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1                   BEFORE THE WASHINGTON UTILITIES AND  
2                   TRANSPORTATION COMMISSION  
3 In the Matter of the                   )  
Investigation into                    )  
4                    )  
U S WEST COMMUNICATIONS, INC.'s ) Docket No. UT-003022  
5                    ) Volume XXIV  
Compliance with Section 271 of ) Pages 3426 to 3457  
6 the Telecommunications Act of )  
1996                                    )  
7 -----)  
In the Matter of                    )  
8                    ) Docket No. UT-003040  
U S WEST COMMUNICATIONS, INC.'s ) Volume XXIV  
9                    ) Pages 3426 to 3457  
Statement of Generally               )  
10 Available Terms Pursuant to        )  
Section 252(f) of the                )  
11 Telecommunications Act of 1996     )  
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13                   A Prehearing Conference in the above matters  
14 was held on April 24, 2001, at 9:30 a.m., at 900 Fourth  
15 Avenue, Suite 2400, Seattle, Washington, before  
16 Administrative Law Judge ROBERT WALLIS.

17                   The parties were present as follows:

18                   THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION, by PAULA STRAIN and BETH REDFIELD, 1400  
19 South Evergreen Park Drive Southwest, Post Office Box  
40128, Olympia, Washington, 98504-0128.

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                  WORLDCOM, INC., by ANN HOPFENBECK, Attorney  
21 at Law, 707 - 17th Street, Suite 3600, Denver, Colorado  
80202.

22

                  AT&T, by RICHARD WOLTERS, Attorney at Law,  
23 1875 Lawrence Street, Suite 1575, Denver, Colorado  
80202.

24

Joan E. Kinn, CCR, RPR  
25 Court Reporter

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1                   QWEST CORPORATION, by JOHN L. MUNN and  
CHARLES W. STEESE, Attorneys at Law, 1801 California  
2 Street, Suite 4900, Denver, Colorado, 80202, and by LISA  
ANDERL, Attorney at Law, 1600 Seventh Avenue, Suite  
3 3206, Seattle, Washington 98191.

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5                   ELECTRIC LIGHTWAVE INC.; ADVANCED TELECOM  
GROUP, INC.; and XO COMMUNICATIONS, INC.; by GREGORY J.  
6 KOPTA, Attorney at Law, Davis, Wright, Tremaine, LLP,  
1501 Fourth Avenue, Suite 2600, Seattle, Washington  
7 98101.

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                  RHYTHMS LINKS, INC. AND TRACER, by ARTHUR A.  
BUTLER, Attorney at Law, Ater Wynne, LLP, 601 Union  
9 Street, Suite 5450, Seattle, Washington 98101.

10 THE PUBLIC, by ROBERT W. CROMWELL, JR.,  
Assistant Attorney General, 900 Fourth Avenue, Suite  
11 2000, Seattle, Washington 98164-1012.

12 COVAD COMMUNICATIONS COMPANY AND METRONET,  
INC., by BROOKS E. HARLOW, Attorney at Law, Miller Nash,  
13 LLP, 601 Union Street, Suite 4400, Seattle, Washington  
98101.

14

ALSO PRESENT:

15

KAREN STEWART, Qwest  
LORI SIMPSON, Qwest  
RACHEL TORRENCE, Qwest  
NANCY LUBAMERSKY, Qwest  
KENNETH WILSON, AT&T  
MICHAEL HYDOCK, AT&T  
DAVE DITTEMORE, Staff

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P R O C E E D I N G S

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MR. CROMWELL: Robert Cromwell on behalf of  
Public Counsel.

MS. HOPFENBECK: Ann Hopfenbeck on behalf of  
WorldCom.

MR. HARLOW: Brooks Harlow on behalf of  
Covad, YIPES, and Metronet.

7 MS. ANDERL: Lisa Anderl on behalf of Qwest  
8 Corporation.

9 MR. STEESE: Chuck Steese on behalf of Qwest  
10 Corporation.

11 JUDGE WALLIS: Very well, thank you very  
12 much.

13 In some preconference discussions, we  
14 understand that the question of a motion to compel filed  
15 by AT&T is under discussion by the parties. The parties  
16 believe that they have reached agreement in principle on  
17 the issues raised and that the matter may be resolved.

18 And Mr. Wolters has indicated that he will  
19 get back to us if the matter is resolved and withdraw  
20 that motion; is that correct?

