

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of)	DOCKET NO. UT-041127
)	
THE JOINT PETITION FOR)	ORDER NO. 01
ENFORCEMENT OF)	
INTERCONNECTION)	PREHEARING CONFERENCE
AGREEMENTS WITH VERIZON)	ORDER; ESTABLISHING
NORTHWEST, INC.)	PROCEDURAL SCHEDULE;
)	NOTICE OF PREHEARING
)	CONFERENCE
)	(Tuesday, December 7, 2004
)	at 9:00 a.m.)
.....)	

1 **NATURE OF PROCEEDING.** This proceeding involves a petition filed by Advanced TelCom, Inc. (ATI), AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Seattle (collectively AT&T), MCI metro Access Transmission Service, LLC (MCI), and United Communications, Inc., d/b/a UNICOM (UNICOM), collectively the Joint Petitioners, seeking enforcement of their interconnection agreements with Verizon Northwest, Inc. (Verizon).

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on October 11, 2004, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Letty Friesen, AT&T Law Department, Denver, Colorado, represents AT&T. Michel Singer Nelson, Senior Regulatory Attorney, Denver, Colorado, represents MCI. Brooks Harlow, Miller Nash LLP, Seattle, Washington, represents ATI and UNICOM. David E. Mittle, Santa Fe, New Mexico, represents Tel West Communications, L.L.C. (Tel West). Timothy J. O'Connell and John H. Ridge, Stoel Rives LLP, Seattle, Washington, and Charles

H. Carrathers, III, Vice President and General Counsel for Verizon Northwest Inc. and Verizon Southwest Inc., Irving, Texas, represent Verizon. Jonathan Thompson, Assistant Attorney General, Olympia, Washington represents Commission Staff. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

4 **PETITION FOR INTERVENTION.** On September 24, 2004, Tel West filed with the Commission a petition to intervene in the proceeding. No party objected during the conference to the petition for intervention, which was granted.

5 **DISCOVERY.** MCI seeks to conduct discovery on factual issues Verizon raises in its answer and motion for judgment on the pleadings. The rules governing petitions for enforcement of interconnection agreements provide that "the presiding officer may allow limited discovery requiring only the disclosure of facts relating directly to matters at issue, and only if the discovery is shown to be essential to the requesting party." *WAC 480-07-650(4)(c)*. The Commission will allow limited discovery relating to factual issues raised by Verizon in its motions and answer, as the discovery appears to be essential to MCI's ability to address Verizon's factual claims and to ensure that the proceeding is conducted in an expedited manner. A schedule for addressing discovery disputes is set forth in Appendix B to this Order.

6 **MOTIONS.** On September 28, 2004, Verizon filed with the Commission a motion for judgment on the pleadings and a motion to strike certain portions of the Joint Petition and supporting affidavits. The motions were taken under advisement and a schedule set for their consideration. The schedule for briefing on the motions is set forth in Appendix B to this Order.

7 **PROCEDURAL SCHEDULE.** Following discussion of the parties various proposals for a procedural schedule in this proceeding, the Administrative Law Judge established a procedural schedule for the proceeding. The procedural

schedule is attached to this Order as Appendix B and incorporated into the body of this Order by this reference.

- 8 **NOTICE OF PREHEARING CONFERENCE.** The Commission convenes a prehearing conference in this matter to address any issues remaining in the proceeding following a determination on Verizon's Motion for Judgment on the Pleadings and Motion to Strike, as well as to establish a procedural schedule to address any remaining issues. **The conference will be held on Tuesday, December 7, 2004, beginning at 9:00 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **seven** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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.
- 10 All filings must be mailed or delivered by hand to the Commission's Executive 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.
- 11 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file

in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

12 **ELECTRONIC SUBMISSIONS.** Parties may only submit documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic submission of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to records@wutc.wa.gov, and file an original, plus **seven** copies, of the document with the Commission by the following business day.

13 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 14th day of October, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

PARTIES REPRESENTATIVES				
DOCKET NO. UT-041127			Updated 10/14/04	
COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Advanced TelCom, Inc.	BROOKS E. HARLOW Miller Nash LLP 440 Two Union Square 601 Union Street Seattle, WA 98101	206-622-8484	206-622-7465	brooks.harlow@millernash.com
AT&T	LETTY S.D. FRIESEN AT&T Law Department 1875 Lawrence Street Suite 1575 Denver, CO 80202	303-298-6475	303-298-6301	lsfriesen@att.com
MCI	MICHEL SINGER NELSON Senior Regulatory Attorney MCI, Inc. 707 17 th Street, Suite 4200 Denver, CO 80202	303-390-6106	303-390-6333	michel.singer_nelson@mci.com
Tel West Communications	DAVID E. MITTLE Law Office of David E. Mittle 208 Maynard Santa Fe, NM 87501	505-982-4021	505-988-7419	dmittle@att.net
UNICOM	BROOKS E. HARLOW Miller Nash LLP 440 Two Union Square 601 Union Street Seattle, WA 98101	206-622-8484	206-622-7465	brooks.harlow@millernash.com
VERIZON	TIMOTHY J. O'CONNELL JOHN H. RIDGE Stoel Rives LLP 600 University, Suite 3600 Seattle, WA 98101	206-386-7562 206-386-7575	206-386-7500 (Same)	tjoconnell@stoel.com jhridge@stoel.com

VERIZON (cont.)	CHARLES H. CARRATHERS III Vice President & General Counsel Verizon Southwest Inc. & Verizon Northwest Inc. 600 Hidden Ridge Mail Code HQE02H45 P.O. Box 152092 Irving, TX 75015-2092	972-718-2415	972-718-0936	chuck.carrathers@verizon.com
Commission Staff	JONATHAN THOMPSON Assistant Attorney General 1400 S Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	jthomps@wutc.wa.gov
Presiding Administrative Law Judge	ANN E. RENDAHL 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1144	360-664-2654 [ALD fax only - do not use to file]	arendahl@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UT-041127

EVENT	DATE
Identification of any discovery disputes	Friday, October 15, 2004
Teleconference call to resolve discovery disputes	Tuesday or Wednesday, October 19 or 20, 2004
Answers to Verizon's Motion for Judgment on the Pleadings and Motion to Strike	Monday, October 25, 2004
Reply by Verizon to Answers to Motions	Friday, November 12, 2004
Order on Verizon Motions	By Tuesday, November 30, 2004
Prehearing Conference	Tuesday, December 7, 2004