

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In re Application of U S WEST, INC. and	)	DOCKET NO. UT-991358
QWEST COMMUNICATIONS	)	
INTERNATIONAL INC.	)	NOTICE OF PREHEARING
	)	CONFERENCE
for an Order Disclaiming Jurisdiction, or in	)	(March 6, 2002, 1:00 p.m.)
the Alternative, Approving the U S WEST,	)	
INC. -- QWEST COMMUNICATIONS	)	NOTICE OF HEARING
INTERNATIONAL INC. Merger	)	(March 6, 2002, 1:30 p.m.)
.....	)	

1        On August 31, 1999, U S WEST, Inc. and Qwest Communications International Inc. jointly filed an application requesting that the Commission issue an order disclaiming jurisdiction over the transaction, or in the alternative, approving the merger. The Commission granted the petition by order entered June 19, 2000.

2        On January 31, 2002, Qwest petitioned the Commission to modify certain requirements of the Commission's Ninth Supplemental Order in Docket No. UT-991358 and to mitigate a portion of a credit due to customers under a provision of that Order relating to service quality.

3        Qwest addresses one standard in the Service Quality Performance Program established in the Order, the standard entitled Repair Intervals for Out-of-Service Conditions. The Order allows Qwest to "petition the Commission for mitigation of the credit amounts that would otherwise be paid" and that the Commission "shall consider whether the assessment of credit amounts is due to unusual or exceptional circumstances for which the Company's level of preparedness and response was reasonable." Qwest seeks mitigation of the credit amount for this service quality performance standard for eight of twelve months in 2001, when it achieved performance at 99.5% or better, to reduce by \$666,667 the \$1,000,000 credit due for this element according to terms of the Order.

4        Qwest also seeks modification of the Order regarding the standard addressing Repair Intervals for Out-of-Service Conditions, to provide for future credits only when it fails to achieve performance at 99.5% or better, in lieu of the 100% level provided by the Order.

5        The hearing set by this notice is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.449, and RCW 34.05.452. The Commission has the authority to decide this matter pursuant to Title 80 RCW, having legal authority to regulate the rates,

services, and practices of electric utilities, and pursuant to chapter 80.08 RCW, concerning securities, and chapter 80.12 RCW, concerning transfers of property, mergers, and acquisitions. In addition to the foregoing, statutes and rules involved include those within chapters 80.04 and 80.36 RCW, and chapters 480-100, 480-143 and 480-146 WAC, and chapter 480-09 WAC. The issues involved include whether the Commission should grant the petition to modify the Ninth Supplemental Order and to mitigate credits due under its existing terms.

6 NOTICE IS GIVEN that, in accordance with WAC 480-09-700(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.

7 **NOTICE IS FURTHER GIVEN That a prehearing conference in this matter will be convened at 1:00 p.m., March 6, 2002, in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

8 **NOTICE IS FURTHER GIVEN That a hearing conference in this matter will be convened at 1:30 p.m., March 6, 2002, in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

9 **NOTICE IS FURTHER GIVEN That Commission Staff, Public Counsel, and intervenor responses to the petition are due February 22, 2002, with the reply, if any, due February 27, 2002.**

10 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

11 **NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.**

12 An Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Section, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, 360-664-1140, will be assigned to preside at the hearing.

13 The names and mailing addresses of all parties and their known representatives are as follows:

Petitioner: Qwest Communications, Inc.  
Theresa Jensen  
Washington Regulatory Director

Representatives: 1600 7th Avenue, Room 3206  
Seattle, Washington 98191  
Lisa A. Anderl  
Senior Attorney  
1600 7th Avenue, Room 3206  
Seattle, Washington 98191  
Tel: 206-345-1574  
Fax: 206-343-4040

Commission: Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
360-664-1160

Representative: Sally G. Johnston  
Senior Assistant Attorney General  
1400 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128  
Tel: 360-664-1193  
Fax: 360-586-5522

Public Counsel: Simon J. ffitch  
Public Counsel Section  
Office of Attorney General  
900 Fourth Avenue, Suite 2000  
Seattle, WA 98164-1012  
Tel: 206-464-7744  
Fax: 206-389-2058

14 The Commission will provide at its offices in Olympia, Washington, current records of the hearing for the use of those who may wish to review them. The Public Counsel section of the Office of the Attorney General has been designated by the Attorney General to represent the public. The address of the Commission, shown below, may be used for inquiries of Public Counsel, or Public Counsel may be contacted directly by writing or calling the address or telephone number listed below.

15 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN  
Executive Secretary

February 15, 2002

Inquiries may be addressed to:

Secretary  
Washington Utilities and  
Transportation Commission  
Chandler Plaza Building  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, WA 98504-7250  
(360) 664-1160

-or-

Public Counsel Section  
Office of Attorney General  
900 Fourth Avenue, Suite 2000  
Seattle, WA 98164-1012  
(206) 464-7744

**NOTICE**

PLEASE BE ADVISED that the hearing facilities are accessible to interested persons with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, Secretary, 1300 S. Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION).

Docket  
No.: \_\_\_\_\_

Case  
Name: \_\_\_\_\_

Hearing Date: \_\_\_\_\_ Hearing Location: \_\_\_\_\_

Primary  
Language: \_\_\_\_\_

Hearing Impaired (Yes) \_\_\_\_\_  
(No) \_\_\_\_\_

Do you need a certified sign language interpreter?:

Visual \_\_\_\_\_ Tactile \_\_\_\_\_

Other type of assistance needed: \_\_\_\_\_

English-speaking person who can be  
contacted if there are questions:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_