21 MR. WOLTERS: That's correct. My witness, I  
22 believe, was provided access to some documents  
23 yesterday. I would like him to have an opportunity to  
24 discuss the documents he was able to review, and if it  
25 was satisfactory, then I will withdraw the motion.

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1 JUDGE WALLIS: Thank you very much.

2 Qwest filed a document containing proposed  
3 amendments to its SGAT based upon the results of the  
4 Washington order and the results of discussions in other  
5 states. The nature of that filing and the timing are  
6 matters for continued discussion today. The parties  
7 appear to be in general agreement that it is appropriate  
8 to have such documents filed and to allow parties an  
9 opportunity to state objections, but the nature of the  
10 filing, the timing of objections, and agreements of the  
11 parties that this process is appropriate need to be  
12 addressed.

13 For Qwest as the filing party, why don't we  
14 start with a statement from you as to a process that you  
15 would propose.

16 MR. STEESE: The motion has two parts to it.  
17 I would prefer to take, if possible, the first being  
18 language agreed to in other states and the appropriate  
19 process for bringing that language into Washington. It  
20 was Qwest's proposal that if consensus is reached in  
21 another state after a Washington workshop on a subject,  
22 Qwest will bring forth language, consensus language,  
23 saying something to the effect that this is consensus  
24 language we have reached in another state. Qwest is  
25 prepared to bring this language to Washington as well so

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1 long as there is no objection, and Qwest proposed that  
2 that time frame for obtaining objections be ten days.

3 And I do believe there is a good bit of  
4 consensus that this is appropriate. I am just wondering  
5 if the appropriate time frame is ten days. We think  
6 that since most of the parties, not all, but most are  
7 participating in other states, that ten days would  
8 probably be an appropriate time frame. But I would be  
9 interested in what other parties have to say.

10 JUDGE WALLIS: Other comments?

11 Mr. Kohta.

12 MR. KOPTA: Yes, thank you, Your Honor. Part  
13 of the language that was submitted along with this  
14 motion was collocation language that had earlier been  
15 circulated among the parties informally before being  
16 presented to the Commission as something that was  
17 consensus, and I think a procedure along those lines  
18 would be preferable to simply filing a motion and having  
19 ten days to respond.

20 Now I realize that that might pose some level  
21 of administrative complexity as opposed to simply filing  
22 something and allowing for ten days to respond. But  
23 because we're dealing with a rather unique procedure in  
24 which the same sorts of things are going on in different  
25 states, then it's certainly to be understood that there

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1 will be some discussions that don't happen here that  
2 happen someplace else.

3 And the concern that the folks that I  
4 represent have is that we are not in a lot of those  
5 other states and would like an opportunity to take a  
6 look at language, and I suspect in most cases would be  
7 fine with it, although there may be some instances in  
8 which some modification or slight adjustment to the  
9 language might be appropriate for Washington or for our  
10 clients.

11 And I would rather try and work that process  
12 through informally before it's submitted to the  
13 Commission than to file a formal objection and then it's  
14 kind of what happens then. I mean it's not -- I don't  
15 want to put Qwest in the position of saying, okay,  
16 here's what we agreed to in other states, you can either  
17 take this or we will just stay with what we've got.

18 I think it's preferable to see if we can take  
19 that language, if it's okay in Washington as it was in  
20 other states, then fine, if it might need some  
21 adjustments that Qwest would be okay with, then that  
22 would be preferable to saying, okay, then let's not do  
23 anything. So I'm trying to think of some procedure that  
24 would allow that kind of process to happen and less  
25 formality in terms of an either/or situation.

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1 JUDGE WALLIS: Other parties?

2 MR. WOLTERS: I think AT&T is not quite in  
3 the same situation as Mr. Kopta and his clients, because  
4 we have been participating in all the other  
5 jurisdictions, so generally we have been participating  
6 in the language and are fine with it. I understand  
7 Mr. Kopta's concerns, and I don't want to say that he  
8 shouldn't have that opportunity.

9 I think my concern only is limited to the  
10 time period, and I think it would be probably more  
11 appropriate to be ten business days instead of calendar  
12 days, being that everybody is so busy and in a lot of  
13 the different workshops. It would give our people who  
14 want it extra time to deal with it. But I do understand  
15 Mr. Kopta's concerns and do not want to make light of  
16 those, but just we're in a different situation.

