

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

|                                      |   |  |
|--------------------------------------|---|--|
| In the Matter of the Petition for    | ) |  |
| Arbitration of an Interconnection    | ) | DOCKET UT-083055                         |
| Agreement Between                    | ) | ORDER 02                                 |
|                                      | ) |  |
| COMCAST PHONE OF                     | ) | PREHEARING CONFERENCE                    |
| WASHINGTON, LLC                      | ) | ORDER;                                   |
|                                      | ) |  |
| and                                  | ) | NOTICE OF DISCOVERY                      |
|                                      | ) | CONFERENCE                               |
| LEWIS RIVER TELEPHONE                | ) | <b>(December 10, 2008, 9:30 a.m.)</b>    |
| COMPANY, D/B/A TDS TELECOM           | ) |  |
|                                      | ) | NOTICE OF HEARING                        |
| Pursuant to 47 U.S.C. Section 252(b) | ) | <b>(Beginning February 4, 2009, 9:30</b> |
|                                      | ) | <b>a.m.)</b>                             |
| .....                                | ) |  |

1 **NATURE OF PROCEEDING.** Docket UT-083055 involves a petition by Comcast Phone of Washington, LLC (Comcast) for arbitration of an interconnection agreement filed with Lewis River Telephone Company, d/b/a TDS Telecom (TDS) pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on Monday, December 1, 2008, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Gregory J. Kopta, Davis Wright Tremaine LLP, Seattle, Washington, and Michael C. Sloan, Davis Wright Tremaine LLP, Washington, D.C. represents Comcast. Richard Finnigan, Attorney, Olympia, Washington, represents TDS. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

4 **PETITIONS FOR INTERVENTION.** No party appeared at the conference seeking to intervene.

- 5     **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order will be entered in this docket.
- 6     **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 7     **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is also attached to this Order as Appendix B.

|                      |   |
|----------------------|---|
| Discovery Conference | Wednesday, December 10, 2008<br>at 9:30 am, |
|----------------------|---|

|   |                             |
|---|-----------------------------|
| Notice by Parties of whether hearing is necessary | Thursday, December 18, 2008 |
|---|-----------------------------|

**If hearing is necessary:**

|   |  |
|---|--|
| Simultaneous Initial Testimony  | Monday, January 5, 2009                                |
| Simultaneous Response Testimony   | Friday, January 23, 2009                               |
| Parties file Cross-examination Exhibits, estimates of cross Examination, order of witnesses | Monday, February 2, 2009,<br>by Noon                   |
| Evidentiary Hearing   | Wednesday, February 4 to<br>Thursday, February 5, 2009 |
| Simultaneous Initial Briefs   | Friday, February 27, 2009                              |
| Arbitrator's Decision   | Friday, March 20, 2009                                 |

**If no hearing is necessary:**

|  |                           |
|--|---------------------------|
| Simultaneous Cross-Motions For Summary Determination | Friday, January 30, 2009  |
| Simultaneous Answers to Motions                      | Friday, February 20, 2009 |
| Arbitrator's Decision                                | Friday, March 20, 2009    |

- 8 **NOTICE OF DISCOVERY CONFERENCE.** The Commission schedules a discovery conference, to commence on **Wednesday, December 10, 2008, at 9:30 a.m., in Room 108 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 9 **NOTICE OF HEARING.** The Commission schedules a hearing on the merits in this matter, to commence on **Wednesday, February 4, 2009, at 9:30 a.m., in Room 206 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The hearing will continue in the same location on **Thursday, February 5, 2009, as necessary.**
- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **three (3)** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 11 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **three (3)** paper copies, of the documents

with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. *WAC 480-07-145(6)*. Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective December 3, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKET UT-083055**

| <b>PARTY</b>                                  | <b>REPRESENTATIVE</b>   | <b>PHONE</b> | <b>FACSIMILE</b>  | <b>E-MAIL</b>  |
|---|---|--------------|---|--|
| <b>Comcast</b>                                | <b>Gregory J. Kopta</b><br>Davis Wright Tremaine LLP<br>1201 Third Ave. – Ste 2200<br>Seattle, WA 98101-3045                                      | 206-757-8079 | 206-757-7079  | <a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a>                       |
|   | <b>Michael C. Sloane</b><br>Davis Wright Tremaine LLP<br>1919 Pennsylvania Ave, NW<br>Suite 200<br>Washington, D.C. 20006                         | 202-973-4227 | 202-973-4499  | <a href="mailto:michaelsloan@dwt.com">michaelsloan@dwt.com</a>                 |
| <b>TDS</b>                                    | <b>Richard Finnigan</b><br>2112 Black Lake Blvd SW<br>Olympia, WA 98512   | 360-956-7001 | 360-753-6862  | <a href="mailto:rickfinn@localaccess.com">rickfinn@localaccess.com</a>         |
|   | <b>Joel Dohmeier</b><br>TDS Telecommunications<br>Corporation<br>Director – State Government<br>Affairs<br>525 Junction Road<br>Madison, WI 53714 | 608-664-4168 | 608-830-5570  | <a href="mailto:joel.dohmeier@tdstelecom.com">joel.dohmeier@tdstelecom.com</a> |
| <b>Presiding<br/>Admin.<br/>Law<br/>Judge</b> | <b>Ann E. Rendahl</b><br>1300 S. Evergreen Pk. Dr. SW<br>P.O. Box 47250<br>Olympia, WA 98504-7250   | 360-664-1144 | 360-664-2654<br>[ALD fax only –<br>do not use to<br>file] | <a href="mailto:arendahl@utc.wa.gov">arendahl@utc.wa.gov</a>                   |
| <b>Policy<br/>Advisor</b>                     | <b>Brian Thomas</b><br>1300 S. Evergreen Pk. Dr. SW<br>P.O. Box 47250<br>Olympia, WA 98504-7250   |              |   | <a href="mailto:bthomas@utc.wa.gov">bthomas@utc.wa.gov</a>                     |

**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UT-083055**

| <b>EVENT</b>   | <b>DATE</b>  | <b>INTERVAL</b> |
|--|--|-----------------|
| Discovery Conference   | Wednesday,<br>December 10, 2008, 9:30 a.m.                       | —               |
| Notice by Parties of whether hearing is necessary  | Thursday,<br>December 18, 2008                                   | 8 Days          |
| Simultaneous Initial Testimony   | Monday, January 5, 2009  | 18 Days         |
| Simultaneous Response Testimony  | Friday, January 23, 2009   | 18 Days         |
| Deadline for filing cross-examination exhibits, estimates of cross-examination, order of witnesses | Monday,<br>February 2, 2009, by Noon                             | 10 Days         |
| Evidentiary Hearing  | Wednesday, February 4, 2009,<br>to<br>Thursday, February 5, 2009 | 2 Days          |
| Simultaneous Initial Briefs  | Friday, February 27, 2009  | 22 Days         |
| Arbitrator's Decision  | Friday, March 20, 2009   | 21 Days         |

**ALTERNATIVE PROCEDURAL SCHEDULE**

| <b>EVENT</b>   | <b>DATE</b>                    | <b>INTERVAL</b> |
|--|--------------------------------|-----------------|
| Notice by Parties of whether hearing is necessary    | Thursday,<br>December 18, 2008 | —               |
| Simultaneous Cross-Motions for Summary Determination | Friday, January 30, 2009       | 43 Days         |
| Simultaneous Answers to Motions                      | Friday, February 20, 2009      | 21 Days         |
| Arbitrator's Decision                                | Friday, March 20, 2009         | 28 Days         |