

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

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UT-060962
)	
Complainant,)	ORDER 03
)	
v.)	PREHEARING CONFERENCE
)	
AT&T COMMUNICATIONS OF THE)	NOTICE OF HEARING
PACIFIC NORTHWEST, INC.)	(Set for September 27, 2007)
)	
Respondent.)	
.....)	

- 1 **NATURE OF PROCEEDING.** This is a complaint proceeding brought by the Commission on a finding of probable cause that AT&T Communications of the Pacific Northwest, Inc. (AT&T) improperly charged customers receiving collect calls from prisons in Washington State more than the amount stated in effective schedules on file with the Commission, in violation of RCW 80.36.130.
- 2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) conducted a prehearing conference in this docket on June 22, 2007, at Olympia, Washington before Administrative Law Judge Dennis J. Moss.
- 3 **CONFIDENTIAL INFORMATION.** Prior to Commission Staff requesting a probable cause determination to issue the subject complaint, counsel for Staff and AT&T advised the Commission of a dispute over AT&T's designation of certain information as confidential under RCW 80.04.095. AT&T asserted that it had provided confidential data to Staff and that the data were confidential even in an aggregated form.¹ Staff disputed AT&T's claim of confidentiality. To preserve AT&T's claim of confidentiality, the complaint did not include any information AT&T alleges to be confidential. However, the underlying Staff investigation into this matter does include aggregations of information AT&T asserts is confidential.

¹ See May 10, 2007, letter to Carole J. Washburn from Gregory J. Kopta, counsel for AT&T.

4 The Commission provided the parties an opportunity to submit written argument prior to the prehearing conference and heard argument on issue of confidentiality at the prehearing conference. The presiding officer gave the parties a further opportunity to resolve their dispute off the record, which they did.

5 On June 29, 2007, Staff filed a letter describing the parties' agreement. The letter is attached to and made a part of this Order as Appendix C. It describes the information in Staff's investigative report as to which AT&T no longer asserts confidentiality and the information as to which the parties agree confidential treatment will be preserved. The Commission accepts the parties' agreement as a reasonable accommodation under the circumstances without expressing any opinion concerning whether the redacted information will be regarded by the Commission as confidential under RCW 80.04.095 if challenged via a public records request.

6 **The Commission directs Staff to refile within five business days after the date of this Order the redacted version of its investigative report with appropriate changes considering the parties' agreement.**

7 **SCHEDULE.** The parties proposed and the Commission adopts the following procedural schedule:

Settlement Conference	July 19, 2007
Staff Direct Testimony	August 3, 2007
AT&T's Response Testimony	August 30, 2007
Staff's Rebuttal Testimony	September 13, 2007
Evidentiary Hearing	September 27, 2007
Briefs	TBD

8 The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally and should determine a date on which they will discuss the prospects for resolution via and agreed form of alternative dispute resolution. The Commission has limited ability to provide dispute

resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.

- 9 **PROTECTIVE ORDER.** The parties ask the Commission to enter a protective order to preserve the confidentiality of proprietary information with provisions for handling information and documents that parties may designate as “confidential” consistent with the Commission’s procedural rules concerning protective orders. *RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423.* A protective order has been entered in this docket.
- 10 **DISCOVERY.** The parties will conduct discovery in accordance with the Commission’s discovery rules, WAC 480-07-400, *et seq.*
- 11 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter on **September 27, 2007, at 9:30 a.m.** in the Commission’s Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 12 **FILING; COPIES OF MATERIALS:** Parties must submit the original and **15** copies of all documents filed. All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission’s records center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service.
- 13 An electronic copy of all filings must be provided through the Commission’s Web Portal (www.wutc.wa.gov/e-filing) or 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.

- 14 All paper copies of testimony, exhibits, and briefs must conform to the publication guidelines included in the Commission's procedural rules governing filings (*i.e.*, WAC 480-07-145, -395, -423, and -460). The Commission may require a party to refile any document that fails to conform to these standards.
- 15 **ELECTRONIC SUBMISSION OF DOCUMENTS.** The presiding officer grants a one-day extension of the paper-filing requirement, allowing parties to submit documents to the Commission electronically on the filing deadline. Parties may submit documents electronically either through the Commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via e-mail to records@wutc.wa.gov, and must file an original, plus **15** paper copies, of the document with the Commission by the following business day. Finally, to perfect filing, parties must provide courtesy copies to the presiding administrative law judge as well as the parties to the proceeding.
- 16 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-07-430(3). Absent Commission action on any objection, this prehearing conference order will control further proceedings in this matter**

Dated at Olympia, Washington, and effective July 3, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX A
PROCEDURAL SCHEDULE
DOCKET UT-060962

<u>EVENT</u>	<u>DATE</u>	<u>INTERVAL</u>
Settlement Conference	July 19, 2007	
Staff Direct Testimony	August 3, 2007	
AT&T's Response Testimony	August 30, 2007	27
Staff's Rebuttal Testimony	September 13, 2007	14
Evidentiary Hearing	September 27, 2007	14
Briefs	TBD	

APPENDIX B

PARTIES' and INTERESTED PERSONS' REPRESENTATIVES DOCKET UT-060962				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
AT&T	Gregory J. Kopta Davis Wright Tremaine 1201 Third Avenue Suite 2200 Seattle, WA 98101	206 757-8079	206 757-7079	gregkopta@dwt.com
Commission Regulatory Staff	Michael Fassio Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	mfassio@utc.wa.gov
INTERESTED PERSON—	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
GlobalTel*Link Corporation	Brooks Harlow Miller Nash LLC 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352	206 622-8484	206 622-7485	Brooks.harlow@millernash.com

APPENDIX C