

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

WASHINGTON UTILITIES AND	)	DOCKET UT-060762
TRANSPORTATION COMMISSION,	)	DOCKET UT-060920
	)	DOCKET UT-060921
Complainant,	)	(Consolidated)
	)	
v.	)	
	)	
WESTGATE COMMUNICATIONS	)	NOTICE OF PREHEARING
LLC, d/b/a WEAATEL,	)	CONFERENCE
	)	(Set for September 11, 2006,
Respondent.	)	at 1:00 p.m.)
.....	)	

- 1 On May 10, 2006, in Docket UT-060762, Westgate Communications LLC, d/b/a WeavTel, filed with the Washington Utilities and Transportation Commission (Commission) a petition for waiver of the notice and filing dates prescribed in Paragraph 8 of the Washington Carrier Access Plan as approved by the Commission in Docket UT-971140. WeavTel also petitioned for approval of its proposed, company-specific revenue objective pursuant to the plan.
  
- 2 On June 2, 2006, in Docket UT-060920, WeavTel filed a replacement tariff to its currently effective Tariff WN U-1, designated as WN U-2. The effect of the new tariff would be to increase local rates, reduce switched access charges and eliminate the vacation rate under Tariff WN U-1. On the same day, WeavTel filed in Docket UT-060921 a new tariff designated as WN U-3 related to 9-1-1 services.
  
- 3 The stated effective date of the tariff sheets is July 2, 2006. On June 23, 2006, WeavTel sent the Commission a letter extending the July 2 effective date to July 15. On July 7, 2006, WeavTel sent the Commission a letter extending the July 15, 2006, effective date to July 28, 2006.
  
- 4 These three dockets came before the Commission at its July 26, 2006, open meeting. At that meeting, Commission Staff (Staff) stated that WeavTel has been unable to

provide the Commission audited financial statements to substantiate the Company's actual level of investment. Staff also stated that WeavTel's projected expenses, which are in part a function of investment, also cannot be accurately determined without more complete accounting records. This information is necessary to determine an appropriate revenue objective and to ensure that the proposed tariff charges and rates do not over-recover costs. The Commission set the matter for hearing to provide an opportunity for the information to be developed on an appropriate record.

- 5 The filing in Docket UT-060920 would increase charges and rates for some services, decrease charges and rates for some services, and change some of the terms and conditions of service WeavTel provides. The filing in Docket UT-060921 would institute charges and rates and the terms and conditions of 9-1-1 service to be provided by WeavTel.
- 6 The Commission found that the proposed tariff changes might injuriously affect the rights and interests of the public and that WeavTel had not demonstrated that the changes would result in rates that are fair, just and reasonable. Accordingly, the Commission suspended the tariff filing and will hold public hearings if necessary to determine whether the proposed tariff changes are fair, just and reasonable. In the meantime, the Commission allowed the proposed tariff changes to go into effect, subject to refund, pending resolution of these dockets after hearing.
- 7 The Commission will hear these matters under chapter 480-07 WAC and Part IV of chapter 34.05 RCW concerning adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, RCW 34.05.452, and WAC 480-07-650. The Commission has jurisdiction over this matter pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. Statutes and rules involved, in addition to those previously cited, include those within chapters 80.01 RCW, 80.04 RCW, 80.36 RCW, 480-07 WAC, and 480-120 WAC, including but not limited to RCW 80.01.040, RCW 80.04.020, and RCW 80.36.610.

- 8 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:00 p.m., on September 11, 2006, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**
- 9 The purpose of the prehearing conference is to consider requests for interventions, resolve scheduling matters including establishing dates for distributing evidence and work papers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.
- 10 Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See, WAC 480-07-345(2)*. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission.
- 11 **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 under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**
- 12 The names and mailing addresses of all known parties and their known representatives are as follows:

Petitioner:	Westgate Communications, LLC
	PO Box 2937
	Chelan, WA 98816
	(509) 682-5556

Representative: Richard A. Finnigan  
Attorney at Law  
2112 Black Lake Blvd. SW  
Olympia, WA 98512  
(360) 956-7001

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

Representative: Don Trotter  
Assistant Attorney General  
1400 S. Evergreen Park Drive SW  
PO Box 40128  
Olympia, WA 98504-7250  
(360) 664-1189

- 13 Administrative Law Judge Dennis J. Moss, from the Commission's Administrative Law Division, will preside during this proceeding.
- 14 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective August 16, 2006.

WASHINGTON STATE 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  
(360) 664-1160

**NOTICE**

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, 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.

If you need an interpreter, or have other special needs, please fill out this form and return it 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 : \_\_\_\_\_

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.: (\_\_\_\_) \_\_\_\_\_