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0056

1 P R O C E E D I N G S

2 JUDGE MACE: Let's be on the record in the
3 matter of the review of the unbundled loop and
4 switching rates; the deaveraged zone rate structure;
5 and unbundled network elements, transport and
6 termination, (nonrecurring costs). This is Docket No.
7 UT-033034.

8 Today's date is September 29th, 2004, and we
9 are convened at the offices of the Washington Utilities
10 and Transportation Commission in Olympia, Washington.
11 My name is Theodora Mace. I'm the administrative law
12 judge who has been assigned to hold hearings in this
13 case.

14 We have several counsel on the conference
15 bridge and two counsel in the hearing room. Let's have
16 oral appearances of counsel now, and this can be the
17 short form if you've already introduced yourself on the
18 record in this case, but if you have not done so to
19 date, would you please give the long form of
20 appearance, which means your name, address, firm, who
21 you represent, telephone number, fax number, and e-mail
22 address. I would like to start with counsel who are in
23 the hearing room, and then I'll proceed to counsel on
24 the conference bridge. Ms. Anderl, would you begin?

25 MS. ANDERL: Lisa Anderl representing Qwest.

0057

1 MR. THOMPSON: I'm Jonathan Thompson
2 representing Commission staff. I'm filling in for Greg
3 Trautman, who will still be the assigned counsel for
4 the case.

5 JUDGE MACE: On the bridge, Mr. Kopta?

6 MR. KOPTA: This is Gregory J. Kopta of the
7 law firm Davis, Wright, Tremaine, LLP, on behalf of
8 AT&T Communications of the Pacific Northwest, Inc., and
9 XO Washington, Inc.

10 JUDGE MACE: Mr. Richardson?

11 MR. RICHARDSON: Bill Richardson and
12 Meredith Halama of the law firm of Wilmer, Cutler,
13 Pickering, representing Verizon Northwest, Inc.

14 JUDGE MACE: MCI?

15 MS. SINGER NELSON: Michel Singer Nelson
16 representing MCI.

17 JUDGE MACE: Ms. Frame?

18 MS. FRAME: Karen Frame representing Covad
19 Communications Company.

20 JUDGE MACE: Is there anyone else on the
21 conference bridge who wants to enter an appearance
22 today? I don't hear any response.

23 The main purpose for this prehearing
24 conference is to talk about the future proceedings in
25 this docket. This case was separated from the

0058

1 recurring costs case in the 12th Supplemental Order in
2 Docket UT-023003, and Qwest's issues, as far as I
3 understand, were removed from both dockets in a
4 November 25th, 2003, 17th Supplemental Order in that
5 same case.

6 It may have been entered in this case as
7 well. I don't have that information in front of me,
8 and as far as scheduling is concerned, there was a
9 schedule back at the time of the Twelfth Supplemental
10 Order that called for proceedings to take place from
11 January to June of 2004, and then in the 17th
12 Supplemental Order, the prehearing conference was moved
13 to June 8th, and now we are at September 29th.

14 So the purpose of this proceeding is to talk
15 about scheduling, but I also understand that some of
16 the parties apparently have discussed whether or not
17 they would even wish to go forward with the case. So
18 Mr. Kopta, why don't you talk about that for a moment,
19 if you would.

20 MR. KOPTA: I would be glad to, Your Honor.
21 In advance of the prehearing conference, several of the
22 parties, including MCI, AT&T, and Verizon, have had
23 some discussions about this particular proceeding, and
24 based on those discussions, I believe I'm accurate in
25 representing that none of those three parties believe

0059

1 that we need to proceed with this particular docket at
2 this time.

3 I haven't heard any objections, but I haven't
4 consulted with all the parties. I've sent out an
5 e-mail message to all the parties that I was aware had
6 taken an active role in the other cost docket, and I
7 have talked with Mr. Thompson of Commission staff but
8 have not received any objections from any of the other
9 parties, but we did attempt to confer with all parties
10 before the prehearing conference, but at this point, we
11 would propose that this docket not continue.

12 JUDGE MACE: Let me turn to other counsel to
13 get a response from them about this matter. I'll turn
14 to Qwest first.

15 MS. ANDERL: Your Honor, we are here merely
16 observing. We certainly have no objections but no real
17 position on that issue.

18 JUDGE MACE: Thank you. Ms. Frame?

19 MS. FRAME: Yes, Your Honor. Covad really
20 doesn't have a position on this issue. We haven't
21 fully explored the implications of not going forward in
22 this particular cost docket, so we have no objection at
23 this point.

24 JUDGE MACE: Well, you say you haven't --

25 MS. FRAME: I will say that we have no

0060

1 opinion on this point at this time, I guess is probably
2 the best way to phrase it.

3 JUDGE MACE: So when would you have a
4 position on it, or are you saying you simply don't have
5 a position on it?

6 MS. FRAME: Unfortunately, I did not have
7 enough time to discuss this with my client in full, and
8 so at this point, I really don't have a position on it.

9 JUDGE MACE: When do you think, and back to
10 my question, how long do you think it would take you to
11 confer with your client about that?

12 MS. FRAME: Probably only a day. I could
13 probably let everyone know by tomorrow morning.

14 JUDGE MACE: Let's see what Staff's position
15 is, if they have a position.

16 MR. THOMPSON: I think essentially Staff
17 doesn't have an objection, given the fact that the
18 competitors and the primary ILEC that remains involved,
19 Verizon, are apparently not interested in pursuing the
20 case and changing the status quo. Staff is certainly
21 not in a position to take a leading role in that, so we
22 have no objection to the proposal.

23 JUDGE MACE: Well, okay then.

24 MS. FRAME: Judge Mace, I'm sorry to
25 interject here. The concern I have about consulting my

0061

1 client on this particular issue is the fact that
2 obviously, we are not in a position that we can take a
3 lead role in this either, given our limited resources,
4 and while if it were going forward, we certainly would
5 take more of an active role, but0 we can't take on this
6 role by ourselves.

7 JUDGE MACE: Does anyone have anything else
8 to add? I'm not entirely surprised by this,
9 necessarily. I guess I just expected there might be
10 someone or another party, for example, Staff, who might
11 want to push on it a little bit, but I naturally would
12 need to consult with the Commission about this case
13 because it was initiated primarily by the Commission,
14 as I recall, and so there would have to be that buy-off
15 with the commissioners.

16 What I would like to do, since everybody is
17 here, for insurance purposes is to set a future
18 prehearing conference date so that in the off chance
19 the commissioners felt that it was incumbent upon them
20 to go forward with some case, we could get together and
21 determine scheduling. If it's not necessary to have
22 that prehearing conference, of course, it would be
23 canceled in whatever order the commissioners enter with
24 regard to this prehearing conference.

25 I'm trying to find a date when I can even get

0062

1 a hearing room. Let's try November 9th. Does anybody
2 have an objection to November 9th, if we need it?

3 MR. KOPTA: I don't have any objection, Your
4 Honor.

5 MS. SINGER NELSON: I don't either.

6 MR. RICHARDSON: No objection.

7 MS. FRAME: I actually will not be available
8 that date, but I can have somebody fill in for me.

9 JUDGE MACE: That would be helpful if you
10 could, and perhaps we won't even need it. I'll send
11 out a notice, and then with the order about this
12 prehearing conference, I'll cancel it if I need to.

13 Is there anything else we need to discuss?
14 All right then, thank you very much. I appreciate your
15 cooperation, and perhaps we will talk again sometime.

16 (Prehearing concluded at 1:45 p.m.)

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