

[Service Date June 9, 2003]

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of            ) DOCKET NO. UT-030614  
  )  
QWEST CORPORATION                         ) ORDER NO. 02  
  )  
For Competitive Classification of         ) PREHEARING CONFERENCE  
Basic Business Exchange                 ) ORDER  
Telecommunications Services             )

1     **Proceeding.** Docket No. UT-030614 involves a petition filed by Qwest Corporation (Qwest), for competitive classification of basic business exchange telecommunications services pursuant to RCW 80.36.330. Qwest's petition, filed on May 1, 2003, stated an effective date of May 31, 2003. At its open meeting on May 28, 2003, the Commission suspended the effective date and directed that there be a hearing on the petition. The provisions of RCW 80.36.310 require that the Commission act on the petition within six months of the filing date, in this case, by November 1, 2003.

2     **Prehearing Conference.** The Commission convened a prehearing conference in this docket at Olympia, Washington on June 6, 2003 before Administrative Law Judge Theodora Mace.

3     **Appearances.** Lisa Anderl, attorney, Seattle, represents Qwest. Jonathan C. Thompson, assistant Attorney General, represents Commission Staff. Simon ffitch, assistant Attorney General, represents Public Counsel Section of the Office of Attorney General. Letty S. D. Friesen, attorney, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on Behalf of TCG Seattle and TCG Oregon (AT&T). Karen J. Johnson, attorney, Beaverton, Oregon, represents Integra Telecom of Washington, Inc. (Integra). Michelle Singer-Nelson, attorney, Denver, Colorado, represents WorldCom/MCI. Lisa Rackner and Arthur A. Butler, attorneys, Seattle, represent Washington Electronic Business and Telecommunications Coalition (WeBTEC). Stephen S. Melnikoff, attorney, Arlington, Virginia, represents the United States Department of Defense and all other Federal Executive Agencies (DOD/FEA).

Contact information provided at the conference is attached as Appendix A to this Order.

4 **Petitions to Intervene.** Integra and AT&T filed petitions to intervene in writing prior to the prehearing conference. MCI and DOD/FEA made oral petitions to intervene during the prehearing conference. There were no objections to the petitions to intervene. The petitions filed and presented orally on the record meet the requirements of the Commission's rule governing petitions to intervene. The petitions to intervene are granted.

5 Eschelon Telecommunications filed a written petition to intervene and subsequently withdrew the petition, prior to the prehearing conference.

6 **Protective Order.** Qwest requested entry of a protective order pursuant to RCW 34.05.446 and RCW 80.04.095. The parties did not object to entry of a protective order of the type that is usually entered by the Commission in cases of this type. The Commission will enter a protective order.

7 The parties also discussed the possibility that a protective order providing heightened protection for proprietary information might become necessary. The parties will file motions requesting such a protective order and there will be an opportunity for parties to respond with objections to such an order.

8 **Discovery.** The parties desire to engage in discovery as to the issues in the proceeding. This proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked. The parties agreed to a seven-day discovery response time, in view of the shortened schedule required for this type of proceeding.

9 **Schedule of Proceedings.** The Commissioners will preside over this proceeding. At the prehearing conference, Qwest indicated its willingness to waive the statutory deadline of November 1, 2003 until November 7, 2003, in light of the schedule proposed by the parties. The proposed schedule, with minor alterations to accommodate the Commission's schedule, is as follows:

Qwest direct testimony filed                      July 1, 2003

Public Counsel/Staff/Intervenors file        August 6, 2003

Rebuttal – all parties	August 26, 2003
Prehearing conference	September 12, 2003
Evidentiary hearings	September 16-18, 2003
Post-hearing briefs	October 6, 2003
Deadline for Commissioner Action	November 6, 2003

This schedule is reasonable and is adopted for purposes of this proceeding.

- 10 **Document preparation and process issues.** Parties must file an original and fourteen copies of documents to be submitted to the Commission in this case. Attached to this order as Appendix B is a copy of relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket for the parties' convenience. Parties will be expected to comply with these provisions.
- 11 Dated at Olympia, Washington, and effective this 9th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

## Appendix A

<b><u>PARTIES REPRESENTATIVES</u></b>				
<b>DOCKET NO. UT-030614</b>				
<b>Updated 6/9/03</b>				
<b>COMPANY</b>	<b>REPRESENTATIVE AND ADDRESS</b>	<b>PHONE NUMBER</b>	<b>FAX NUMBER</b>	<b>E-MAIL ADDRESS</b>
<b>Qwest Corporation</b>	<b>LISA ANDERL 1600 - 7<sup>th</sup> Avenue Rm 3206 Seattle, WA 98191</b>	<b>206-345-1574</b>	<b>206-343-4040</b>	<a href="mailto:landerl@qwest.com"><b>landerl@qwest.com</b></a>
<b>AT&amp;T Communication of the Pacific Northwest</b>	<b>LETTY FRIESEN 1875 Lawrence Street, Floor 15 Denver, CO 80202</b>	<b>303-298-6475</b>	<b>303-298-6301</b>	<a href="mailto:lsfriesen@att.com"><b>lsfriesen@att.com</b></a>
<b>Integra Telecom of Washington, Inc.</b>	<b>KAREN JOHNSON 19545 NW Vonneumann Dr. Suite 200 Beaverton, OR 97006</b>	<b>503-748-2048</b>	<b>503-748-1976</b>	<a href="mailto:karen.Johnson@integratelecom.com"><b>karen.Johnson@integratelecom.com</b></a>
<b>Commission Staff</b>	<b>JONATHAN THOMPSON 1400 S Evergreen Park Dr. SW Olympia, WA 98504</b>	<b>360-664-1225</b>	<b>360-586-5522</b>	<a href="mailto:jthomps@wutc.wa.gov"><b>jthomps@wutc.wa.gov</b></a>
<b>Public Counsel</b>	<b>SIMON FITCH 900-4<sup>th</sup> Avenue Suite 2000 Seattle, WA 98164</b>	<b>206-389-2055</b>	<b>206-389-2058</b>	<a href="mailto:simonf@atg.wa.gov"><b>simonf@atg.wa.gov</b></a>
<b>Ater, Wynne, LLP</b>	<b>ARTHUR BUTLER 601 Union Street Suite 5450 Seattle, WA 98101</b>	<b>206-623-4711</b>	<b>206-467-8406</b>	<a href="mailto:aab@aterwynne.com"><b>aab@aterwynne.com</b></a>
<b>US Army Litigation Center</b>	<b>STEPHEN MELNIKOFF 901 N. Stuart Street #700 Arlington, VA 22203</b>	<b>703-696-1643</b>	<b>703-696-2960</b>	<a href="mailto:stephen.melnikoff@HDQA.ARMY.MIL"><b>stephen.melnikoff@HDQA. ARMY.MIL</b></a>
<b>WorldCom</b>	<b>MICHEL SINGER NELSON 707-17<sup>th</sup> Street Suite 4200 Denver, CO 80202</b>	<b>303-390-6106</b>	<b>303-390-6333</b>	<a href="mailto:michel.singer_nelson@wcom.com"><b>michel.singer_nelson@wcom.com</b></a>

## Appendix B

### 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. 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. Electronic files must be designated R for

revision, when applicable, with an ordinal number showing the revision number.

**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 prefilng.