17 MR. CROMWELL: Robert Cromwell, I would  
18 reiterate Mr. Kopta's concerns from my own perspective,  
19 not specific to the SGAT claims here, but if we were to  
20 apply the same principle to the resolution of other  
21 issues in these future workshops where Qwest may have  
22 reached agreement in other states and wishes to have  
23 those incorporated here in Washington. My concern would  
24 be that if we establish sort of a ten day procedure as  
25 a, whether business or calendar, we could be faced where

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1 we receive a resolution of an issue that might be rather  
2 large, and then having to try to digest that and analyse  
3 it and respond in ten days can be quite difficult.

4 On a more personal note, I would also note  
5 that there are likely to be at least two or three major  
6 energy proceedings occurring before the Commission this  
7 summer, which I will be participating in at least two  
8 of, which will severely affect my ability to turn  
9 anything around in that compressed a time frame.

10 MS. HOPFENBECK: I don't really have anything  
11 to add. I mean I think the resource constraint issue is  
12 a tough one. WorldCom is also participating in other  
13 jurisdictions and so is similarly situated to AT&T.  
14 However, it still requires -- these filings still  
15 require, you know, some pretty careful detailed review  
16 principally because all of us are resource constrained  
17 including Qwest.

18 You know, even Qwest filings sometimes have  
19 glitches in them or just small errors that you're not  
20 even aware of that we point out. That came up in Oregon  
21 a couple of weeks ago, and so we just did some quick  
22 changes, you know, oh, what about the agreement we made  
23 on this issue, it's not there, and then it gets taken  
24 care of.

25 But that's why, you know, in fact, the

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1 procedure that Mr. Kopta suggested was the procedure  
2 that we used in order to sort of find those problems and  
3 work them out before the filing was made. And so I mean  
4 now that I have talked this through, I think his  
5 procedure does make some sense.

6 MR. HARLOW: We really have no position on  
7 what -- we would just like to clarify whether we're  
8 talking ten calendar days or ten business days.

9 MR. STEESE: Either would be acceptable to  
10 Qwest. We put ten days, we meant calendar days, and to  
11 the extent that some additional period of time is  
12 required that's a reasonable period, and ten calendar  
13 days certainly is in our view, then we can make it ten  
14 calendar days, no problem, business days, excuse me, ten  
15 business days.

16 JUDGE WALLIS: What about the underlying  
17 question of prior review?

18 MR. STEESE: In terms of the procedure, we  
19 certainly don't mind as a matter of practice to provide  
20 the language to parties in advance. The only difficulty  
21 I have with Mr. Kopta's suggestion is that the entire

22 point of bringing consensus language in from other  
23 states is to make the SGAT as consistent as possible  
24 across the board. I mean our objective if it were  
25 possible, and it's not because there are unique state

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1 laws, would be to have the SGAT across the region, so  
2 that way we have absolutely no question about what our  
3 obligations are, what the time frames are, et cetera.

4 When you try and operationalise what's  
5 contained within a contract, one of the concerns is if  
6 you have a Washington contract and you have an Iowa  
7 contract and an Arizona contract that are different in  
8 material respects, when you have people that are trying  
9 to actually do the work, it gets difficult for them to  
10 actually respond appropriately. And so with respect to  
11 trying to make it Washington specific, we certainly will  
12 do that if there is a law, but I just don't want there  
13 to be any question that it is our objective to make it a  
14 regional SGAT across the board to the extent possible.

15 MR. KOPTA: And this is Greg Kopta, I don't  
16 have any disagreement with that, and I understand the  
17 objective, and I think that we would share that  
18 objective, because my clients operate in more than one  
19 state and would like some consistency among agreements  
20 in various states to the extent possible.

21 That's why I suggested that, you know, if  
22 we're in a situation of saying, okay, we will go with  
23 the agreed language from another state or what we had  
24 before, then you've got more of a disconnect between the  
25 agreements in another state and Washington than if we

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1 took the agreed language and maybe made a few minor  
2 changes.

3 So it may not be that it's Washington  
4 specific, it may be something that needs to be  
5 clarified. I can't give you a laundry list of all the  
6 circumstances in which there may be some problem. And  
7 as I say, there may be the vast majority of cases where  
8 there's no problem.

9 And so I think it would be beneficial, and if  
10 we want to put a certain time frame around it, you know,  
11 have a week before it's submitted to the Commission to  
12 circulate it in advance to other parties, and if they  
13 could have a chance to review it and say, gee, we're  
14 okay with it or hey, there's one here that we've got a  
15 little bit of a problem with or we want to discuss it  
16 with you or we don't know how it came up in the context  
17 or how it's going to be applied and we want to have some  
18 kind of a discussion about it, then we could do that.  
19 And that way, that could be reflected hopefully in  
20 whatever is filed when there is a filing and minimize  
21 what comes before the Commission. So that's really what  
22 our primary objective is.

