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1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION

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4 In the Matter of the Petition) Docket No. UT-000883
5 of) Volume I
6 US WEST COMMUNICATIONS, INC.) Pages 1-15
7 for Competitive Classification)
8 of Business Services in 31)
Specified Wire Centers.)
_____)

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11 A hearing in the above matter was
12 held on July 21, 2000, at 9:44 a.m., at 1300
13 Evergreen Park Drive Southwest, Olympia, Washington,
14 before Administrative Law Judge KAREN CAILLE.

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16 The parties were present as
17 follows:

18 QWEST, by Lisa A. Anderl, Attorney
19 at Law, 1600 Seventh Avenue, Room 3206, Seattle,
20 Washington 98191.

21 NEXTLINK WASHINGTON, INC.,
22 ELECTRIC LIGHTWAVE, INC., McLEOD USA
23 TELECOMMUNICATIONS SERVICES, INC., FOCAL
24 COMMUNICATIONS CORP., GLOBAL CROSSING TELEMAGEMENT,
GLOBAL CROSSING LOCAL SERVICES, INC., AT&T
COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC., TCG
SEATTLE, and TCG OREGON, by Gregory J. Kopta,
Attorney at Law, Davis, Wright, Tremaine, LLP, 2600
Century Square, 1501 Fourth Avenue, Seattle,
Washington, 98101.

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25 TRACER, by Arthur A. Butler,
Attorney at Law, 601 Union Street, Suite 5450,
Seattle, Washington 98101.

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1 JUDGE CAILLE: Let's go on the record.
2 Prior to going on the record this morning, I have had
3 a discussion with the parties, because I became aware
4 at 9:00 that the notice that went out for this
5 prehearing conference did not include a list of
6 people on the interested person list, and these were
7 people who participated at the open meeting and made
8 comments regarding this matter. So this prehearing
9 conference will be renoticed for next Friday, July
10 the 28th. And this morning, what we are going -- and
11 those interested persons will definitely be noticed.

12 This morning, what we are going to try to
13 do is, as much as we can, to sort of sketch out a
14 schedule, take care of things like the protective
15 order and discovery and any other matters, and then
16 we will take up again on next Friday.

17 So at this point, I'd like to go around the
18 room, beginning with Ms. Anderl, and if you'll enter
19 your appearance and, please, if you'll give who you
20 represent, your name, address, phone number, fax
21 number and e-mail.

22 MS. ANDERL: Thank you.

23 JUDGE CAILLE: I can coach.

24 MS. ANDERL: Lisa Anderl, representing
25 Qwest Corporation, formerly US West. Address is 1600

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1 Seventh Avenue, Room 3206, Seattle, Washington,
2 98191. Phone, 206-345-1574; fax, 206-343-4040;
3 e-mail, for the time being, is landerl@uswest.com.

4 JUDGE CAILLE: Thank you very much. And if
5 everyone else will speak as slowly as Ms. Anderl did,
6 that will help me write it down. Ms. Johnston.

7 MS. JOHNSTON: Sally G. Johnston, Assistant
8 Attorney General, appearing on behalf of Commission
9 Staff. Address is 1400 South Evergreen Park Drive,
10 S.W., Olympia, Washington, 98504. My telephone
11 number is 360-664-1193; my fax number is
12 360-586-5522; my e-mail address is
13 sjohnston@wutc.wa.gov.

14 JUDGE CAILLE: Mr. Busch.

15 MR. BUSCH: Thank you. Richard Busch,
16 B-u-s-c-h, with the firm of Miller Nash, 601 Union
17 Street, Suite 4400, Seattle, Washington, 98101. The
18 phone number is 206-777-7404; fax is 206-622-7485;
19 and e-mail is rbusch@millernash.com. And we're
20 representing WorldCom, MetroNet, Advanced TelCom
21 Group, and the Washington Association of Internet
22 Service Providers.

23 MR. BUTLER: Arthur A. Butler, of the law
24 firm of Ater Wynne, L.L.P., representing Tracer.
25 Address is 601 Union Street, Suite 5450, Seattle,

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1 Washington, 98101-2327. Telephone, 206-623-4711;
2 fax, 206-467-8406; e-mail, aab@aterwynne.com.

