

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

In the Matter of the Petition of)	DOCKET NO. UT-033044
)	
QWEST CORPORATION)	ORDER NO. 07
)	
To Initiate a Mass-Market Switching)	PREHEARING CONFERENCE
and Dedicated Transport Case)	ORDER; ORDER GRANTING
Pursuant to the Triennial Review)	EXTENSION OF TIME TO FILE
Order)	RESPONSES TO BENCH
)	REQUESTS
)	(By Wednesday, November 26,
)	2003, Noon)
)	
.....)	

1 **Nature of the Proceeding:** This proceeding addresses a petition filed by Qwest Corporation (Qwest) seeking review of the findings of the Federal Communications Commission (FCC) in its Triennial Review Order concerning impairment to competitors without unbundled access to mass-market switching and dedicated transport.

2 **Prehearing Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on November 24, 2003, before Administrative Law Judge (ALJ) Ann E. Rendahl. The purpose of the prehearing conference was to discuss the terms of Order No. 05, Order Denying Joint CLECs' Motion; Establishing Process For Masking Of CLEC Identities In Highly Confidential Information; Notice Of Prehearing Conference.

3 **Appearances.** Rebecca DeCook, attorney, Denver, CO, represents AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services, d/b/a/ TCG Seattle and TCG Oregon (AT&T). Brooks E. Harlow and David L. Rice, attorneys, Seattle, WA, represents Covad Communications Company (Covad) and the Northwest Competitive Communications Coalition (the Coalition). Stephen S. Melnikoff, attorney, Arlington, VA, represents the Department of Defense and all other Federal Executive Agencies (DOD/FEA). Gregory J. Kopta, attorney, Seattle, WA, represents Advanced TelCom, Inc. (ATG), Eschelon Telecom, Inc. (Eschelon), Global Crossing Local Services, Inc. (Global Crossing),

Integra TelCom, Inc. (Integra), McLeod Local Services, Inc. (McLeod), Pac-West Telecomm, Inc. (PacWest), Time Warner Telecom of Washington, LLP (Time Warner), and XO Communications, Inc. (XO). Victor A. Allums, attorney, Atlanta, GA, represents ATG. Karen Johnson, attorney, Beaverton, OR, represents Integra. Art Butler, attorney, Seattle, WA, represents WorldCom, Inc. d/b/a MCI, Inc. (MCI) and WeBTEC. Lisa A. Anderl, attorney, Seattle, WA, represents Qwest Corporation (Qwest). Jonathan Thompson and Gregory J. Trautman, Assistant Attorneys General, Olympia, WA, represents Commission Staff. Simon J. ffitch, Assistant Attorney General, Seattle, WA, represents Public Counsel.

- 4 **Order No. 05.** In Order No. 05, the Commission required all parties and non-party CLECs to mask the identity of CLECs in any highly confidential responses to bench requests or data requests. The administrative law judge will assign a masking code for each CLEC upon request. In order to allow the parties to effectively conduct discovery, to avoid delay in the proceeding, and to ensure that the Commission's proceedings remain open to the public, the Commission will make the list of masking codes available only to attorneys, paralegals, legal secretaries, or support staff who have signed Exhibit C to the protective order in this proceeding. The administrative law judge will send the list to such attorneys via U.S. mail. No additional copies of the list may be made.
- 5 During the conference, the parties agreed to provide highly confidential responses to the Commission and other parties by separate cover letter identifying the responding CLEC by its masking code.¹ The highly confidential response should delete all references to the CLEC name, as well as the name of the person responding to the bench request or data request and their telephone number. Removing such information from highly confidential responses will avoid inadvertent disclosure of information.
- 6 The Commission will docket the response to the bench request, or in the case of non-party CLECs, the response to Order Nos. 03 or 04, by reference only to the masking code. The Commission will not provide a link to confidential or highly confidential information when posting the response in its docketing system or on the Internet. The Commission will retain confidential and highly confidential

¹ Parties should not file responses to data requests with the Commission, but should only provide responses to the requesting party and any other party requesting a copy of the responses.

filings separately from non-confidential filings. Only those persons who have signed the appropriate exhibits to the protective order will have access to confidential and highly confidential information.

- 7 **Extension of Time to File Responses to Bench Requests.** During the conference, the parties requested an extension of time to file responses to the bench requests due in this docket on Monday, November 24, 2003. The request was granted, allowing parties to file responses to the bench requests with the Commission electronically by Noon on Wednesday, November 26, 2003. To ensure that electronic filing is complete pursuant to WAC 480-09-120(a), parties must file an original, plus six copies, of the document with the Commission by the following business day, Monday, December 1, 2003.

Dated at Olympia, Washington, and effective this 25th day of November, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

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 statement, 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.