

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

)	
WASHINGTON UTILITIES AND)	DOCKET UT-132234
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER 01
)	
)	
v.)	PREHEARING CONFERENCE
)	ORDER; NOTICE OF HEARING
)	(Set for August 5, 2015)
CENTURYTEL OF INTER ISLAND,)	
INC. D/B/A CENTURLINK,)	
)	
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** On November 5, 2014, the regulatory staff (Commission Staff or Staff) of the Washington Utilities and Transportation Commission (Commission) filed a complaint against CenturyTel of Inter Island, Inc. d/b/a CenturyLink (CenturyLink). The complaint alleges that CenturyLink has committed 15,935 violations of WAC 480-120-412, the Commission rule related to major outages.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on January 21, 2015, before Administrative Law Judge Marguerite E. Friedlander, whom the Commission appoints as presiding officer in this proceeding.

3 **APPEARANCES.** Lisa Anderl, Senior Associate General Counsel, Seattle, Washington, represents CenturyLink. Lisa Gafken, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel). Jennifer Cameron-Rulkowski, Assistant Attorney General, Olympia, Washington, represents the Commission Staff.¹ Contact

¹ In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do

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 **CONSENT TO ELECTRONIC SERVICE.** All parties have consented to service electronically.

6 **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.

7 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket, under WAC 480-07-400. The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are invoked.

8 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.

9 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and submit electronically all proposed cross-examination exhibits by **July 28, 2015**. The Commission requires **five** copies of the fully unredacted version of exhibits. The Commission also requires 1 copy of a redacted set of any confidential exhibits so that these can be made available by the Commission in response to a public records request or posted to the Commission's web pages.

10 Except as otherwise agreed between parties, proposed cross-examination exhibits must be served on all parties at the time they are filed with the Commission. Two copies must be furnished to the party sponsoring the witness the party intends to cross examine with the exhibits. Parties may waive the right to service of cross-examination exhibits in whole or in part. This may be appropriate, for example, when a proposed exhibit has been previously furnished during the discovery process.

not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

- 11 The exhibits must be accompanied by an exhibit list and must be organized into sets that are **tabbed, labeled, and grouped** according to the witness the party intends to cross examine with the exhibits. Cross-examination exhibits not conforming to these requirements may be rejected. Each party's cross-examination exhibit list must be filed with the Commission and served on all parties by **July 28, 2015**.
- 12 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Cross-examination time estimates are not filed but must be provided to the administrative law judge and the other party by **July 30, 2015**.
- 13 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **August 5, 2015, at 10:00 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Commission may alter this schedule by subsequent notice.
- 14 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **five** 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.
- 15 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.
- 16 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a flash drive, 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.

- 17 **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 **five** 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/efiling) or by e-mail to 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.
- 18 **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 360-664-1355.
- 19 **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 January 22, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UT-132234**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
CenturyLink	Lisa Anderl Senior Associate General Counsel 1600 7 th Avenue, Room 1506 Seattle, WA 98191	(206) 345-1574	lisa.anderl@centurylink.com
	Josie Addington Legal Secretary 1600 7 th Avenue, Room 1506 Seattle, WA 98191		josie.addington@centurylink.com
	Maura Reynolds Paralegal		maura.peterson@centurylink.com
	John Felz Regulatory Operations Director		john.felz@centurylink.com
	Mark Reynolds Vice-President Public Policy, NW Region		mark.reynolds3@centurylink.com
Staff	Jennifer Cameron-Rulkowski Assistant Attorney General Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1186	jcameron@utc.wa.gov
	Krista Gross Legal Assistant		kgross@utc.wa.gov
	Betsy DeMarco Legal Assistant		bdemarco@utc.wa.gov
Public Counsel	Lisa Gafken Assistant Attorney General Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	lisa.gafken@atg.wa.gov
	Stefanie Johnson Analyst		stefaniej@atg.wa.gov
	Carol Baker Legal Assistant		carolw@atg.wa.gov
	Chanda Mak Legal Assistant		chandam@atg.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-132234

EVENT	DATE
Settlement Conference (parties only)	Wednesday, February 25, 2015
Staff Direct Testimony and Exhibits, Public Counsel Direct Testimony and Exhibits <i>Discovery goes to 7 business days</i>	Thursday, May 7, 2015
Company Responsive Testimony and Exhibits	Thursday, June 11, 2015
Staff and Public Counsel Rebuttal and Cross- Answering Testimony and Exhibits	Thursday, July 9, 2015
Filing of Cross Examination Exhibits	Tuesday, July 28, 2015
Submission of Cross Examination Times to ALJ	Thursday, July 30, 2015
Evidentiary Hearing	Wednesday, August 5, 2015
Simultaneous Post-Hearing Briefs	Thursday, September 17, 2015