3 JUDGE CAILLE: Thank you. Mr. Cromwell.

4 MR. CROMWELL: Robert W. Cromwell, Jr.,
5 Public Counsel, 900 Fourth Avenue, Suite 2000,
6 Seattle, Washington, 98164-1012. Phone number,
7 206-464-6595; fax number, 206-389-2058; e-mail,
8 robertcl@atg.wa.gov.

9 JUDGE CAILLE: Robertcl@atg. --

10 MR. CROMWELL: -- wa.gov.

11 MR. KOPTA: Gregory J. Kopta, of the law
12 firm Davis, Wright, Tremaine, L.L.P., 2600 Century
13 Square, 1501 Fourth Avenue, Seattle, Washington,
14 98101-1688. My telephone number is 206-628-7692; fax
15 number, 206-628-7699; e-mail, gregkopta@dwt.com. And
16 I'm here representing Nextlink Washington, Inc.;
17 Electric Lightwave, Inc.; McLeod USA
18 Telecommunications Services, Inc.; Focal
19 Communications Corporation; Global Crossing
20 Telemanagement; Global Crossing Local Services, Inc.;
21 and also am appearing for AT&T Communications of the
22 Pacific Northwest, Inc.; TCG Seattle; and TCG Oregon,
23 although Ms. Tribby, who submitted a written petition
24 to intervene, will be primary counsel for AT&T and
25 the TCG entities.

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1 JUDGE CAILLE: Mr. Kopta, could you please
2 repeat for me up to Electric Lightwave? For some
3 reason, I was staring at your card and --

4 MR. KOPTA: I think Nextlink Washington was
5 the other before ELI.

6 JUDGE CAILLE: All right. I don't think I
7 announced this docket when we went on the record this
8 morning. This is in a proceeding captioned In the
9 matter of the petition of US West Communications,
10 Inc. for competitive classification of business
11 service in 31 specified wire centers. The docket
12 number is UT-000883.

13 My name is Karen Caille, and I am the
14 presiding Administrative Law Judge in this
15 proceeding. The Commissioners will be sitting on
16 this matter, so we have to take their schedules into
17 consideration when we do schedule the scheduling
18 matters.

19 Today is July the 21st, 2000, and we are
20 convened in a hearing room at the Commission's
21 offices in Olympia, Washington. The nature of this
22 proceeding is to determine whether business services
23 that are the subject of this petition are subject to
24 effective competition in the specified wire centers.

25 As I stated in my opening remarks, we are

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1 having a limited prehearing conference here, because
2 many of the folks on the interested persons list were
3 not noticed of this prehearing conference. So we've
4 already taken appearances.

5 The next item, I think, that we should take
6 up is petitions to intervene. I would note that I
7 did receive a written petition to intervene from
8 AT&T. And Mr. Kopta, I know you're representing AT&T
9 at the moment. Do you have anything that you wish to
10 add to that petition?

11 MR. KOPTA: No, I think that the petition
12 states the basis for the intervention.

13 JUDGE CAILLE: Is there any objection to my
14 granting this petition?

15 MS. ANDERL: The AT&T petition?

16 JUDGE CAILLE: Yes.

17 MS. ANDERL: I did not receive a copy of
18 it, but I don't believe, knowing what I know about
19 AT&T, that we have an objection.

20 JUDGE CAILLE: All right. Then the
21 petition is granted. Let's see. Mr. Busch.

22 MR. BUSCH: Thank you. This morning we
23 filed four petitions to intervene, and you have not
24 been provided with a copy yet, so I'll provide you
25 with one now.

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1 MR. BUTLER: Can we go off the record just
2 a second?

3 JUDGE CAILLE: Sure. Let's go off the
4 record.

5 (Discussion off the record.)

6 JUDGE CAILLE: Back on the record. We've
7 had an off-record discussion, and my understanding,
8 it was represented by Ms. Anderl that she would not
9 have, or the company would not have any objection to
10 the granting of these petitions. So Mr. Kopta, would
11 you also mention the ones that you are moving to
12 intervene?

