

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the)	DOCKET NO. UT-003013
)	
)	SEVENTH SUPPLEMENTAL ORDER;
)	PREHEARING CONFERENCE ORDER;
Continued Costing and Pricing of)	PART A BRIEFING SCHEDULE;
Unbundled Network Elements,)	SUPPLEMENTAL PART B SCHEDULE;
Transport, and Termination)	PART C HEARING SCHEDULE;
)	NOTICE OF PART B PREHEARING
)	CONFERENCE
)	(November 20, 2000, 1:30 p.m.)
)	
.....)	

Prehearing Conference

1 The Commission convened a Prehearing Conference in this docket on September 7, 2000, at Olympia, Washington pursuant to due and proper notice to all interested persons before Administrative Law Judge Lawrence J. Berg.

Appearances

2 The following participated in the prehearing conference: Qwest Corporation (Qwest), by Lisa A. Anderl, attorney, Seattle; Verizon Northwest Inc. (Verizon), by Jennifer McClellan, attorney, Richmond, Virginia; Covad Communications Company (Covad) by Brooks Harlow, attorney, Seattle; TRACER, Rhythms Links, Inc., Teligent Services, Inc., and Broadband Office Communications, Inc., by Arthur A. Butler, attorney, Seattle; NEXTLINK Washington, Inc., Electric Lightwave, Inc., Advanced Telecom Group, Inc., New Edge Networks, Inc., NorthPoint Communications, McLeod USA, AT&T of the Pacific Northwest, Inc. (AT&T), Focal Communications Corporation of Washington, and Global Crossing, by Gregory J. Kopta, attorney, Seattle; WorldCom, Inc. (WorldCom), by Ann E. Hopfenbeck, attorney, Denver, Colorado; Sprint Corporation, by Eric S. Heath, attorney, Las Vegas, Nevada; Public Counsel, by Simon J. ffitich, Assistant Attorney General, Seattle; and Commission Staff, by Shannon Smith, Assistant Attorney General, Olympia, and Jeffrey Goltz, Senior Assistant Attorney General, Olympia.

Part A Briefing Schedule

3 The Part A briefing schedule is revised as requested by the parties. **Opening briefs** are due Monday, **October 9, 2000**. **Reply briefs** are due Monday, **October 23, 2000**.

4 Briefs must be filed and served on the due dates, including filing of an electronic

version. Parties may file and serve electronic versions of briefs as email attachments if they also file and serve paper copies on the next business day.

5 Briefs must be formatted with numbered paragraphs. Parties are encouraged to share word processing practice pointers via email, and the Commission's Administrative Law Division (ALD) support staff is available to confer with parties: Nancy Moen, 360-664-1140, or Jennifer Watsek, 360-664-1139.

6 The parties must file an original and fifteen (15) copies of all post-hearing briefs or pleadings. **All post-hearing briefs or pleadings also must be filed on diskette formatted in Word or WordPerfect version 5.1 through 8.0.** Attachments or exhibits to pleadings and briefs that do not pre-exist in an electronic format do not need to be converted.

Part B Hearing Schedule

7 The **Part B hearing schedule** is revised as follow:

Week 1: Begin Tues 11/28 p.m.; Wed 11/29 p.m.; Thu 11/30 - Fri 12/1

Week 2: Mon 12/4 - Fri 12/8

Week 3: Mon 12/11; Tue 12/12 p.m.; Wed 12/13 p.m.; Thu 12/14 - Fri 12/15

Attorneys must be present for morning sessions at 9:00 a.m. and afternoon sessions at 1:00 p.m. unless informed otherwise. Hearings will begin at 9:30 a.m. and 1:30 p.m., respectively.

Reinstatement of Portion of Stricken Rebuttal Testimony Filed by John C. Klick

8 The Commission's Sixth Supplemental Order (August 18, 2000) granted, in part, Verizon and Qwest's Joint Motion to Strike Rebuttal Testimony filed by John C. Klick on behalf of Covad (Exhibit T-182). That portion of Mr. Klick's Rebuttal Testimony that was stricken begins on Page 27, line 22, first full sentence -- beginning "In testimony I recently provided in Minnesota ..." -- through Page 32, line 5.

9 Verizon, Qwest, and Covad subsequently agreed that a portion of the testimony stricken relates to discussion of issues that the Commission found to be not unfairly prejudicial, and they stipulated that Exhibit T-182, page 30, line 15 through page 32, line 5 be reinstated, except that on page 31, lines 17-18, the testimony that reads, "(2) They seek to charge CLEC's higher NRCs for provisioning which are a result of their own inefficient OSS systems," and the rows for install and disconnect on the table that appears on page 32 remain stricken.

10 The Commission agrees with the parties' characterization of testimony, and the testimony described in Paragraph 9 above is reinstated.

