

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition for	)	
Arbitration of an Amendment to	)	DOCKET NO. UT-043013
Interconnection Agreements of	)	
	)	ORDER NO. 03
VERIZON NORTHWEST INC.	)	
	)	PREHEARING CONFERENCE
with	)	ORDER; ESTABLISHING
	)	MOTION SCHEDULE; NOTICE
COMPETITIVE LOCAL EXCHANGE	)	OF PREHEARING
CARRIERS AND COMMERCIAL	)	CONFERENCE
MOBILE RADIO SERVICE	)	<b>(To be held on Friday, May 14,</b>
PROVIDERS IN WASHINGTON	)	<b>2004, at 9:30 a.m.)</b>
	)	
Pursuant to 47 U.S.C. Section 252(b),	)	
and the <i>Triennial Review Order</i> .	)	
.....	)	

1 **NATURE OF PROCEEDING.** This proceeding involves a petition Verizon Northwest Inc. (Verizon) filed with the Washington Utilities and Transportation Commission (Commission) requesting 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) (Act), and the Federal Communications Commission’s Triennial Review Order.<sup>1</sup> The petition was served on all competitive local exchange carriers (CLECs) and Commercial Mobile Radio Service (CMRS) providers in Washington that have entered into interconnection agreements with Verizon.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia,

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<sup>1</sup> *In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter “Triennial Review Order”].

Washington on March 29, 2004, before Administrative Law Judge Ann E. Rendahl, the Arbitrator in this proceeding.

3 **APPEARANCES.** Timothy J. O'Connell, Stoel Rives, LLP, Seattle, Washington, represents Verizon. Edward W. Kirsch and Philip J. Macres, Swidler Berlin Shereff Friedman, LLP, Washington, D.C., represent Adelphia Business Solutions Operations, Inc., Allegiance Telecom of Washington, Inc., DSLnet Communications LLC, Focal Communications Corporation of Washington, ICG Telecom Group, Inc., Integra Telecom of Washington, Inc., Level 3 Communications LLC, McLeodUSA Telecommunications Services, Inc., and Pac-West Telecomm, Inc. Letty S.D. Friesen, AT&T Law Department, Denver, Colorado, represents AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle (collectively AT&T). Andrew M. Klein, Kelley, Drye & Warren, LLP, Washington, D.C., represents Advanced TelCom Group, Inc., BullsEye Telecom Inc., Comcast Phone of Washington LLC, DIECA Communications, Inc. d/b/a Covad Communications Company, Global Crossing Local Services, Inc., KMC Telecom V Inc., and Winstar Communications LLC (collectively the Competitive Carrier Coalition). Brooks E. Harlow, Miller Nash LLP, Seattle, Washington, and Hong Huynh, Miller Nash LLP, Portland, Oregon, represent Centel Communications and the Northwest Competitive Communications Coalition (Eschelon Telecom of Washington, Inc., and Stan Efferding, d/b/a Vilaire). Karen S. Frame, Senior Counsel, Denver, Colorado, represents Covad Communications Company (Covad). Gregory J. Kopta, Davis Wright Tremaine, LLP, Seattle, Washington, represents Pac-West Telecomm Inc. and XO Washington. William E. Hendricks, III, Hood River, Oregon, represents Sprint Communications Company, LLP (Sprint). Michel Singer Nelson, Regulatory Attorney, Denver, Colorado, represents WorldCom, Inc. and its subsidiaries in Washington (n/k/a MCI, Inc.). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

- 4 **MOTIONS TO DISMISS OR OTHER MOTIONS.** On March 17, 2004, Sprint filed with the Commission a motion to dismiss the proceeding, or at the very least to dismiss Sprint from the proceeding. In Order No. 02 in this proceeding, the Commission set a schedule for consideration of the motion, with responses due on April 6, 2004, and replies due April 13, 2004, the same date that parties must file answers to Verizon's revised petition.
- 5 During the conference, Mr. Kirsch and Mr. Macres stated their intent to file a motion to dismiss on behalf of their clients on April 13, 2004. In order to resolve all motions prior to any evidentiary hearing in this proceeding, April 13, 2004, was established as the deadline for all motions filed in the proceeding. The following schedule will govern briefing on motions filed with the Commission by April 13, 2004: **All dispositive motions must be filed with the Commission by April 13, 2004. Responses to dispositive motions must be filed with the Commission by April 27, 2004, and replies must be filed by May 4, 2004.**
- 6 **ISSUES.** After some discussion, the parties agreed that the issues involved in this proceeding cannot be fully identified until after resolution of motions to dismiss and other motions filed in the proceeding. The Arbitrator denied the request of several parties to defer all or some of the issues to another docket, Docket No. UT-011219, which addresses development of a model Verizon interconnection agreement.
- 7 **PROCEDURAL SCHEDULE.** The parties did not agree upon a complete procedural schedule during the conference, but agreed to work amongst themselves to develop dates for an evidentiary hearing and briefing schedule. The Commission will consider the parties' proposed procedural schedule when filed. The current procedural schedule, without hearing and briefing dates, is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.

