

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

In the Matter of the Application of)	DOCKET NO. UT-991358
)	
U S WEST, INC., and QWEST)	
COMMUNICATIONS)	
INTERNATIONAL INC.)	NOTICE OF PREHEARING
)	CONFERENCE
For an Order Disclaiming Jurisdiction, or)	(Set for March 10, 2004, at
in the Alternative, Approving the U S)	10:30 a.m.)
WEST, INC., - QWEST)	
COMMUNICATIONS)	
INTERNATIONAL INC. Merger)	
)	
.....)	

1 On February 2, 2004, Qwest Corporation (Qwest) filed with the Commission, in accordance with the Commission's Ninth Supplemental Order in Docket No. UT-991358, a Petition to Terminate or Modify the Service Quality Performance Program effective as of December 31, 2003. In the alternative, Qwest requests modification of the Service Quality Performance Program to reflect the new retail service quality rules that became effective on July 1, 2003, and to correct certain flaws in the application of the existing Service Quality Performance Program payment structure. The Commission entered its Ninth Supplemental Order in this docket on June 19, 2000, approving and adopting the settlement agreements and granting the application. A copy of the petition is available on the Commission's website at www.wutc.wa.gov/991358.

2 The Commission will hear this matter pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission has jurisdiction over this matter pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of public utilities. Statutes involved, in addition to those previously cited, include those within chapters 80.01 RCW, 80.04 RCW and 80.36 RCW. Rules involved include those within chapters 480-07 WAC and 480-120 WAC.

- 3 The ultimate issues include whether the petition is just, fair, reasonable, sufficient, and in the public interest. In accordance with the provisions of RCW 80.04.130, the burden of proof shall be upon Qwest, the Petitioner/Applicant.
- 4 NOTICE IS HEREBY GIVEN That in accordance with WAC 480-07-440(1)(a), the Commission has determined that good cause exists for this matter to be heard on shortened notice.
- 5 **NOTICE IS GIVEN That a prehearing conference in this matter will be held on Wednesday, March 10, 2004, at 10:30 a.m., in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 6 The purpose of the prehearing conference is to take interventions, establish dates for distribution of evidence and other scheduling matters, consider formulating the issues in the proceeding and to determine other matters to aid in its disposition, as specified in WAC 480-07-430.
- 7 Petitions to intervene must be made in writing at least five business days prior to the date of the prehearing conference, pursuant to WAC 480-07-355(a). In addition, notices of appearance must be filed with the Commission, as required by WAC 480-07-345(2), no later than the day prior to the conference. 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. The time and place for the evidentiary hearings will be set at the prehearing conference or by later written notice.
- 8 **THE COMMISSION GIVES NOTICE That any party who fails to attend or participate in the prehearing conference 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 480-07-450 are specifically invoked.**

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

Petitioner/Applicant: Qwest Corporation
1600 7th Avenue, Room 3206
Seattle, WA 98191

Representative: Lisa A. Anderl, Attorney
Adam L. Sherr, Attorney
1600 7th Avenue, Room 3206
Seattle, WA 98191
(206) 398-2500

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Christopher Swanson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1220

Public Counsel: Simon J. ffitc
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 646-7744

A list of all other parties to the original proceeding is attached as Appendix A.

- 10 C. Robert Wallis, 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 of telephone number listed below.
- 12 The complete file is available for inspection during office hours at the Commission's Records Center in Olympia, Washington. 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 25th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be addressed to

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(36) 664-1160

- or - Public Counsel Section
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, AW 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.: (____) _____

Appendix A¹

Representing U S WEST, Inc.:

Lisa A. Anderl
U S WEST Communications, Inc.
1600 7th Avenue #3206
Seattle, WA 98191

James Van Nostrand
Stoel Rives LLP
600 University Street #3600
Seattle, WA 98101-3197

Representing Qwest Communications International, Inc.:

Ronald Wiltsie
Mace Rosenstein
Gina Spade
Hogan & Hartson L.L.P.
555 Thirteenth Street N.W.
Washington, D.C. 20004

Representing AT&T Communications of the Pacific Northwest, Inc.:

Gregory J. Kopta
Dan Waggoner
Davis Wright Tremaine
1501 Fourth Avenue #2600
Seattle, WA 98101-1688

¹ The parties' information listed in Appendix A is current as of the Ninth Supplemental Order dated June 19, 2000.

Representing Advanced Telecom Group, Inc., Nextlink Washington, Inc., and Northpoint Communications, Inc.:

Gregory J. Kopta
Davis Wright Tremaine
1501 Fourth Avenue #2600
Seattle, WA 98101-1688

Representing Washington Independent Telephone Association and SBC National, Inc.:

Richard A. Finnigan
Attorney at Law
2405 Evergreen Park Drive S.W., Suite B-3
Olympia, WA 98502

Representing Northwest Payphone Association and Metronet Services Corporation:

Brooks Harlow
Miller Nash LLC
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352

Representing Covad Communications:

Brooks Harlow
Miller Nash LLC
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352

Clay Deanhardt
Covad Communications
2330 Central Expressway
Santa Clara, CA 95050

Representing McLeodUSA Telecommunications Services, Inc.:

Mark Trincherro
Davis Wright Tremaine
1300 SW 5th Avenue, Suite 2300
Portland, OR 97201-5682

Representing Level 3 Communications:

William Hunt
Regulatory Counsel
Level 3 Communications
1025 Eldorado Blvd.
Broomfield, CO 80021

Representing Rhythms Links, Inc.:

Arthur A. Butler
Ater Wynne LLP
601 Union Street, Suite 5450
Seattle, WA 98101-2327

Representing Telecommunications Resellers Association (TRA):

Andrew O. Isar
State-State Affairs
Telecommunications Resellers Association
3220 Uddenberg Lane #4
Gig Harbor, WA 98335