Supplemental Part B Schedule -- Qwest Cost Studies

- 11 Commission Staff requests that the Commission schedule additional time for parties to file supplemental testimony in response to Qwest's late filed cost studies. Commission Staff also reserves its right to file objections after fully reviewing that evidence. Qwest does not object to Staff's request.
- 12 Parties may file Supplemental Response Testimony addressing Qwest's late filed cost studies on Friday, November 3, 2000. Qwest may file Supplemental Rebuttal Testimony on Monday, November 13, 2000.

Supplemental Part B Schedule -- UNE-P/Line Splitter Arrangement

- 13 During the prehearing conference, the parties discussed the Commission's proposed supplemental schedule for prefilng evidence relevant to the provisioning of a UNE-P/line splitter arrangement. Both Qwest and Verizon argue that this provisioning arrangement has not been performed or studied before, and that the Part B schedule does not provide sufficient time to fully develop a cost study.
- 14 Qwest states that the product must first be defined, including a new OSS process for coordinating with CLECs, and that a product manager assigned before a cost analyst can begin work. Qwest previously has offered to provide the UNE-P/line splitter arrangement on a BFR basis. Verizon states that the product can be defined within the October time frame, but maintains that 90 days are necessary to develop cost study materials.
- 15 AT&T argues that the UNE-P/line splitting arrangement is indistinguishable from other provisioning arrangements already developed in Part A, leaving only the OSS component to be addressed. AT&T states its concern that Qwest's BFR process will unduly delay provisioning. AT&T further states that it may not be necessary to develop a new cost study in order to propose a costing and pricing plan, and argues that the parties should minimally define the UNE-P/line splitting product in Part B. WorldCom states that it also may present supplemental direct evidence on this issue.
- 16 Upon further review, the Commission agrees that the parties should minimally define the UNE-P/line splitting product in Part B, but also finds that the parties need additional time to develop cost study materials. Accordingly, the Commission adopts a revised Part B schedule for the submission of evidence defining the UNE-P/line splitting product and a Part C hearing schedule for the presentation of relevant cost study materials.
- 17 The parties may file evidence in Part B defining the UNE-P/line splitting product on the following schedule:

- **Supplemental Direct Testimony** is due Thursday, **October 19, 2000**;
- **Supplemental Response Testimony** is due Friday, **November 3, 2000**; and
- **Supplemental Rebuttal Testimony** is due Monday, **November 13, 2000**.

Part C Hearing Schedule – UNE-P/Line Splitter Arrangement Cost Study Materials

18 The parties may file UNE-P/line splitter arrangement cost study materials in Part C on the following schedule:

- **Direct Testimony** is due Thursday, **December 20, 2000**;
- **Response Testimony** is due Wednesday, **January 10, 2001**; and
- **Rebuttal Testimony** is due Monday, **January 22, 2001**.

19 **Part C Hearings** shall be conducted on Thursday and Friday, **February 8 and 9, 2001**. Other relevant dates shall be established in subsequent prehearing conferences.

Part B -- Notice of Prehearing Conference

20 **NOTICE IS HEREBY GIVEN That a prehearing conference will be held at 1:30 p.m. on Monday, November 20, 2000, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

21 The purpose of the conference is to number all cross-examination exhibits for identification and to address any other procedural matters that may require attention.

22 Topics for the conference will include the order of witnesses and time estimates for cross-examination; objections to prefiled evidence and argument on such objections as appropriate; and any dispositive motion and response to such motion, as appropriate. Parties must file and serve objections and dispositive motions no later than 1:00 p.m. on Monday, November 13, 2000.

23 All parties must provide to each other and to the bench a list of its witnesses and prefiled exhibits in their preferred order of presentation, and separately list time estimates for cross-examination of other witnesses, no later than 1:00 p.m. on Friday, November 17, 2000. The Commission will provide the parties with a witness matrix to tabulate cross-examination estimates. A list and copies of cross-examination exhibits must be provided to other parties, and **eight copies provided to the Commission**, in the required format stated below at the prehearing conference.

Format for Cross-Examination Exhibits

24 Cross-examination exhibits must be organized on a witness-by-witness basis, and a separate exhibit list must be prepared for each witness. Multi-page exhibits must be

paginated, three-hole punched, and stapled. However, do not staple separate exhibits together. Cross-examination exhibits must be presented to the bench on a witness-by-witness basis, however each group of eight copies must be presented separately from other exhibits for the same witness.

- 25 Do not attach cover sheets to cross-examination exhibits. Do not place bench copies of confidential cross-examination exhibits in envelopes. All copies of confidential cross-examination exhibits must be on colored paper.
- 26 Cross-examination exhibit lists must identify the party conducting cross-examination, the witness, and formatted in two columns - the first column must provide a blank space for filling in an exhibit number and the second column must describe the exhibit.
- 27 During the prehearing conference, cross-examination exhibits shall be distributed and numbered on a witness-by-witness basis. The bench will not accept non-conforming exhibits or exhibit lists.
- 28 **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 document, 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.**

Dated at Olympia, Washington and effective this day of September, 2000.

LAWRENCE J. BERG
Administrative Law Judge

Appendix A

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. Electronic files must be designated R for revision with an ordinal number showing the revision number. 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.

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.