

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

In the Matter of the Petition for)	DOCKET UT-063061
Arbitration of an Interconnection)	
Agreement Between)	ORDER 02
)	
QWEST CORPORATION)	
)	PREHEARING CONFERENCE
and)	ORDER
)	
ESCHELON TELECOM, INC.)	NOTICE OF HEARING,
)	(Scheduled for November 28,
Pursuant to 47 U.S.C. Section 252(b).)	2006, 9:30 a.m.)
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-063061 involves Qwest Corporation’s (Qwest) request for arbitration of an interconnection agreement with Eschelon Telecom, Inc., (Eschelon) pursuant to 47 U.S.C. §252(b) of the Telecommunications Act of 1996.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on September 15, 2006, before Administrative Law Judge Patricia Clark.

3 **APPEARANCES.** Lisa A. Anderl, Associate General Counsel, Seattle, Washington, and Jason Topp, Minneapolis, Minnesota, represent Qwest. Gregory J. Kopta, Seattle, Washington, and Gregory Merz, Minneapolis, Minnesota, represent Eschelon. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

4 **DISCOVERY.** Discovery will be conducted pursuant to the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

5 **PROTECTIVE ORDER.** The parties request that the Commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted, and a protective order will be entered.

6 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule for this proceeding.¹ The Commission adopts the proposed procedural schedule, which is attached to this Order as Appendix B. The parties agreed that the date for oral argument before the Commissioners would be established at a later date. After that date is established, it will be appropriate to establish a date for Commission decision.

7 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning **November 28, 2006, at 9:30 a.m.** in Room 108, First Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

8 **INTERCONNECTION AGREEMENT.** Each party submitted a different form of interconnection agreement (ICA). The Administrative Law Judge concluded that a single form of ICA must be used in this arbitration. The form of ICA submitted by Eschelon is the form used in other jurisdictions where arbitrations between Qwest and Eschelon are pending. The parties agreed to use that form of ICA in this arbitration. The Administrative Law Judge determined that it is reasonable to use this form of ICA because both parties are already familiar with the document.

9 **DISPUTED ISSUE MATRIX.** The parties agreed that the disputed issue list attached to the petition for arbitration filed by Qwest will be used as a joint disputed issue list. The list was filed in the form of a matrix which states the issue, applicable section of the interconnection agreement (ICA), as well as each party's proposed language and position.

10 The matrix format is useful for resolving the disputed issues in as efficient and expeditious manner as possible. Accordingly, the Administrative Law Judge requested the parties develop a matrix that separates the legal issues from the factual issues. The legal issues will be addressed in the form of briefs. The factual issues

¹ The parties waived the nine-month period for the issuance of an Arbitrator's Report and Order. (*See* Order 1 in this proceeding).

will be addressed in the evidentiary portion of this proceeding including the evidentiary hearing and the submission of prefiled testimony and exhibits. A deadline for the submission of the matrix will be established by subsequent decision.

- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus eight (8) copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460. We request parties to use a three-hole punch with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 12 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 13 An electronic copy of all filings must be submitted either through the Commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via 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. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 14 **ELECTRONIC SUBMISSION.** As allowed under WAC 480-07-145(6), the parties are granted a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the commission on the filing deadline. Parties must submit the document 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 file an original, plus eight (8) paper copies, of the document with the Commission by the following business day.

15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

16 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to commission review.**

Dated at Olympia, Washington, and effective September 21, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

APPENDIX A				
PARTIES' REPRESENTATIVES				
DOCKET UT-063061				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
QWEST	LISA A. ANDERL Associate General Counsel Qwest Services Corporation 1600 7 th Ave. – Room 3206 Seattle, WA 98191	206-345-1574	206-343-4040	lisa.anderl@qwest.com
	JASON TOPP Corporate Counsel Qwest Services Corporation 200 S. 5 th St., Suite 2200 Minneapolis, MN 5540	612-672-8905	612-672-8911	jason.topp@qwest.com
ESCHELON	GREGORY J. KOPTA Davis Wright Tremaine LLP 1501 4 th Avenue, Suite 2600 Seattle, WA 98101-1688	206-628-7692	206-629-7699	gregkopta@dwt.com
	GREGORY MERZ Gray Plant Mooty 500 IDF Center 80 S. 8 th St. Minneapolis, MN 55402	612-632-3257	612-632-4257	gregory.merz@gpmlaw.com
Presiding Admin. Law Judge	PATRICIA CLARK 1300 S. Evergreen Pk Drive SW PO Box 47250 Olympia, WA 98504-7250	360-664-1136	360-664-2654 (ALD fax only – do not use to file)	pclark@wutc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-063061**

EVENT	DATE	INTERVAL
Submission of Disputed Issues Matrix Separated With Legal and Factual Issues Separated	To be determined	
Prefiled Direct Testimony and Exhibits	September 29, 2006	
Prefiled Responsive Testimony and Exhibits	October 13, 2006	14 days
Prefiled Rebuttal Testimony and Exhibits	October 27, 2006	14 days
Parties must e-mail to ALJ their estimated cross examination times, the preferred order of witnesses, and a list of any cross-examination exhibits	November 21, 2006	25 days
Parties must distribute to other parties and the Commission paper copies of all cross-examination exhibits	November 21, 2006	25 days
Evidentiary hearings	November 28, 29, and 30, 2006, and December 1, 4, 5, 6, 7, and 8, 2006	7 days
Simultaneous Initial Briefs	January 19, 2007	41 days
Simultaneous Responsive Briefs	February 16, 2007	28 days
Arbitrator's Report and Order	May 16, 2007	90 days
Petitions for Review of Arbitrator's Report and Order	June 18, 2007	32 days
Proposed Interconnection Agreement/Answers to Petitions for Review of Arbitrator's Report and Order	July 18, 2007	30 days

EVENT	DATE	INTERVAL
Oral Argument Before Commissioners	To be determined	
Commission Decision	To be determined	