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1 JUDGE MACE: All right. Let's be on the
2 record in Docket Number UT-051682. This is the
3 complaint of AT&T Communications of the Pacific
4 Northwest, Inc., TCG Seattle and TCG Oregon, and Time
5 Warner Telecom of Washington against Qwest
6 Corporation.

7 This is January 25th, 2006, and we are
8 convened at the offices of the Washington Utilities
9 and Transportation Commission in Olympia, Washington.
10 This is a pre-hearing conference on this complaint.
11 My name is Theodora Mace. I'm the Administrative Law
12 Judge who's been assigned to hold hearings in this
13 matter.

14 At this point, I'd like to have the oral
15 appearances of counsel now of the long form. Since
16 both counsel have been before the Commission before,
17 I'm sure they know what that means, and I'll just
18 turn to them. First, I'll turn to the Complainants.

19 MR. KOPTA: Thank you, Your Honor. Gregory
20 J. Kopta, of the Law Firm of Davis, Wright, Tremaine,
21 LLP, 2600 Century Square, 1501 Fourth Avenue,
22 Seattle, Washington, 98101-1688. Telephone,
23 206-628-7692; fax, 206-628-7699; e-mail
24 gregkopta@dwt.com, and I'm appearing on behalf of the
25 Complainants, AT&T Communications of the Pacific

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1 Northwest, Inc., TCG Seattle, TCG Oregon and Time
2 Warner Telecom of Washington, L.L.C., and in
3 addition, I'm appearing on behalf of Integra Telecom
4 of Washington, Inc. and Covad Communications Company.

5 MS. ANDERL: Your Honor, Lisa Anderl,
6 in-house counsel representing Qwest Corporation. My
7 business address is 1600 Seventh Avenue, Room 3206,
8 Seattle, Washington, 98191. My e-mail is
9 lisa.anderl@qwest.com; phone is 206-345-1574, and the
10 fax is 206-343-4040, not that anyone uses that
11 anymore.

12 JUDGE MACE: Okay. Well, let me get my
13 notes out here. We have a procedural list of items
14 to address in the pre-hearing conference. I want to
15 note for the record that I received no petitions to
16 intervene and there is no one in the hearing room
17 today who seeks to enter an oral petition to
18 intervene.

19 Let me ask now whether parties seek a
20 protective order in this matter.

21 MS. ANDERL: I think one would likely be
22 necessary, Your Honor.

23 MR. KOPTA: We agree.

24 JUDGE MACE: And with regard to discovery?

25 MR. KOPTA: Yes.

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1 MS. ANDERL: I think we'll be doing
2 discovery.

3 JUDGE MACE: The discovery rules will be
4 invoked. And that leads us directly to the
5 procedural schedule. I'm thinking that,
6 realistically, I can have a ruling on the motion for
7 -- I believe it was for summary determination. It
8 was sort of joint --

9 MS. ANDERL: Dismissal. The statute of
10 limitations issue's really the heart of that.

11 JUDGE MACE: Yeah, February 10th. It may
12 come out before then, but I want to make sure that I
13 give myself that time.

14 MS. ANDERL: Yeah. Well, and Your Honor,
15 maybe I should let you kind of go on and talk through
16 this, but Mr. Kopta and I spoke yesterday, and we did
17 agree that either one of us who did not prevail would
18 likely petition for interlocutory review, and so
19 would it make sense that we propose we just wait --
20 ask for it to be a Commission order on the motion for
21 dismissal and summary determination, because it could
22 otherwise just potentially confuse the procedural
23 schedule, expecting the parties to go ahead after
24 Your Honor's order, but of course having
25 interlocutory review pending.

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1 JUDGE MACE: Well, I think what I'd like to
2 see happen is for you to build in time for
3 interlocutory review, and I would like to have a
4 schedule set up. My reading of this Commission is
5 that they would prefer to have a schedule to rely on
6 and, depending on what they -- ultimately what they
7 determine in ruling on the motion.

8 So I guess if -- let's say I have a ruling
9 out by February -- let's be off the record and talk
10 about this. It doesn't need to be on the record.

11 (Discussion off the record.)

12 JUDGE MACE: Let's be on the record. We've
13 discussed the scheduling and have come to the
14 following schedule. A ruling on Qwest's motion for
15 summary determination should be out by February 10th.
16 The parties have indicated they will likely take that
17 ruling, that ALJ ruling up to the Commission, and so
18 we're providing time in the schedule for that, and
19 I'm not going to outline those days.

20 However, in view of the need for that time
21 in the schedule for that process, we have discussed a
22 date for filing of direct testimony of April 28th,
23 2006; response testimony due June 30th, 2006;
24 rebuttal testimony July 28th; and a hearing to take
25 place August 21st through 23rd.

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1 The pre-hearing conference order will
2 provide you with information about how many copies of
3 documents you need to file when you're filing
4 testimony and pleadings and will outline the schedule
5 and give you a contact list.

6 When we were off the record prior to the
7 hearing this morning, Mr. Kopta, you indicated that
8 you thought that, depending on the Commission's
9 ruling, that Integra and Covad would either be filing
10 an amended complaint similar to this one or they
11 would seek to amend this complaint to be -- let me
12 start again. That Integra and Covad would file a
13 complaint similar to this one or you would file an
14 amended complaint in this proceeding to include them.

15 MR. KOPTA: Yes, Your Honor. The intent
16 there is that they would want to participate as full
17 parties, not simply as intervenors, and so I have
18 discussed that with counsel for Qwest prior to the
19 pre-hearing and I raised it with Your Honor before
20 the pre-hearing conference began as to how best to do
21 that procedurally, and those seemed to be the two
22 best options, either to have Integra and/or Covad
23 file their own complaint, which would look
24 essentially identical to the complaint filed in this
25 docket, and actually have that consolidated with this

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1 proceeding, or to amend the complaint in this
2 proceeding to simply add them as additional parties.

3 I think the consensus from our discussion
4 this morning was that it would be procedurally best
5 for all concerned to amend this complaint to add them
6 as parties, and so that would be our contemplation if
7 Qwest's motion is ultimately denied.

8 JUDGE MACE: Yes, I think that conforms to
9 what I understood our discussion to be. All right.
10 Is there anything else we need to address?

11 MS. ANDERL: No, Your Honor.

12 JUDGE MACE: All right. Thank you.

13 MR. KOPTA: Thank you.

14 MS. ANDERL: Thank you.

15 (Proceedings adjourned at 9:49 a.m.)

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