13 MR. KOPTA: Yes, thank you, Your Honor. In
14 addition to the written petition from AT&T, we would
15 ask orally to have Nextlink, ELI, McLeod USA, Focal
16 and Global Crossing allowed intervention in this
17 docket, as we discussed off the record. All of those
18 companies are among the companies that Qwest has
19 identified as competitors in the relevant exchanges,
20 and so have a direct interest in this proceeding.

21 Also, as we discussed off the record, to
22 clarify, TCG is a subsidiary of AT&T and is
23 maintained as a separate entity in Washington, both
24 for registration and price list purposes. TCG
25 Seattle provides service principally in western

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1 Washington and the greater Seattle area, while TCG
2 Oregon provides service primarily in the Vancouver
3 area, as part of its service of Portland.

4 JUDGE CAILLE: Thank you. Is that it for
5 the petitions to intervene, at least at this moment?
6 All right. And Mr. Kopta, did you mention McLeod
7 USA?

8 MR. KOPTA: If I didn't, I should have.

9 JUDGE CAILLE: Did he? All right. Let me
10 just list these, and if I miss any, just let me know.
11 The following petitions to intervene are granted.
12 MetroNet Services -- oops. Ms. Anderl, let me get
13 you on the record, probably, as to whether you object
14 to any of these.

15 MS. ANDERL: Rest assured that I would have
16 spoken up. We do not.

17 JUDGE CAILLE: Metronet Services
18 Corporation; WorldCom, Incorporated; Advanced TelCom
19 Group, Incorporated; Washington Association of
20 Internet Service Providers; AT&T of the Pacific
21 Northwest --

22 MR. KOPTA: AT&T Communications of the
23 Pacific Northwest.

24 JUDGE CAILLE: TCG Seattle; TCG Oregon;
25 Nextlink Washington; McLeod USA; Electric Lightwave;

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1 Focal Communications; and Global Crossings. There's
2 two Global Crossings?

3 MR. KOPTA: Yes, there are two separate
4 entities, Global Crossing Telemangement and Global
5 Crossing Local Services, but collectively would be
6 Global Crossing.

7 MR. BUTLER: And Tracer.

8 JUDGE CAILLE: And Tracer. All of those
9 petitions to intervene are hereby granted. The next
10 item that we can discuss is the discovery rule. It
11 would seem to me that this is an appropriate
12 proceeding in which we should just invoke 480-09-480.

13 MS. ANDERL: Qwest agrees.

14 JUDGE CAILLE: Okay. Then so be it. The
15 next item would be the protective order. And we had
16 some discussion off the record about the protective
17 order, and perhaps if the parties -- if we could have
18 that discussion again, maybe beginning with you, Mr.
19 Busch.

20 MR. BUSCH: Thank you. We wanted to offer
21 a change to the standard protective order where a
22 company employee for one of the carriers who are
23 intervening in the case would have a chance to review
24 the confidential information that US West provides to
25 the Commission for their company only. For example,

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1 an employee of WorldCom would be allowed to review
2 WorldCom-specific confidential information, but not
3 the confidential information of any other carrier in
4 the proceeding.

5 JUDGE CAILLE: Thank you. And there was
6 some discussion about patterning this protective
7 order off the --

8 MS. JOHNSTON: Protective order in
9 UT-990022, concerning the high capacity filing.

10 JUDGE CAILLE: Yes, right. And my
11 understanding there is that there's certain
12 information that will only be accessible to Staff?

13 MS. JOHNSTON: That's correct.

14 MR. KOPTA: If I might, Your Honor. Off
15 the record, we had discussed this issue, and in
16 Docket UT-990022, there was market-sensitive data
17 that individual CLECs had provided to Commission
18 Staff to aggregate in terms of what the status of the
19 market is in the areas in which US West sought
20 competitive classification. And we would ask that
21 that same type of information be protected the same
22 in this docket as it was in that docket.

23 The Commission, in that docket, amended the
24 standard protective order in response to a motion
25 from Commission Staff to allow for that type of

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1 procedure. And so we are asking that the same thing
2 be done here.

