

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

In the Matter of the Second Six-Month)	
Review of Qwest Corporation's)	DOCKET NO. UT-043007
Performance Assurance Plan)	
)	ORDER NO. 01
)	
)	PREHEARING CONFERENCE
)	ORDER; ESTABLISHING
)	PROCEDURAL SCHEDULE
)	(Statement of Issues due
)	on April 9, 2004; Initial Briefs due
)	on April 30, 2004, Responsive
)	Briefs due on May 14, 2004)
.....)	

1 **NATURE OF THE PROCEEDING.** In Docket No. UT-043007, the Washington Utilities and Transportation Commission (Commission) conducts its second six-month review of Qwest Corporation's (Qwest) Performance Assurance Plan, or QPAP. The Commission conducts a review of performance measures and performance indicator definitions (PIDs) in the QPAP every six months following the December 23, 2002, approval by the Federal Communications Commission (FCC) of Qwest's Section 271 application for the state of Washington.

2 **PREHEARING CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on February 11, 2004, before Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Douglas N. Owens, attorney, Seattle, Washington, represents Qwest. Karen Shoresman Frame, Senior Counsel, Denver, Colorado, represents Covad Communications Company (Covad). Ray Smith of Eschelon Telecom Inc., and Karen Clauson, attorney, Minneapolis, Minnesota, represent Eschelon

Telecom, Inc (Eschelon). Michel Singer Nelson, attorney, Denver, Colorado, represents WorldCom, Inc., d/b/a MCI, Inc (MCI). Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents Commission Staff. Contact information for the parties' representatives is attached as Appendix A to this Order.

4 **DISCOVERY AND PROTECTIVE ORDER.** It does not appear that either discovery or a protective order will be required in this proceeding. If the need for discovery or a protective order becomes apparent later, any party may request by motion that the Commission allow for discovery pursuant to the Commission's discovery rules, WAC 480-07-400 – 425, or that the Commission enter a protective order pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423.

5 **ISSUES.** The parties are all participants in the Long Term PID Administration (LTPA) collaborative process. The parties agree that the ongoing LTPA process will assist them in narrowing the issues to be addressed in this proceeding. The parties estimate that the LTPA process will conclude in late March or early April 2004.

6 Both Covad and Eschelon identified issues for this six-month review that are not under consideration in the LTPA process. Covad requests that the Commission consider establishing a PID to track Qwest's overall performance under the QPAP. Covad notes that the Colorado Performance Assurance Plan includes such a measurement. While the measurement aspect of the Colorado PID appears to work, the calculation of the PID has been a problem.

7 Eschelon requests that Qwest's aggregate payments under the QPAP in Washington State be made available to the public. In addition, Eschelon asserted that the LTPA process might spawn state-specific issues that must be addressed

in six-month reviews, such as how to include PIDs in state performance assurance plans and establishing payment levels.

8 Commission Staff also requests that the Commission consider in this six-month review PIDs related to implementation of a batch hot cut process as required by the FCC's Triennial Review Order.¹ In addition, Staff requests that any PIDs with diagnostic standards be changed to benchmark or parity standards, and that payment levels should be adjusted.

9 **PROCEDURAL FORMAT.** The parties agreed that a paper process would be the most efficient way to proceed under this docket, but that parties may later request evidentiary hearings if such a process appears necessary. The parties agreed to waive entry of an initial order in this proceeding under RCW 34.05.461(1)(c), allowing the matter to proceed directly to a final Commission order based on a paper record.

10 **PROCEDURAL SCHEDULE.** The Commission adopts the following procedural schedule, to which the parties agreed during the conference:

<u>Deadline for</u>	<u>Date</u>
Agreed Statement of Issues	Friday, April 9, 2004
Initial Briefs, Testimony, and Exhibits	Friday, April 30, 2004
Responsive Briefs, Testimony and Exhibits	Friday, May 14, 2004

¹ *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).

- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus 12 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.
- 12 All filings must be mailed to the Commission 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's Records Center at the indicated street address. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 13 Parties must provide an electronic copy of all filings must be provided by 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 FILING.** Parties may only file documents electronically in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If parties are authorized to file documents with the Commission electronically, they must submit the document to records@wutc.wa.gov, and simultaneously send electronic copies to each party and the administrative law judge. The original, plus 12 copies of the document must be received by the Commission by the following business day.

15 **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 18th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

<u>PARTY REPRESENTATIVES</u>				
DOCKET NO. UT-043007			Updated 2/17/03	
PARTY	REPRESENTATIVE AND ADDRESS	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
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<p>Presiding Administrative Law Judge</p>	<p>ANN E. RENDAHL 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia WA 98504-7250</p>	<p>360-664-1144</p>	<p>360-664-2654 [ALD fax only - do not use to file]</p>	<p>arendahl@wutc.wa.gov</p>