

[Service Date September 29, 2003]

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

WASHINGTON EXCHANGE)	DOCKET NO. UT-031472
CARRIER ASSOCIATION, et. al.,)	
)	
Complainant,)	
)	NOTICE OF PREHEARING
v.)	CONFERENCE
)	(Set for October 20, 2003)
LOCALDIAL CORPORATION, an)	
Oregon Corporation,)	
)	
Respondent.)	
.....)	

1 On September 15, 2003, the Commission received a “Stay Order and Order of Referral to WUTC” entered by the United States District Court, Western District of Washington at Tacoma, in Case No. CV03-5012 RBL, styled *Washington Exchange Carrier Association, et al. v. LocalDial Corporation*. The plaintiffs in the District Court action allege that LocalDial Corporation's (“LocalDial”) business activities in Washington state require it to pay them access charges for originating and terminating intrastate long distance telephone calls that use plaintiffs’ equipment and/or facilities. A more detailed account of the dispute is reflected in the Order, which is available for inspection at the Commission's office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, or at the Commission's website at www.wutc.wa.gov/031472. Because the issue referred to the Commission is a contested issue in pending litigation, it is set for consideration as an adjudication that is styled under the names of the litigants in federal court.

2 Hearing in this matter 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 34.05.431, RCW 34.05.440, 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 public utilities. In addition to the foregoing, statutes and rules involved include those within chapter 80.04 and 80.36 RCW, and chapters 480-120 and chapter

480-09 WAC. The issues involved include: 1) whether LocalDial is conducting business subject to the Commission's regulatory authority; 2) whether plaintiffs' tariffs apply to the VoIP intrastate telephone calls made by LocalDial's customers using plaintiffs' facilities; and, 3) whether and to what extent carriers using VoIP technology should be regulated, if the Commission has the statutory and regulatory authority to do so.

3 **NOTICE IS HEREBY GIVEN That a prehearing conference in this matter will be held on Monday, October 20, 2003, at 9:30 a.m., in Room 206 Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

4 The purpose of the prehearing conference is to consider formulating the issues in the proceeding, and to determine other matters to aid in its disposition, as specified in WAC 480-09-460. One of the preliminary questions may be whether this matter may properly be conducted as an adversarial adjudication (with interventions as may be allowed) or whether some other procedural format would better serve the interests of the court, the litigants, and the public. Parties and petitioners for intervention are therefore asked to come prepared to discuss this issue of process.

5 **Petitions for Intervention.** To facilitate process discussions, the Commission asks that petitions to intervene be made in writing, filed no later than **October 16, 2003**. The time and place for evidentiary hearing will be set at the prehearing conference or by later written notice. Appearances will be taken.

6 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.

7 **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.**

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

Complainant: Washington Exchange Carrier Association
800 "C" Street
Vancouver, WA 98660

Representative: Richard A. Finnigan
Attorney at Law
2405 Evergreen Park Drive S.W., Suite B-3
Olympia, WA 98502
(360) 956-7001

Respondent: LocalDial Corporation
2701 Vaughn Street
Portland, OR 97210

Representative: Stephen J. Kennedy
Attorney at Law
Ater Wynne LLP
601 Union Street, Suite 5450
Seattle, WA 98101-2327
(206) 623-4711

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

Representative: Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225

Public Counsel: Simon J. ffitc
Public Counsel
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 464-7744

- 9 Dennis J. Moss is designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.
- 10 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.
- 11 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.

Dated at Olympia, Washington and effective this 29th day of September, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be addressed to:

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

or

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

(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and 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 stated below and returned to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, 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.: (____) _____