

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition for)	DOCKET NO. UT-043013
Arbitration of an Amendment to)	
Interconnection Agreements of)	ORDER NO. 13
)	
VERIZON NORTHWEST, INC.)	PREHEARING CONFERENCE
)	ORDER; REVISING
with)	PROCEDURAL SCHEDULE;
)	CANCELLING SCHEDULED
COMPETITIVE LOCAL EXCHANGE)	HEARING
CARRIERS AND COMMERCIAL)	(Scheduled for January 4-5, 2005)
MOBILE RADIO SERVICE)	
PROVIDERS IN WASHINGTON)	
)	
Pursuant to 47 U.S.C. Section 252(b),)	
and the <i>Triennial Review Order</i> .)	
.....)	

1 **NATURE OF PROCEEDING.** This proceeding involves a petition Verizon Northwest Inc. (Verizon) filed with the Washington Utilities and Transportation Commission (Commission) requesting arbitration pursuant to 47 U.S.C. § 252(b)(1) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act), and the Federal Communications Commission’s Triennial Review Order.¹ The petition was served on all competitive local exchange carriers (CLECs) and Commercial Mobile Radio Service (CMRS) providers in Washington that have entered into interconnection agreements with Verizon.

¹In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos.

- 2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on December 16, 2004, before Administrative Law Judge and Arbitrator Ann E. Rendahl.
- 3 **APPEARANCES.** Timothy J. O’Connell, Stoel Rives, LLP, Seattle, Washington, and Scott Angstreich, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., Washington, D.C. represent Verizon. Edward W. Kirsch, Swidler Berlin, Shereff Friedman, LLP, Washington, D.C., represents Focal Communications Corporation of Washington and McLeodUSA Telecommunications Services, Inc. (collectively the Competitive Carrier Coalition). Letty S.D. Friesen, AT&T Law Department, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services (TCG Seattle) (collectively AT&T). Heather T. Hendrickson, Kelley, Drye & Warren, LLP, Washington, D.C., represents Advanced TelCom, Inc., BullsEye Telecom Inc., Covad Communications Company (Covad), and KMC Telecom V, Inc. (collectively the Competitive Carrier Coalition). Karen S. Frame, Senior Counsel, Denver, Colorado, represents Covad. William E. Hendricks, III, Hood River, Oregon, represents Sprint Communications Company, LLP. Michel Singer-Nelson, Senior Attorney, Denver, Colorado, WorldCom, Inc., and its subsidiaries in Washington (n/k/a MCI, Inc.). Gregory J. Kopta, Davis Wright Tremaine, LLP, Seattle, Washington, represents XO Washington, Inc., Pac-West Telecomm, Inc., and Integra Telecom of Washington, Inc.
- 4 **SCHEDULING ISSUES.** Following a prehearing conference on September 7, 2004, the Arbitrator entered Order No. 09 in this proceeding establishing a procedural schedule for the arbitration. Under this procedural schedule, the parties were required to file a joint issues list on November 16, 2004, identifying any issues that require hearing. Both Verizon and a group of CLECs filed joint issues lists on November 19, 2004, after the Arbitrator granted an extension of

time to file. The Arbitrator scheduled the December 16, 2004, conference, as it was not clear from the lists whether a hearing was required or that the parties agreed on the issues to be addressed.

5 Prior to the conference, AT&T and MCI filed a joint motion for extension of time to file initial briefs until January 5, 2005, asserting that initial briefs are scheduled to be filed soon after an expected FCC decision on unbundling rules. Verizon, Sprint, and the Competitive Carrier Coalition filed responses to the joint motion on December 15, 2004. On December 15, 2004, the FCC announced new unbundling rules to be addressed in an order that will likely be released in mid-January.

6 During the conference, the parties agreed that no hearing was necessary in the proceeding and agreed to cancel the arbitration hearing scheduled for January 4-5, 2005. Given that certain issues presented in the Verizon's amended petition for arbitration are not likely to be affected by the FCC's new unbundling rules, the arbitrator bifurcated consideration of these issues from the issues raised in the recent FCC's decision. The parties developed a schedule to address the first set of issues and agreed to work to develop a schedule to address the new FCC rules.

7 The parties agreed to extend the date for initial briefs until January 5, 2005, to allow the parties to work toward preparing a joint issues list. The arbitrator agreed to consider a further extension if the parties present a proposal to the Commission. The parties agreed to extend the deadline for responsive briefs from January 21, 2005, until February 4, 2005, to allow parties to address the FCC's order on new unbundling rules expected to be release in mid-January.

8 **PROCEDURAL SCHEDULE.** The Commission adopts the procedural schedule discussed above. The hearings scheduled for January 4-5, 2005, are cancelled. The deadline for initial briefs on issues not addressed in the FCC's new

unbundling rules is extended from December 21, 2004, until January 5, 2005. The deadline for responsive briefs is extended from January 21, 2005, until February 4, 2005. All other deadlines in the procedural schedule set forth in Appendix A to Order No. 09 are cancelled.

- 9 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 20th day of December, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge