.

13 JUDGE RENDAHL: Thank you.

14 So which one of you would like to lead off?

15 MR. DICKS: Since this seems to be caused by

16 me this time, my client left town for a holiday trip

17 with his family so we just couldn't wrap up the last few

18 issues. I think we have an agreement now, kind of a

19 drop-dead date of December 15th, and I'm going to get

20 all the final concerns or wording or what have you to

21 Qwest by December 1st so that they can have adequate

22 time to review it and finalize it before the 15th.

23 JUDGE RENDAHL: And, Ms. Anderl, is that your

24 understanding?

25 MS. ANDERL: That is what I have -- I have

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1 not had any direct communications yet with North County,

2 but from what I have heard from my own internal folks

3 that sounds right.

4 JUDGE RENDAHL: Okay, so is there anything

5 else, Mr. Dicks, you wanted to add?

6 MR. DICKS: No, only that we apologize.

7 JUDGE RENDAHL: Oh, well, I appreciate that.

8 I was letting Mr. Dicks know that it would have been

9 nice to know in advance, but I understand the timing,

10 this often happens, because there is a court reporter

11 here, and we do have to pay her for being here.

12 MS. ANDERL: Yes, Your Honor, I think, just

13 to interject, I think we might have been hopeful until

14 too far down the road that we were going to have

15 something to report to you.

16 JUDGE RENDAHL: Okay, well, I think given

17 what I have now heard, I'm not sure that it makes sense

18 to schedule another status conference. What I think

19 I'll do is take the dates that are on -- that you've

20 given me, essentially that North County will present

21 their final wording, and I am assuming this is a

22 complete interconnection agreement?

23 MR. DICKS: Yes, some 300 odd pages.

24 JUDGE RENDAHL: Okay, so North County will

25 present their final draft so to speak of the

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1 interconnection agreement to Qwest by December 1st, and

2 that after Qwest has an opportunity to review that, the

3 parties are agreeing to file an agreed agreement by

4 December 15th?

5 MR. DICKS: Yes.

6 JUDGE RENDAHL: Ms. Anderl, is that

7 consistent?

8 MS. ANDERL: You know, I don't know that we

9 will have the -- I wasn't aware that the goal was to

10 have a signed agreement by the 15th. We can certainly

11 revisit that if that doesn't look like the case as we

12 get nearer to that date, so that's fine.

13 MR. DICKS: And I'm happy to set that as the

14 target date. I'm also happy to accommodate if it's

15 going to take a few extra days just to implement the

16 changes and get signatures or whatnot. It wasn't my

17 intention to hold Qwest to the 15th if we were just

18 getting administrative wrap-up.

19 JUDGE RENDAHL: Okay, so the parties will in

20 a sense strive to reach an agreement by the 15th and

21 then filing soon after?

22 MR. DICKS: Yes.

23 MS. ANDERL: Yes.

24 JUDGE RENDAHL: Okay. I guess at this point,

25 this was presented as an arbitration, filed as an

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1 arbitration by Qwest, but in this situation the parties

2 are essentially entering into a negotiated agreement,

3 which have different rules, and I'm wondering if it

4 makes sense at the time you file the agreement if it's

5 completely negotiated to have it go through the

6 negotiated agreement route with the Commission.

7 MR. DICKS: It would be North County's

8 preference if that's okay with Qwest.

9 MS. ANDERL: That certainly seems to make

10 sense.

11 JUDGE RENDAHL: So I guess my suggestion

12 would be that if the parties do reach a negotiated

13 agreement that Qwest would withdraw its petition for

14 arbitration and request that the matter be considered as

15 a negotiated agreement.

16 MS. ANDERL: I'm sorry, Your Honor, you said

17 withdraw the petition for arbitration?

18 JUDGE RENDAHL: Right.

19 MS. ANDERL: Yes, that sounds right.

20 JUDGE RENDAHL: And then request that the

21 agreement be considered as a negotiated agreement under

22 the statute and rules that apply to negotiated

23 agreements.

24 MS. ANDERL: Sure, that will be the plan and

25 the goal.

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1 JUDGE RENDAHL: Okay. So I'm not going to

2 set another status conference at this point. I will

3 prepare a prehearing conference order that summarizes

4 the schedule and the understanding that you all have

5 presented and we've discussed. And then if there is a

6 withdrawal of the arbitration petition, I will simply

7 close out the arbitration without closing the docket and

8 allow it to proceed through Staff's review as a

9 negotiated agreement.

10 MS. ANDERL: Thank you, Your Honor.

11 MR. DICKS: Thank you, Your Honor.

12 JUDGE RENDAHL: Okay, so is there anything

13 else that we need to discuss this afternoon?

14 MS. ANDERL: Not from Qwest's perspective.

15 MR. DICKS: Not from North County.

16 JUDGE RENDAHL: Well, thanks very much, I do

17 appreciate the work you all have been doing in

18 negotiating a resolution. It makes my job a lot easier.

19 The order will be a lot simpler than if I had to

20 actually arbitrate this matter, so I do appreciate that.

21 MR. DICKS: Not at all.

22 JUDGE RENDAHL: And I hope you all have a

23 wonderful holiday coming up and --

24 MR. DICKS: Thank you, Your Honor, enjoy.

25 JUDGE RENDAHL: -- looking forward to seeing

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1 a negotiated agreement.

2 MR. DICKS: Thank you for your help, Lisa.

3 MS. ANDERL: Okay, thanks, Joe.

4 Thank you, Your Honor.

5 JUDGE RENDAHL: And with that, we're

6 adjourned.

7 (Status Conference adjourned at 1:45 p.m.)

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