

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	)	FOURTEENTH SUPPLEMENTAL
INTERNATIONAL, INC.	)	ORDER
	)	
For an Order Disclaiming Jurisdiction, or	)	ORDER OF DEFAULT
in the Alternative, Approving the U S	)	
WEST, INC., - QWEST	)	NOTICE OF PREHEARING
COMMUNICATIONS	)	CONFERENCE
INTERNATIONAL, INC. Merger	)	(Set for Wednesday, April 7, 2004
.....	)	at 2:30 p.m.)

1 **Proceeding:** Docket No. UT-991358 is a docket in which the Commission approved the merger of Qwest with U S WEST. The resulting entity, Qwest, now petitions for termination or modification of its Service Quality Protection Plan, an element of the Commission’s Merger approval.

2 **Appearances.** The Commission convened a prehearing conference in this docket at Olympia, Washington on March 10, 2004. The following entered appearances: Lisa A. Anderl and Adam Sherr, attorneys, Seattle, Washington, appeared for petitioner Qwest. Christopher Swanson, assistant attorney general, Olympia, Washington, appeared for Commission Staff. Simon ffitch, assistant attorney general, Seattle, appeared as Public Counsel. Karen Frame, senior counsel, Denver, Colorado, appeared for intervenor Covad. John O’Rourke, program coordinator, appeared on behalf of petitioner for intervention, Citizens Utility Alliance of Washington. In addition, MCI and WashPIRG stated their desire to become “interested persons” to follow the docket.

3 **Procedural status:** The Commission served the prehearing conference notice to counsel for all parties of record in the original proceeding, with the information available in the record. At the conference, counsel for Commission Staff

suggested that the Commission provide notice to counsel of parties who have changed counsel or to counsel whose contact information has changed since the time of the original proceeding. Counsel provided the updated information, and the Commission has served all persons on counsel's list, allowing until 3:00 p.m. on March 31, 2004. No additional party to the earlier phase of the proceeding has responded.

- 4 Pursuant to the prehearing order, any party to the original proceeding in this docket who has not entered an appearance as a party and who is not shown under "appearances," above, is hereby declared to be in default pursuant to the provisions of RCW 34.05.440 and WAC 480-07-450 by failing to enter an appearance at the prehearing conference or subsequently as allowed in the prehearing conference order and supplemental notice.
- 5 Parties who are declared in default for this phase of Docket No. UT-991358 may, within ten days after the service of this order, contest the order by submitting a written motion to vacate the order. Except for vacation, participation in this phase of the docket is limited to the parties identified above.
- 6 **PLEASE NOTE a modification of the prehearing conference order:** The prehearing conference order indicated that parties might attend or participate in the hearing, as follows:

Persons who cannot attend in person may participate via the Commission's teleconference bridge line **360-664-3846**.

- 7 This statement is incorrect. The conference bridge line will not be available for a portion of the period during which the hearing is set. Unless an individual exception is made for cause, hearing participants must personally appear.
- 8 **Notice of prehearing conference.** A short prehearing conference will be convened according to the notice below. Parties may attend the conference by reservation on the Commission's bridge line, as noted below. Subjects to be

addressed at the conference include the topics of public witnesses and post-hearing process and status of discovery, as well as any other matter relating to hearing procedure that the parties or the Commission may raise.

- 9 ALL PARTIES PLEASE TAKE NOTICE: That a prehearing conference will be held on Wednesday, April 7, 2004, at 2:30 p.m. in Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington. Parties may call in on the conference bridge line at 360-664-3846. We do not anticipate that it will be necessary for counsel to be physically present in the hearing room.

ORDER

- 10 IT IS HEREBY ORDERED That the parties to this docket listed in Appendix A are found in default, and are not parties for purposes of the phase of this docket brought on by the petition of Qwest for termination or amendment of its service quality protection plan.

Dated and effective at Olympia, Washington this 2<sup>nd</sup> day of April, 2004.

C. ROBERT WALLIS  
Administrative Law Judge

**NOTICE: Any party who is declared in default in this order for this phase of Docket No. UT-991358 may, within ten days after the service of this order, contest the order by submitting a written motion to vacate the order. WAC 480-07-450; RCW 34.05.440.**

**APPENDIX A**

**Parties defaulted from this phase of Docket NO. UT-991358.**

NorthPoint Communications, New Edge

Washington Independent Telephone Association

Northwest Payphone, Covad and MetroNet

Covad Communications

McLeodUSA Telecommunications Services, Inc.

Level 3 Communications

Telecommunications Reseller

Rhythms Links

Advanced Telecom, Inc.

XO Washington, Inc.

New Edge Networks, Inc.

GST Telecom WA

AT&T Communications of the Pacific Northwest, Inc.