

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF)	
THE PACIFIC NORTHWEST, INC.)	
)	Docket No. UT-020406
Complainant,)	
)	JOINT COMMENTS ON
v.)	PROCEDURAL ISSUES OF
)	AT&T, WORLDCOM, AND
VERIZON NORTHWEST INC.,)	COMMISSION STAFF
)	
Respondent.)	
_____)	

Pursuant to the requirements established at the April 3, 2003, Prehearing Conference, AT&T Communications of the Pacific Northwest, Inc. (“AT&T”), WorldCom, Inc., and Commission Staff (collectively “Commenting Parties”) provide the following comments on the procedures at issue in this proceeding.

COMMENTS

Verizon Northwest Inc. (“Verizon”) and Commission Staff have been unable to resolve their differences on implementation of the Settlement Agreement between Staff, Verizon, AT&T, and WorldCom. Accordingly and consistent with the Fifth Supplemental Order, the Commission should establish dates for evidentiary hearings on the allegations in AT&T’s Complaint. The Commenting Parties understand that the Commission cannot schedule three or more consecutive days of evidentiary hearings before the first full week in July. The Commenting Parties, however, strongly urge the Commission to establish substantially earlier hearing dates.

AT&T filed its Complaint over one year ago, and the Commission has yet to hold

evidentiary hearings on the allegations in the Complaint. As the testimony that AT&T and Commission Staff have prefiled demonstrates, AT&T and other intraLATA toll providers in Washington have paid Verizon tens of millions of dollars in excessive and unreasonable intrastate switched access charges during that year. Each month of additional delay in granting AT&T the relief it has requested costs Washington intrastate toll providers at least \$3 million. Delaying the evidentiary hearings until July, therefore, would result in \$9 million of unjust enrichment to Verizon.

The evidentiary hearings to be conducted will involve only AT&T, WorldCom, Commission Staff, and Verizon based on statements made by the other parties at the April 3 Prehearing Conference. Public Counsel subsequently confirmed to AT&T that Public Counsel does not intend to file testimony in the hearings as long as rate rebalancing is not at issue. The participating parties' estimates for cross-examination would require three to four days of hearings, and the Commenting Parties expect that the total amount of time that they have estimated for cross examination is substantially longer than the time that will be necessary, even if the Commission does not strike all or portions of Verizon's prefiled surrebuttal testimony.

The Commenting Parties have been informed that the Commission could be available May 7 and 8 for evidentiary hearings, and they request that the hearings be scheduled on those dates. To the extent that more hearing time is necessary, the Commenting Parties request that the Commission schedule either longer hours on those dates or an additional nonconsecutive day to complete the hearings. The Commission has made such scheduling adjustments in the past, including conducting hearings into the evening and on a weekend day. The Commenting Parties are willing to make whatever reasonable accommodations are necessary in order to

conduct the evidentiary hearings within the next four to six weeks and ask the Commission for the same flexibility in order to accomplish that goal. The Commenting Parties understand that Public Counsel, WeBTEC, and Citizens Utility Alliance of Washington concur in, or do not object to, the schedule that the Commenting Parties have proposed.

Verizon alone objects to the Commenting Parties' proposal. Verizon claims that several of its witnesses have other commitments on those dates, that its witnesses and counsel have already adjusted their schedules to accommodate hearings in July, and that Verizon does not want to bring witnesses to Washington from out of state on two separate occasions. The Commission should view Verizon's position in the perspective of this case. Verizon has every incentive to delay the hearings and has done so or attempted to do so on multiple occasions, including through its illustrative tariff filing that undermined the Settlement Agreement and necessitated hearings on the merits of AT&T's Complaint. The Commenting Parties would be willing to schedule witnesses, particularly those with legitimate conflicts, on a date certain to avoid the need to have a witness make multiple trips. Verizon's insistence on having hearings in July, on the other hand, would require AT&T to bring in other counsel for those hearings because AT&T's current counsel is unavailable. The Commenting Parties thus propose to be much more accommodating of the parties' and the Commission's schedules than Verizon.

Because the Commenting Parties request evidentiary hearings in early May, they also request that the Commission expeditiously resolve the pending motions that were held in abeyance after the Settlement Agreement was filed. Prompt resolution of the motions to strike Verizon's surrebuttal testimony or, in the alternative, to permit responsive testimony, will enable the parties to better prepare in a timely fashion. In addition, clarification and/or reconsideration

of the Fifth Supplemental Order will enable all parties to understand the scope of the hearings and the remainder of this proceeding, including AT&T's immediate entitlement to relief upon a Commission finding that relief is appropriate and the requirement that Verizon bears the obligation to initiate additional proceedings to seek, and the burden to provide the necessity of, any offsetting increases to other rates.

CONCLUSION

For the foregoing reasons, AT&T, WorldCom, and Commission Staff request that the Commission establish evidentiary hearings on the merits of AT&T's Complaint on May 7 and 8, and any subsequent, nonconsecutive date that may be required, and that the Commission promptly issue orders on all pending motions and petitions.

DATED this 4th day of April, 2003.

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