

0001

1 BEFORE THE WASHINGTON STATE
2 UTILITIES AND TRANSPORTATION COMMISSION

3 In the Matter of the Petition)
4 for Arbitration of an) DOCKET NO. UT-093035
5 Agreement between)
6) VOLUME III
7 NORTH COUNTY COMMUNICATIONS) Pages 15 to 22
8 CORPORATION OF WASHINGTON)
9)
10 and)
11)
12 QWEST CORPORATION)
13)
14 Pursuant to 47 U.S.C. Section)
15 252(b))
16 _____)

17 A Status Conference in the above matter was
18 held on November 20, 2009, from 1:30 p.m to 1:45 p.m.,
19 at 1300 South Evergreen Park Drive Southwest, Room 108,
20 Olympia, Washington, before Administrative Law Judge Ann
21 RENDAHL.

22 The parties were present as follows:
23 QWEST CORPORATION, via bridge line by LISA A.
24 ANDERL, Attorney at Law, 1600 Seventh Avenue, Suite
25 1506, Seattle, Washington 98191, Telephone (206)
26 345-1574, Fax (206) 343-4040, E-Mail
27 lisa.anderl@qwest.com.

28 NORTH COUNTY COMMUNICATIONS, via bridge line
29 by JOSEPH G. DICKS, Attorney at Law, DICKS & WORKMAN,
30 APC, 750 B Street, Suite 2720, San Diego, California
31 92101, Telephone (619) 685-6800, Fax (619) 288-6850,
32 E-Mail jdicks@dicks-workmanlaw.com.

33
34
35

36 Joan E. Kinn, CCR, RPR
37 Court Reporter

0002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

P R O C E E D I N G S

JUDGE RENDAHL: We're here for a status conference in Docket UT-093035 which is captioned In the Matter of the Petition for Arbitration and Approval of an Interconnection Agreement Between North County Communications Corporation of Washington and Qwest Corporation Pursuant to 47 U.S.C. Section 252(b). And we had our initial prehearing conference in this case in August, August 31st, with a status conference set for October, which I think we deferred until November, actually it was the end of October or early November, and here we are again. And at the last prehearing conference, I was not available, so Judge Clark of the Commission presided in that matter, that was October 20th, and at that point the parties said they were continuing to work through negotiations and wanted to reschedule this status conference for 30 days, so here we are on November 20th. And I received a phone message from Ms. Anderl asking if -- assuming it was too late to cancel the court reporter, which it was. And while we were off the record I had a conversation with Mr. Dicks where he alerted me that negotiations were ongoing through last night which was too late to alert us to the fact that we might not need this conference. So have I summarized where we are?

0003

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

0004

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

0005

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

0006

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.

0007

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

0008

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.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25