3 And in addition, that it be made clear that
4 information that CLECs have already provided to
5 Commission Staff in response to a data request that
6 was issued before the Commission suspended this
7 filing and set it for hearing, that that information
8 be considered to be included in the information that
9 would be provided only to Commission Staff and would
10 not be available on an individual company-specific
11 basis to other parties in this proceeding, whether or
12 not they've signed the protective order.

13 JUDGE CAILLE: All right. I will have that
14 order prepared. Is there any other discussion about
15 the protective order? Okay.

16 Ms. Johnston, should we take up your
17 matter, or do you want to discuss scheduling?

18 MS. JOHNSTON: Either way.

19 JUDGE CAILLE: Why don't we do your
20 request, and then we'll proceed to scheduling.

21 MS. JOHNSTON: As I stated earlier, the
22 Commission Staff requests that the Commission issue
23 an order mandating that various local exchange
24 companies comply with the Commission letter dated
25 June 22nd, 2000, which I provided to you earlier this

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1 morning. And we would urge the Commission to issue
2 that order expeditiously.

3 JUDGE CAILLE: Any discussion on that?
4 We'll do that as expeditiously as possible.

5 MS. JOHNSTON: Thank you.

6 JUDGE CAILLE: I think that's going to
7 bring us to scheduling. As I said earlier, we're
8 going to sketch out a schedule here that we hope will
9 work for the folks who will be joining us next
10 Friday. My idea is to go off the record. I'm going
11 to go up to the Commissioners' support staff and see
12 if those dates you had mentioned, Mr. Kopta, are
13 available, and so that will give you folks a chance
14 to discuss it. Off the record.

15 (Discussion off the record.)

16 JUDGE CAILLE: We're back on the record.
17 The parties have had an off-record discussion
18 concerning schedule, and they have agreed to a
19 schedule that Ms. Anderl will read into the record.

20 MS. ANDERL: Okay. Qwest, formerly US
21 West, would file its direct testimony on August 11th.
22 Other parties would file their responsive direct
23 testimony on September 11th. Qwest would file
24 rebuttal testimony on September 29th. Hearings for
25 cross-examination would be October 24th through the

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1 27th. Briefs would be filed on November 13th. And
2 the company would stipulate that the statutory
3 deadline for this application is December 14th.

4 JUDGE CAILLE: Is there any discussion?

5 MR. CROMWELL: I thank the company for
6 their consideration.

7 JUDGE CAILLE: All right. Is there
8 anything else that we need to cover today that we can
9 cover today?

10 MS. ANDERL: No, Your Honor. I'd just
11 state for the record that there will be another
12 attorney filling in for me at the prehearing next
13 Friday, but I will remain the attorney of record for
14 the company in the proceeding.

15 JUDGE CAILLE: All right. Thank you.

16 MR. BUTLER: Could we ask if a conference
17 bridge could be made available for the prehearing
18 conference next week, so we won't have to come down?

19 JUDGE CAILLE: That's a great request. I
20 am pretty sure we will be able to do that. We had a
21 conflict today with a workshop upstairs, so --

22 MR. BUTLER: Can I ask one further question
23 about number of copies of testimony to be filed and
24 whether it's possible to file testimony in something
25 other than WordPerfect?

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1 JUDGE CAILLE: You know, I believe we are
2 accepting it in Word, as well, and then we just
3 convert it.

4 MR. BUTLER: I talked to Judge Wallis in a
5 different matter yesterday, and his preference was to
6 continue to get things in WordPerfect, but I'm
7 wondering if it's possible to file things in a PDF
8 format as an alternative. Any flexibility would be
9 helpful.

10 JUDGE CAILLE: I will check further, but it
11 seems to me that that would be acceptable. I know
12 we're trying to relax that a little bit. I know we
13 are still in WordPerfect. Does anyone else want to
14 be heard on this? No.

15 Let me just -- I think it's 14 copies that
16 we are going to be needing of anything that you file.
17 Yes, that's the number that we have on the
18 distribution, so we'll need 14. Okay. If there's
19 nothing further, then this conference is closed, and
20 I'll see some of you again next Friday. Thank you.

21 (Proceedings adjourned at 10:24 a.m.)

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