

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

In the Matter of the Petition of)	
)	Docket No. UT-033044
QWEST CORPORATION)	
)	AT&T'S RESPONSE TO MOTION
To Initiate a Mass-Market Switching)	OF COMMISSION STAFF FOR
and Dedicated Transport Case)	CLARIFICATION OF
Pursuant to the Triennial Review)	PREHEARING CONFERENCE
Order)	ORDER AND ADDITIONAL
_____)	REQUEST FOR CLARIFICATION

AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle and TCG Oregon (collectively "AT&T") hereby submit their Response to Motion of Commission Staff for Clarification of Prehearing Conference Order. In addition, AT&T hereby respectfully requests additional clarification of the Prehearing Conference Order issued in the above-captioned matter.

I. INTRODUCTION

Commission Staff seeks clarification regarding Order No. 01 in the above-captioned docket relating to the scope of responsive testimony that Commission Staff may file during the Round 2 testimony filing on January 30, 2004. Specifically, Commission Staff seeks clarification that it may file testimony regarding issues of market definition and DSO cut-off level in Round 2. AT&T supports a slightly expanded version of Commission Staff's request relative to testimony that may be filed in Round 2 and further, requests clarification regarding the ability of any party to file testimony, without seeking leave of the Commission, in Round 3.

II. ANSWER TO COMMISSION STAFF'S REQUEST FOR CLARIFICATION

Paragraph No. 11 of the subject Order provides that issues of market definition, the DSO cut-off level, the trigger analyses and potential deployment analyses for mass market and transport will be addressed in the first round of testimony. Pursuant to Paragraph No. 11, Qwest is required to file its primary case in Round 1, while other parties may elect to present evidence in response to Qwest's primary case on trigger and potential deployment analyses in Round 2. The Order further states that "all parties filing testimony and exhibits must address the issues of market definition and the DSO cut off level in Round 1." Upon reflection, AT&T believes that Paragraph No. 11 as it reads is unduly restrictive and should be modified so as to expressly provide that in Round 2, Commission Staff, as well as any other party, may file testimony that is responsive to any issue raised by Qwest in its primary case, including market definition and the DSO cut off level. Similarly, to the extent it is not clear, parties should be free to respond in Round 2 testimony to any issue raised by any party in Round 1. Otherwise, Paragraph No. 11 could be read as limiting a parties' right to respond to Qwest's primary case, except for that select portion that sets forth Qwest's trigger and potential deployment analyses. It is not apparent to AT&T why such a limitation would be equitable, reasonable or desirable, and, in fact, AT&T submits it is not. As such, the limitation should be removed.

III. AT&T'S REQUEST FOR ADDITIONAL CLARIFICATION

AT&T also seeks clarification from the Commission regarding the ability of the parties to file rebuttal testimony in what would then be Round 3. AT&T believes that the Commission should eliminate the requirement that parties seek leave of the Commission in order to file rebuttal testimony on February 20, 2004. Instead, AT&T requests that the parties be allowed to file rebuttal testimony relative to any position taken in testimony and offered for the first time during Round 2 on January 30, 2004. To the extent Staff or any party does not file testimony in Round 1 and presents their case in rebuttal, it would be patently unfair and would result in an incomplete record if parties are not given an opportunity to respond. AT&T notes that such an approach will not unduly burden the record. To the contrary, it will help ensure that the Commission has a full and complete record upon which to base its findings and conclusions in this matter. It will also serve to ensure that the parties are able to fully and fairly participate in this proceeding. AT&T would also note that if it appears any party has filed testimony in Round 3 that is beyond the scope of legitimate rebuttal testimony, a motion to strike such testimony is available and will serve as an effective protective device against such abuse.

IV. CONCLUSION

For the reasons set forth herein, AT&T respectfully requests that the Commission clarify the parties' right to file testimony pursuant to Paragraph No. 11 of Order No. 1 issued in the above-captioned docket such that: 1) any party may file testimony in Round 2 responding to any issue raised by Qwest or any other party in Round 1; and 2) any party may file rebuttal testimony in Round 3, without leave of the Commission, so long as such

rebuttal testimony relates to any issue that was addressed in testimony for the first time during Round 2.

RESPECTFULLY SUBMITTED this 21st day of November, 2003.

**AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC., AND AT&T
LOCAL SERVICES ON BEHALF OF TCG
SEATTLE AND TCG OREGON**

By: _____

Mary B. Tribby
Rebecca DeCook
AT&T Law Department
1875 Lawrence Street, Suite 1575
Denver, CO 80202
(303) 298-6357 (Tel)
(303) 298-6301 (Fax)
decook@att.com

James K. Tarpey
Thomas R. O'Donnell
Holland & Hart, LLP
8390 East Crescent Parkway, Suite 400
Greenwood Village, CO 80111
(303) 290-1634
jtarpey@hollandhart.com