23 JUDGE WALLIS: Mr. Kopta, do you think a week  
24 would be sufficient for those purposes?

25 MR. KOPTA: Well, I don't want to slow down

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1 the process. I know that Qwest is concerned about that.  
2 And so I just threw out a week as what we did before. I  
3 mean that was what happened on the collocation language  
4 is that a week before Qwest was going to file it, they  
5 circulated it to those on the E-mail distribution list  
6 and said, please let us know if you have any concerns  
7 about this, and then people did. Obviously I would like  
8 a little bit more time than that.

9 I don't know Qwest's internal goals as far as  
10 when they're going to submit some agreed language from  
11 other states. I know that the problem is that there are  
12 different tracks in different states, and so there are  
13 some issues that have been dealt with in other states  
14 that we haven't even gotten to here yet and so -- and  
15 then there are other workshops that are going on at  
16 basically the same time. And so if there's a particular  
17 process in place within Qwest to gather up language  
18 that's been agreed to and submit it in other states  
19 where there haven't been those discussions, then I don't  
20 want to derail that, so maybe they can speak to that.

21 MR. STEESE: If I can address that briefly,  
22 and I think this does get to a concern raised by Public  
23 Counsel as well. When you look at what we're talking  
24 about, as a general rule, the times when Washington has  
25 either been ahead of the curve or in the front end of

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1 the pack ends with this workshop on UNE combinations and  
2 so -- and the changes that we have brought have been  
3 relatively small, just a few pieces here or there.

4 Given that for Workshop 4, Washington is  
5 going to be the 11th of 12 states, we don't see this as  
6 being an issue going forward. The issue is going to be  
7 historical for collocation, interconnection, and to some  
8 extent a bit on reciprocal compensation. And so in  
9 terms of the process, is it possible we're going to have  
10 this going forward? Yes. Is the likelihood very small?  
11 It's very small.

12 And so if you look at this process, we have  
13 played it out one time, we have gotten comments for  
14 purposes of the collocation and interconnection  
15 workshop, and so now we're moving into UNE combinations.  
16 I think Mr. Munn and Qwest are prepared to bring forth  
17 consensus from other states here this week, and so I  
18 think we're dealing with an isolated circumstance.

19 And so in terms of this, if you wanted ten  
20 days to review it and then we will file the motion, we  
21 would have no objection to that. And then we will give  
22 you ten calendar days to respond to the motion, and that  
23 will give you three weeks plus a few days.

24 MR. KOPTA: And that would be fine with us.

25 JUDGE WALLIS: Mr. Wolters.

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1 MR. WOLTERS: AT&T has more probably than  
2 maybe WorldCom has a considerable stake I think in the  
3 language that's going to be brought forth, because I  
4 think just in all likelihood in large part we were the  
5 ones that probably asked for the changes to the language

6 that's being brought forward that resolved some impasse  
7 issue in another state. And I don't have any problem  
8 with Mr. Kopta's clients or anybody's, you know, clients  
9 having an opportunity to look at that language before  
10 it's adopted in Washington.

11 I'm concerned that if there is changes that  
12 somehow that that change may have upset a balance or  
13 some kind of agreement that we have already reached in  
14 another state. I think that has to be recognized, that  
15 if there are informal discussions or an opportunity to  
16 look at the language before the motion is filed and  
17 changes are made, that I think the motion that's filed  
18 has to reflect both changes. I think it has to show the  
19 original language that was agreed to in the other  
20 jurisdictions and the changes that were made in the  
21 negotiations prior to the filing of the motion. That  
22 gives other parties then an opportunity to say that we  
23 liked the original language we agreed to better than  
24 what was negotiated, for example, with Mr. Kopta. So  
25 that has to be understood. We can't just go having

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1 people negotiate in Washington and upset a possible  
2 agreement that was in another state.

3 So I think the motion has to reflect that  
4 here's the language that came from other jurisdictions,  
5 the parties in Washington were given an opportunity to  
6 look at this language, you know, so many days before the  
7 motion was filed, based on that or those discussions,  
8 here's some changes we would like to make to that agreed  
9 language, so we're putting both proposals forward for  
10 review in Washington. And then that gives parties an  
11 opportunity, like AT&T, to say, no, we really can't  
12 agree to that additional change, or yes, that change is  
13 acceptable, and then we once again would resolve all the  
14 issues.

15 MR. KOPTA: And just let me clarify something  
16 before you respond, Chuck. My contemplation is that  
17 this will be sent out electronically to everyone that  
18 has an electronic address that's part of this  
19 proceeding, and that when -- if we have any concerns,  
20 that would also be communicated across to everyone. So  
21 we're not going to have a situation where we're just  
22 negotiating with Qwest to get some changes in some  
23 language. I mean I think that would -- that would be  
24 counterproductive. I think we would be much better off  
25 if we can agree among everybody to some slight

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1 modifications of some language, and that would  
2 streamline the process. And that's certainly our goal,  
3 not to try and get something different that's just one  
4 on one between one of my clients and Qwest.

5 JUDGE WALLIS: Qwest.

6 MR. STEESE: I really don't have too much to  
7 add. It is my experience that, having been to many,  
8 many workshops on many subjects, that when we finally  
9 reach consensus on a point that the language if it  
10 changes doesn't change in a material way. It's usually

11 a grammatical thing or something clarifying a point. So  
12 I do not see this as an issue.

13 To the extent that we provide language and  
14 XO, for example, would want to change it in a material  
15 way and this is the, you know, 10th workshop, my guess  
16 is we're going to say, here's what we have agreed to, XO  
17 appears to object, although we have offered it, we would  
18 offer it here in Washington, it doesn't appear as though  
19 we're going to be able to offer it here in Washington.

20 But if it's a minor change and AT&T can agree  
21 to it and we can, you know, bring it across the states,  
22 we would do that. So I think this will play itself out  
23 without too much difficulty.

24 And, Rick, it is certainly not our intention  
25 in any way to sneak in language changes, and so we will

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1 make sure that if, you know, in the isolated chance that  
2 happens that we would bring both language options in and  
3 say we're willing to do either, for example.

4 MR. WOLTERS: Chuck, it was never my --

5 MR. STEESE: Oh, I'm not saying you did.

6 MR. WOLTERS: -- insinuate that you would try  
7 to sneak something in, because you would ultimately have  
8 to file your motion.

9 MR. STEESE: Right.

10 MR. WOLTERS: It's just that I didn't know  
11 how that was going to play out. I think Mr. Kopta  
12 suggests a nice solution to that, keeping everything  
13 viewable, and that is that a week, ten days, whatever  
14 that time is before you file your motion, you send out  
15 essentially an E-mail saying, here's essentially the  
16 contents of what we're going to propose in our motion  
17 and the language that would be proposed from other  
18 jurisdictions and I'm going to file this motion on day  
19 X, and your comments prior to that would be welcome and  
20 something to that effect. And then everybody copies  
21 everybody, and that will start some discourse.

22 And by the time you file your motion, it's  
23 either going to be resolved or you're going to know  
24 whether there are problems arisen. So when you file  
25 your motion, you will know whether there is disagreement

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1 on the one paragraph or not. And I think if you do it  
2 by E-mail, I just think this will resolve all of those  
3 kinds of problems.

4 MR. STEESE: That was the plan, so that's not  
5 a problem.

6 JUDGE WALLIS: Very well. What about the  
7 motion that is the subject of this discussion. Do  
8 people want a ten day opportunity to take a look at it  
9 and discuss issues with Qwest?

10 MR. KOPTA: We have kind of said what we  
11 wanted to say, I think, about that particular motion in  
12 our filing. There was only one provision, as I recall,  
13 that we had some concerns with. Certainly if Qwest  
14 would like to discuss it some more, we're more than  
15 willing to do that. But I also heard that other parties

16 may have not really been familiar with how this was  
17 going to work and may want an additional opportunity, so  
18 I don't want to speak for them.

19 MR. STEESE: In terms of the details of the  
20 motion with -- I apologize, I didn't come prepared to  
21 discuss the specifics, and so I don't --

22 JUDGE WALLIS: My only question is whether  
23 people want an additional period of informal discussion.

24 MR. WOLTERS: I think --

25 JUDGE WALLIS: I think it's clear that we can  
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1 not allow Qwest's motion to be granted recognizing  
2 consensus when parties have not had the opportunity to  
3 resolve potential issues leading to consensus and did  
4 not agree to a ten day limitation, so I think it's  
5 necessary for us to come up with a process. If it would  
6 assist the parties in just saying that there's say a  
7 seven day period to discuss this and resolve potential  
8 questions, and then you can do the motion if it is  
9 agreeable to others, and we can take that under  
10 advisement. If there is no agreement, you can renew the  
11 motion, and parties will know that they need to respond  
12 to it in order to put the issue to the Commission. So  
13 would that work?

14 MR. STEESE: Seven days from today?

15 JUDGE WALLIS: Yes.

16 MR. STEESE: That's acceptable. And then  
17 from then, we will just implement the ten business day  
18 time frame for responding. That's acceptable.

19 MS. HOPFENBECK: That would be good, because  
20 I think there was a question in my mind about the filing  
21 that was made on April 20th on collocation, the  
22 collocation SGAT that was filed then and how that  
23 related to the motion. It would just be nice to have it  
24 all in one.

25 MR. STEESE: We made that filing, I don't  
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1 recall the exact date, I apologize, but take the seven  
2 days to look at the motion. If you have concerns, let  
3 us know. If there's something, for example, a  
4 typographical mistake, something that you don't think we  
5 brought in, please advise us. Otherwise, we will  
6 probably renew the motion, might drop the provision, I  
7 will have to check on that, don't know, that Mr. Kopta's  
8 clients were concerned about, and then we will go from  
9 there.

10 MS. HOPFENBECK: Okay.

11 MR. KOPTA: And just to clarify, Annie, the  
12 filing on the 20th was Qwest's attempt to incorporate  
13 the decisions from the initial order on collocation.

14 MS. HOPFENBECK: Right.

15 MR. KOPTA: And that's something different.

16 MS. HOPFENBECK: All right.

17 MR. KOPTA: This is just talking about  
18 language from other states.

19 MS. HOPFENBECK: All right.

20 MR. WOLTERS: Do you know, you don't know

21 when you filed the motion, I understand.

22 MS. HOPFENBECK: It was March 20th is when we  
23 got E-mailed on it.

24 MR. HARLOW: And again, is this seven  
25 calendar days or business days?

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1 JUDGE WALLIS: Calendar days.

2 All right, well, let me see if I can state  
3 for the record the nature of the consensus that we have,  
4 that is that on any future motions to incorporate  
5 material from other states, the parties will be given  
6 ten days advanced notice of a potential filing in order  
7 to allow the parties to raise any questions or concerns  
8 informally to Qwest. Qwest then will make a filing that  
9 shows both the original and any changes that it has made  
10 in response to concerns raised during that ten day  
11 period, and parties will have ten days after that motion  
12 is made to interpose a formal objection or to make a  
13 responsive comment.

14 As to the motion that was made on March 20th,  
15 parties have an additional seven days from today to  
16 discuss matters with Qwest. Then Qwest will, if it  
17 still desires to make that motion, will renew it with  
18 current language and show any changes that it has made  
19 from the original.

20 MR. WOLTERS: Judge.

21 JUDGE WALLIS: Mr. Wolters.

22 MR. WOLTERS: I know you identified the seven  
23 days as being calendar days, but I think the parties  
24 would like ten business days to respond to the motion.  
25 So do we have ten business days to respond to anything

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1 that was filed after the informal discussions?

2 JUDGE WALLIS: Yes.

3 MS. HOPFENBECK: Now I just need  
4 clarification here, and this is the confusion about the  
5 two types of issues. I know the motion referenced was  
6 specifically seeking only approval of consensus  
7 language, but the SGAT that was filed with that motion  
8 included changes made in response to Washington  
9 Commission orders. That's why I was confused. And I  
10 was -- once I finally did focus on this and pull it up  
11 last week, I just -- I wasn't sure exactly what Qwest,  
12 the scope, what Qwest really had in mind in terms of the  
13 scope of the motion and things like that.

14 So the question is, in the next seven days,  
15 do you only want response with respect to that language  
16 that's been incorporated that reflects consensus from  
17 other jurisdictions, and we're going to deal with  
18 changes that are in response to Washington Commission  
19 orders separately in a discussion that will follow right  
20 now?

21 MR. STEESE: Would you like me to respond to  
22 that, Judge?

23 JUDGE WALLIS: Yes.

24 MR. STEESE: The process we have just  
25 described concerns consensus language.

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1 MS. HOPFENBECK: Right.

2 MR. STEESE: But with respect to in  
3 Washington, it just so happens that at the same time  
4 there was also us filing what we thought was language  
5 conforming to the Judge's initial order. There's a  
6 chance those could be filed at the same time, there's a  
7 chance they would be done different.

8 Example, Mr. Kopta is correct, we filed an  
9 SGAT April 20, I know it was very recently, on  
10 collocation to conform. And so we are required to do  
11 that within a certain period of time, and we will  
12 continue to do that. Mr. Kopta, and I can't even  
13 remember all the issues, but I know that he responded  
14 and had concerns with some of the conforming language we  
15 brought forth. We think that clearly is the right thing  
16 to do as well.

17 And so we would recommend that since the  
18 language we filed here was both consensus and conforming  
19 language that if you have comments on either that you  
20 provide those.

21 MS. HOPFENBECK: And that would be fine with  
22 us.

23 JUDGE WALLIS: Very well. So fundamentally,  
24 we will say that the same process applies to changes  
25 made in response to Washington orders.

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1 MR. STEESE: That would be fine.

2 JUDGE WALLIS: And that if they are  
3 contemporaneous in time, they can be put in a single  
4 document.

5 MR. STEESE: Your Honor, the only thing I  
6 would say is on a going forward basis, we have only a  
7 certain period of time, and I don't recall how much time  
8 it is, to put forth conforming language, and so we might  
9 not be able to preview that in advance with the parties.  
10 And so it just so happens that this is historical, and  
11 we don't mind if they have more time.

12 MS. ANDERL: And, Your Honor, I guess the  
13 only thing I might point out is that I think very  
14 occasionally it could be that language that's filed in  
15 response to a Commission order overlaps some language  
16 that could be consensus language. And so in those  
17 circumstances, so that it's clear, we might want to  
18 either do two separate documents, or we will try to  
19 designate if we do it in a single document which is  
20 which obviously.

21 JUDGE WALLIS: Yes.

22 Mr. Wolters.

23 MR. WOLTERS: I have some concerns. My  
24 understanding is there was, you know, two motions that  
25 were filed that contained conforming language or just

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1 one?

2 MS. HOPFENBECK: Two SGATs.

3 MS. ANDERL: Two SGATs.

4 MR. STEESE: If you will recall, Rick, in

5 Washington, the Judge issued an order on interconnection  
6 first on resale and then subsequently issued an order  
7 with respect to collocation or recommended a decision,  
8 and that's why it came at two different times.

9 MR. WOLTERS: So there are two separate  
10 filings that conform the language?

11 MR. STEESE: One for interconnection resale,  
12 one for collocation.

13 MR. WOLTERS: My concern is, like I said, I  
14 just became aware we're having some E-mail problems.  
15 I'm not sure -- our people are working on it or are  
16 aware of it, so I want to make sure that I'm covered,  
17 that our people have time to find out whether we  
18 received these things and still have a chance to  
19 respond. So I'm not sure if the time period has run or  
20 not.

21 JUDGE WALLIS: Would it be unduly burdensome  
22 to ask Qwest to notify others perhaps by a fax merely  
23 that they are E-mailing something?

24 MR. STEESE: As a general rule, I would say  
25 yes. And the reason is there are dates on the calendar,  
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1 everyone has them, when we or other parties are supposed  
2 to file something. We know that if we don't get  
3 something on that date, we generally are calling up the  
4 party we're expecting to get that filing from and  
5 saying, did we miss it. And I do think that the E-mail  
6 problem that we have had has been rectified.

7 MS. WEBER: We're working on it.

8 MR. WOLTERS: Yeah, we're working on it. I  
9 don't want to set up a new process where we have to  
10 start faxing.

11 JUDGE WALLIS: Okay. Is AT&T the only party  
12 with whom you're having difficulty communicating?

13 MS. ANDERL: As far as we know.

14 If anyone else isn't getting things, could  
15 you tell us?

16 MR. HARLOW: I will detail everything I  
17 haven't got.

18 MR. KOPTA: I have a little bit of a concern,  
19 and it's almost really more a procedural issue.

20 JUDGE WALLIS: Well, let's go off the record.

21 (Discussion off the record.)

22 JUDGE WALLIS: In discussions, it's been  
23 determined that we will allow parties two weeks from  
24 today to address conforming language proposed by Qwest  
25 in its March 20th and April 20th proposals, and the  
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1 comments will thus be due on May 8th, which is  
2 sufficiently in advance of the presentation to the  
3 Commission on May 16th to allow parties to think about  
4 it and respond appropriately.

5 All right, is there anything further on this  
6 issue?

7 It appears not. We have done some very  
8 preliminary discussion about the schedule for the  
9 workshop beginning today, and all parties and Staff are

10 desirous that we conclude by the end of the business day  
11 tomorrow, which shall be our earnest goal.

12 Workshop scheduling, let's be off the record  
13 for a scheduling discussion.

14 (Discussion off the record.)

