

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

In the Matter of the Petition for)	
Arbitration of)	DOCKET NO. UT-033035
)	
AT&T COMMUNICATIONS OF THE)	
PACIFIC NORTHWEST AND TCG)	ORDER NO. 02
SEATTLE,)	
)	
With)	PRE-ARBITRATION CONFERENCE
)	
QWEST CORPORATION)	
)	
Pursuant to 47 U.S.C. Section 252(b))	
.....)	

1 **PROCEEDINGS:** On August 8, 2003, AT&T Communications of the Pacific Northwest, Inc. and TCG Seattle (collectively "AT&T"), filed with the Washington Utilities and Transportation Commission ("Commission") a request for arbitration pursuant to 47 U.S.C. §252(b)(1) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) ("Telecom Act"). The petition was served on Qwest Corporation (Qwest). Qwest filed its Response on September 2, 2003. The Commission conducted a duly noticed pre-arbitration conference before Administrative Law Judge Dennis J. Moss ("Arbitrator") on September 3, 2003.

2 **APPEARANCES:** Letty S. D. Friesen, AT&T Law Department, Denver, Colorado, appeared for AT&T. Mary Rose Hughes, Perkins Coie LLP, Washington, D.C., appeared for Qwest.

3 **PROTECTIVE ORDER:** The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, and WAC 480-09-425, as permitted by the Commission's Policy and Interpretive Statement governing process in interconnection agreement arbitration proceedings, to protect the confidentiality of proprietary information. The request was granted, and a protective order will be entered.

4 **ISSUES:** The issues are as stated in the parties' respective filings in this docket. Several issues already have been refined or withdrawn and others may be refined or withdrawn as the parties continue working on these matters in this, and other, jurisdictions. As the date for hearing approaches, the Commission may convene one or more pre-arbitration conferences to determine what issues remain in dispute, or may request an updated version of Exhibit D to AT&T's Petition (*i.e.*, the issues matrix).

5 **WAIVER, AND JOINT REQUEST FOR EXTENSION OF STATUTORY DEADLINE:** AT&T and Qwest request that the Commission extend the statutory deadline for resolving arbitration disputes that is established under the Telecom Act. The parties report that they are involved in arbitration proceedings together in several state jurisdictions and that scheduling conflicts do not allow them to prepare and present their evidence and arguments in this proceeding in the time-frame established under the Telecom Act.

6 AT&T and Qwest stated on the record of the pre-arbitration conference that they waive all rights they may have to challenge or otherwise seek to overturn or nullify as untimely the Commission's resolution of the disputed issues in this arbitration so long as the Arbitrator enters his Arbitration Report resolving those issues on or before December 15, 2003. The parties waiver applies in all legal forum.

7 **Hearing schedule.** Following discussion with the parties the Commission establishes the following schedule for this proceeding:

Simultaneous direct testimony	September 25, 2003
Simultaneous rebuttal testimony	October 10, 2003
Discovery cut-off	October 17, 2003
Hearing	October 29-30, 2003
Simultaneous post-hearing briefs	November 12, 2003

Arbitrator's report

December 15, 2003

- 8 **ADDITIONAL PRE-ARBITRATION CONFERENCES:** The Commission may convene by notice one or more additional pre-arbitration conferences in this matter, to address the refinement of issues, witness lists and order of presentation, organizing and pre-marking exhibits, and other preliminary matters.
- 9 **NOTICE OF HEARING:** The Commission will convene an arbitration hearing in this matter, beginning at **9:30 a.m., on Wednesday, October 29, 2003**, in the Commission's Offices, Room 108, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 10 Document preparation and process issues. Parties must provide an original and ten (10) copies of each document filed with the Commission. Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties are expected to comply with these provisions.

Dated at Olympia, Washington, and effective this 12th day of September, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Arbitrator

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 480-09-460(2). Absent such objections, this pre-arbitration conference order will control further proceedings in this matter, subject to Commission review.

APPENDIX A

PARTIES' REPRESENTATIVES

(*Lead Counsel designated for receipt of official service)

DOCKET NO. UT-033035

updated 9/4/2003

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL ADDRESS
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
	Steven H. Weigler AT&T Law Department 1875 Lawrence Street, Suite 1575 Denver, CO 80202			
Qwest Corporation	Mary Rose Hughes* Perkins Coie LLP 607 Fourteenth Street, N.W. Washington, DC 20005-2011	(202) 628-6600	(202) 434-1690	mhughes@perkinscoie.com
	Lisa Anderl Qwest 1600 7 th Avenue, Room 3206 Seattle, WA 98191	(206) 345-1574	(206) 343-4040	landerl@qwest.com
	Adam Sherr Qwest 1600 7 th Avenue, Room 3206 Seattle, WA 98191	(206) 398-2500	(206) 343-4040	adamsherr@qwest.com

APPENDIX B

I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be:

- On 8 ½ x 11 paper, punched for insertion in a 3-ring binder,
- Punched with OVERSIZED HOLES to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- SEQUENTIALLY NUMBERED (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- DATED ON THE FIRST PAGE OF EACH ITEM and on the label of every diskette. If the item is a revision of a document previously submitted, it must be clearly labeled (REVISED), with the same title, and with the date it is filed clearly shown.

Electronic files must be designated R for revision, when applicable, with an ordinal number showing the revision number.

II. Identifying exhibit numbers; Exhibits on cross examination.

A. Identifying exhibits. It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and (JQP) designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing. We may schedule a pre-arbitration conference to deal with the exhibits as close as possible to the hearing itself, or we may arrange for the exchange of cross-examination exhibits by other means.