- 8 **NOTICE OF PREHEARING CONFERENCE.** The Commission convenes a prehearing conference in this matter, to address motions to dismiss and any other motions filed with the Commission in this proceeding by April 13, 2004. **The conference will be held on Friday, May 14, 2004, at 9:30 a.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** Persons who cannot attend in person may participate via the Commission's teleconference bridge line **360-664-3846**. Persons desiring to participate via the bridge line must make advance reservations, by calling Margret Kaech at 360-664-1140, no later than Noon on Thursday, May 13, 2004.
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus two 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, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided by e-mail delivery to <[records@wutc.wa.gov](mailto: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).

- 12 **ELECTRONIC SUBMISSIONS.** Parties may only submit documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic submission of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and file an original, plus two copies, of the document with the Commission by the following business day.
- 13 **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 this 31st day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

APPENDIX A

<u>PARTIES REPRESENTATIVES</u>				
DOCKET NO. UT-043013			Updated 3/30/04	
COMPANY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Adelphia Business Solutions, Inc.; Allegiance Telecom of WA; DSLnet.com, Focal Communications; ICG Telecom Group, Inc.; Integra Telecom, Inc.; Level 3 Communications; McLeodUSA Telecom Services; Pac-West Telecomm, Inc.	<i>(Paper &amp; Fax Service)</i> <b>EDWARD W. KIRSCH</b> Swidler Berlin Shereff Friedman, LLP 300 K Street NW – Suite 300 Washington, D.C. 2007-5116	202-424-7877	202-424-7643	<a href="mailto:ewkirsch@swidlaw.com">ewkirsch@swidlaw.com</a>
	<i>(E-mail Service only)</i> PHILIP J. MACRES			<a href="mailto:pjmacres@swidlaw.com">pjmacres@swidlaw.com</a>
AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services (TCG Seattle)	<i>(Paper &amp; Fax Service)</i> <b>LETTY S.D. FRIESEN</b> AT&T Law Department 1875 Lawrence Street Suite 1575 Denver, CO 80202	303-298-6475	281-664-6301	<a href="mailto:lsfriesen@att.com">lsfriesen@att.com</a>
	<i>(E-mail Service only)</i> ADAM WALCZAK AT&T Law Department 1875 Lawrence Street Room 14-41 Denver, CO 80202	303-298-6957	303-298-6301	<a href="mailto:awalczak@att.com">awalczak@att.com</a>

<p><b>COMPETITIVE CARRIER COALITION</b> (Advanced Telecom Group, Inc., BullsEye Telecom Inc., Comcast Phone of Washington LLC, Covad Communications Company, Global Crossing Local Services, Inc., KMC Telecom V Inc., and Winstar Communications LLC</p>	<p><i>(Paper &amp; Fax Service)</i> <b>ANDREW M. KLEIN</b> Kelley, Drye &amp; Warren, LLP 1200 19<sup>th</sup> Street, N.W. Washington D.C. 20036</p> <p><i>(E-mail Service Only)</i> GENEVIEVE MORELLI</p> <p>MICHAEL B. HAZZARD</p> <p>HEATHER T. HENDRICKSON</p>	<p>202-887-1257</p>	<p>202-955-9792</p>	<p><a href="mailto:aklein@kelleydrye.com">aklein@kelleydrye.com</a></p> <p><a href="mailto:gmorelli@kelleydrye.com">gmorelli@kelleydrye.com</a></p> <p><a href="mailto:mhazzard@kelleydrye.com">mhazzard@kelleydrye.com</a></p> <p><a href="mailto:hhendrickson@kelleydrye.com">hhendrickson@kelleydrye.com</a></p>
<p>Centel Communications</p>	<p><i>(Paper &amp; Fax Service)</i> <b>BROOKS E. HARLOW</b> Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101</p> <p><i>(E-mail Service Only)</i> HONG HUYNH Miller Nash LLP 111 S.W. Fifth Avenue Suite 300 Portland, OR 97204</p>	<p>206-622-8484</p> <p>503-205-2485</p>	<p>206-622-7485</p> <p>503-224-0155</p>	<p><a href="mailto:brooks.harlow@millernash.com">brooks.harlow@millernash.com</a></p> <p><a href="mailto:Hong.huynh@millernash.com">Hong.huynh@millernash.com</a></p>
<p>Covad Communications Company</p>	<p><i>(Paper &amp; Fax Service)</i> <b>KAREN SHORESMAN FRAME</b> Covad Communications Co. 7901 Lowry Blvd. Denver CO 80230</p>	<p>720-208-1069</p>	<p>720-208-3350</p>	<p><a href="mailto:kframe@covad.com">kframe@covad.com</a></p>

