

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

ESCHELON TELECOM OF	)	DOCKET NO. UT-033039
WASHINGTON, INC.,	)	
	)	
Petitioner/Complainant,	)	
	)	
v.	)	NOTICE OF PREHEARING
	)	CONFERENCE
QWEST CORPORATION,	)	(Set for October 7, 2003)
	)	
Respondent.	)	
.....	)	

1 On September 12, 2003, Eschelon Telecom of Washington, Inc. (Eschelon) filed with the Commission a Petition for Enforcement of Section 252(i) and Complaint against Qwest Corporation (Qwest) pursuant to the Commission's Interpretive and Policy Statement in Docket No. UT-990355 and WAC 480-09-530. The complaint alleges that Qwest charges Eschelon higher rates for UNE-Star than it charges to McLeodUSA. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission's office located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. It is appropriate that the matters raised in the pleadings be brought for hearing before the Commission.

2 Hearing in this matter is being held pursuant to RCW 80.36.610, authorizing the Commission to take actions, conduct hearings, and enter orders as permitted or contemplated for a state commission under the Federal Telecommunications Act of 1996, P.L. 104-104 (110 Stat. 56). Statutes and rules cited in the complaint include 47 U.S.C. § 251(b), 47 U.S.C. § 251(c), 47 U.S.C. § 251(h), 47 U.S.C. § 251(i), 47 U.S.C. § 252(c), 47 U.S.C. § 252(i), RCW 80.36.610, and WAC 480-09-530. In addition to the foregoing, statutes and rules involved include those within chapter 80.36 RCW, chapter 480-09 WAC, and chapter 480-120 WAC. The issues involved are generally stated above and more specifically contained in the complaint.

3 NOTICE IS HERBY 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.

4 **NOTICE IS FURTHER GIVEN That a prehearing conference in this matter  
will be held on Tuesday, October, 7, 2003, at 9:30 a.m., in Room 206, Second  
Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia,  
Washington.**

5 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. Petitions to intervene should be made in writing  
prior to the hearing date or made orally at the hearing. 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:

Petitioner/Complainant      Eschelon Telecom of Washington, Inc.  
13035 Gateway Drive, Suite 119  
Seattle, WA 98168

Representative: Dennis D. Ahlers  
Senior Attorney  
Eschelon Telecom, Inc.  
730 Second Avenue South, Suite 1200  
Minneapolis, MN 55402-2456  
(612) 436-6249

Respondent: Qwest Corporation  
1600 Seventh Avenue  
Seattle, WA 98191

Representative: Lisa Anderl  
Attorney at Law  
1600 Seventh Avenue, Suite 3206  
Seattle, WA 98191  
(206) 345-1574

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

- 9 Commission Staff may appear in this matter pursuant to WAC 480-09-410(2).
- 10 An Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, will preside at the prehearing conference.
- 11 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.

12 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 18th 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  
(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 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.: (\_\_\_\_) \_\_\_\_\_