15 (Recess taken.)

16 JUDGE WALLIS: Following a scheduling  
17 discussion, we have discussed at some length the timing  
18 and arrangement of the next hearing session, and the  
19 workshops are scheduled as follows.

20 During the week of July 9 through 13, the  
21 Commission will be discussing loops, emerging services,  
22 and general terms and conditions, with the understanding  
23 that if the latter topic, general terms and conditions,  
24 is not completed during that week, it will be undertaken  
25 at the conclusion of the following week's session to the

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1 extent time is available.

2 During the week of July 16 through 18, we  
3 will be discussing 272, Track A, and public interest,  
4 and general terms and conditions to the extent that time  
5 is available. A follow-up session is scheduled for July  
6 30 through -- let's be off the record for just a minute.

7 (Discussion off the record.)

8 JUDGE WALLIS: We are scheduling a follow-up  
9 session to begin on July 30 through August 3rd with the  
10 understanding that to the extent that time is not all  
11 necessary, we will be able to reduce the time in the  
12 session accordingly. The Monday sessions will be  
13 scheduled to begin at 10:00 a.m.

14 It is acceptable to offer portions of records  
15 in other jurisdictions on these topics, particularly the  
16 272 topic, although AT&T plans to bring in a witness to  
17 present issues to the Commission and be available for  
18 questions.

19 The topic of OSS tests and performance data  
20 will be deferred for determination at a later time. It  
21 is likely appropriate that we will undertake a  
22 prehearing conference during the follow-up session so  
23 that we can consider in scheduling those sessions the  
24 current status as of that point of the OSS tests. We  
25 will facilitate to the extent possible a process for

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1 those considerations that minimizes the time while  
2 affording sufficient opportunity for parties to present  
3 evidence to the Commission on these topics that they  
4 would like to do so.

5 Is there anything that I have omitted?

6 In clarification, the performance plan would  
7 be a part of the latter topic area.

8 MR. WOLTERS: I just have --

9 JUDGE WALLIS: Mr. Wolters.

10 MR. WOLTERS: -- a question, Judge. I think  
11 we need to ask someone, whether Staff or whoever's  
12 responsibility that is, to set some filing dates, or  
13 have those already been established?

14 JUDGE WALLIS: I believe those have been

15 established, and none of the times or dates previously  
16 altered would need to be changed as a result of this  
17 scheduling discussion.

18 Mr. Cromwell.

19 MR. CROMWELL: Your Honor, just also to  
20 clarify, should the parties consult informally prior to  
21 July 9 on scheduling specific issues for the witnesses'  
22 convenience?

23 JUDGE WALLIS: Yes, I would ask the parties  
24 to engage in those discussions, and when agreement is  
25 reached or at a point that you wish to have a Commission

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1 decision, please bring that back to us. We will do our  
2 best to accommodate the parties' needs for witness  
3 scheduling so that, of course, the record available to  
4 the Commission is the best possible.

5 MR. STEESE: One last point, Judge, and you  
6 said this inferentially, certainly Qwest does not object  
7 and I don't think the other parties do to bringing in  
8 records from other states. I would say, and AT&T,  
9 please correct me if I'm wrong, that with respect to  
10 272, it is our clear plan to not have a workshop, but to  
11 make a presentation and to make ourselves available for  
12 questions from anyone that might not have had an  
13 opportunity to ask questions in another state, including  
14 the Staff.

15 JUDGE WALLIS: Yes. It is understood, of  
16 course, that the offer of the record in another  
17 jurisdiction is the offer of evidence, and parties will  
18 all have the opportunity to comment upon it.

19 MR. WOLTERS: I just want to make clear, I  
20 think I don't want any disagreement later how whatever  
21 is happening goes beyond what was expected. I think it  
22 will be reasonably short, I don't see it going all day,  
23 but I don't want anybody to say, well, we're going to  
24 cut off here on 272 because this is beyond the scope of  
25 what was really contemplated. I think bringing in the

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1 record will expedite the process, but I want to be able  
2 to answer any questions or provide a summary. To the  
3 extent that that takes a little longer than we  
4 anticipated, I think it's important that that be done.

5 JUDGE WALLIS: We also are anxious that a  
6 sufficient record be developed.

7 All right, is there anything further?

8 Let's be in recess, well, let's conclude this  
9 Prehearing Conference, and we will take up at 1:15 with  
10 the workshop previously scheduled to begin today.

11 (Hearing adjourned at 12:10 p.m.)

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