NORTHWEST COMPETITIVE COMMUNICATION COALITION (Eschelon Telecom of Washington, Inc.; Stan Efferding, d/b/a Vilaire)	<i>(Paper &amp; Fax Service)</i> <b>BROOKS E. HARLOW</b> Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101	206-622-8484	206-622-7485	<a href="mailto:brooks.harlow@millernash.com">brooks.harlow@millernash.com</a>
	<i>(E-mail Service Only)</i> <b>HONG HUYNH</b> Miller Nash LLP 111 S.W. Fifth Avenue Suite 300 Portland, OR 97204	503-205-2485	503-224-0155	<a href="mailto:Hong.huynh@millernash.com">Hong.huynh@millernash.com</a>
Pac-West Telecomm, Inc.	<i>(Paper &amp; Fax Service)</i> <b>GREGORY J. KOPTA</b> Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688	206-628-7692	206-628-7699	<a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a>
Sprint Communications Company, LP	<i>(Paper &amp; Fax Service)</i> <b>WILLIAM E. HENDRICKS, III</b> Sprint Corporation 902 Wasco Street Hood River, OR 97031	541-387-9439	541-387-9753	<a href="mailto:Tre.e.Hendricks.iii@mail.sprint.com">Tre.e.Hendricks.iii@mail.sprint.com</a>
Verizon Northwest Inc.	<i>(Paper &amp; Fax Service)</i> <b>TIMOTHY J. O'CONNELL</b> Stoel Rives, LLP One Union Square 600 University Street Suite 3600 Seattle WA 98101	206-624-0900	206-386-7500	<a href="mailto:tjoconnell@stoel.com">tjoconnell@stoel.com</a>
	<b>AARON M. PANNER</b> Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C. Sumner Square 1615 M Street N.W. Suite 400 Washington D.C. 20036	202-326-7900	202-326-7999	<a href="mailto:apanner@khhte.com">apanner@khhte.com</a>



WorldCom, Inc. and its subsidiaries in WA (n/k/a MCI Inc.)	<i>(Paper &amp; Fax Service)</i> <b>MICHEL SINGER NELSON</b> Regulatory Attorney MCI, Inc. 707 17 <sup>th</sup> Street, Suite 4200 Denver, CO 80202	303-390-6106	303-390-6333	<a href="mailto:michel.singer_nelson@mci.com">michel.singer_nelson@mci.com</a>
XO Washington, Inc.	<i>(Paper &amp; Fax Service)</i> <b>GREGORY J. KOPTA</b> Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688	206-628-7692	206-628-7699	<a href="mailto:gregkopta@dwt.com">gregkopta@dwt.com</a>
Presiding Arbitrator/ Administrative Law Judge	ANN E. RENDAHL 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia WA 98504-7250	360-664-1144	360-664-2654 [ALD fax only – do not use to file]	<a href="mailto:arendahl@wutc.wa.gov">arendahl@wutc.wa.gov</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKET NO. UT-043103**

EVENT	DATE
Responses to Sprint's Motion to Dismiss	April 6, 2004
Replies to Responses to Sprint's Motion Answers to Verizon's Updated Petition Deadline for filing dispositive motions	April 13, 2004
Responses to any motions filed on April 13	April 27, 2004
Replies to responses to April 13 motions	May 4, 2004
Prehearing Conference	May 14, 2004 – 9:30 a.m.
Hearings	TBD
Initial Briefs	TBD
Responsive Briefs	[no later than July 9, 2004]
Arbitrator's Report and Decision	July 27, 2004