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BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

| | | |
|----------------------------------|---|----------------------|
| In the Matter of the |) | Docket No. UT-003022 |
| Investigation Into US WEST |) | Volume II |
| Communications, Inc,'s |) | Pages 57 - 132 |
| Compliance with Section 271 of |) | |
| the Telecommunications Act of |) | |
| 1996. |) | |
| <hr/> | | |
| In the Matter of US WEST |) | Docket No. UT-003040 |
| Communications, Inc.'s |) | |
| Statement of Generally |) | |
| Available Terms Pursuant to |) | |
| Section 252(f) of the |) | |
| Telecommunications Act of 1996.) |) | |
| <hr/> | | |

A hearing in the above matter was held on June 16, 2000, at 10:37 a.m., at 1300 Evergreen Park Drive Southwest, Olympia, Washington, before Administrative Law Judge C. ROBERT WALLIS.

The parties were present as follows:

AT&T, by Mary B. Tribby and Rebecca DeCook (via teleconference bridge), Attorneys at Law, 1875 Lawrence Street, Suite 1575, Denver, Colorado, 80202.

US WEST COMMUNICATIONS, INC., by Kara M. Sacilotto, Attorney at Law, Perkins Coie, 607 14th Street, N.W., Washington, D.C., 20005, and Lisa A. Anderl, Attorney at Law, 1600 Seventh Avenue, Room 3206, Seattle, Washington, 98191.

WORLDCOM, by Thomas F. Dixon, Attorney at Law, 707 17th Street, Suite 3900, Denver, Colorado, 80202. (Via teleconference bridge.)

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1 NEXTLINK, ELI, ATG, NEW EDGE
2 NETWORKS, NORTH POINT, McLEOD USA, FOCAL, ALTS, and
3 JATO, by Gregory J. Kopta, Attorney at Law, Davis,
4 Wright, Tremaine, LLP, 2600 Century Square, 1501
5 Fourth Avenue, Seattle, Washington, 98101.

6 COVAD, METRONET, MGC, and ICG, by
7 Brooks E. Harlow, Miller Nash, 4400 Two Union Square,
8 601 Union Street, Seattle, Washington, 98101.

9 TRACER, RHYTHMS LINKS, INC.,
10 TELIGENT, and BROADBAND OFFICE COMMUNICATIONS, INC.,
11 by Arthur A. Butler, Attorney at Law, Ater Wynne, 601
12 Union Street, Suite 5450, Seattle, Washington 98101.

13 SPRINT, by Eric S. Heath, Attorney
14 at Law, 330 S. Valley View Boulevard, Las Vegas,
15 Nevada, 89107. (Via teleconference bridge.)

16 ECHELON, by Dennis Ahlers and
17 Karen Clauson, Attorneys at Law, 730 Second Avenue
18 South, Suite 1200, Minneapolis, Minnesota, 55402.
19 (Via teleconference bridge.)

20 PUBLIC COUNSEL, by Simon ffitch,
21 Assistant Attorney General, 900 Fourth Avenue, Suite
22 2000, Seattle, Washington, 98164.

23 THE COMMISSION, by Shannon Smith,
24 Assistant Attorney General, 1400 Evergreen Park
25 Drive, S.W., P.O. Box 40128, Olympia, Washington
98504-0128.

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24 Barbara L. Nelson, CSR

25 Court Reporter

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1 JUDGE WALLIS: The hearing will please come
2 to order. This is a prehearing conference in the
3 matter of consolidated Docket Numbers 003022 and
4 UT-003040 before the Washington Utilities and
5 Transportation Commission, being held upon due and
6 proper notice to all interested persons at Olympia,
7 Washington on June 16 of the year 2000.

8 The matters in these proceedings relate to
9 the potential application from US West for
10 authorization from the Federal Communications
11 Commission to provide interLATA telecommunications
12 service under Section 271 of the Telecommunications
13 Act of 1996. Docket Number 3040 relates to US West's
14 filing of a proposed SGAT, that is, statement of
15 generally available terms, which the company has
16 asked the Commission to review.

17 My name is Robert Wallis, and I am the
18 assigned Administrative Law Judge on this proceeding.
19 Joining me later in the proceeding will be
20 Administrative Law Judge Ann Rendahl.

21 Let's begin by taking appearances and
22 gather appearances from the proponent, US West, and
23 then from other parties who are here.

24 MS. SACILOTTO: Kara Sacilotto, of the law
25 firm Perkins Coie, here on behalf of US West. My

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1 business address is 607 14th Street, N.W.,
2 Washington, D.C., 20005. Telephone number is area
3 code 202-434-1633. With me today is Lisa Anderl,
4 with US West Communications.

5 MS. TRIBBY: Your Honor, Mary Tribby, on
6 behalf of AT&T. My business address is 1875 Lawrence
7 Street, Suite 1500, Denver, Colorado, 80202. My
8 telephone number is 303-298-6508. Also on the bridge
9 line is Rebecca DeCook. And although I am acting as
10 lead counsel in this case, Ms. DeCook will be
11 representing AT&T at the first set of workshops in
12 Washington next week.

13 MR. KOPTA: Gregory J. Kopta, of the law
14 firm Davis, Wright, Tremaine, LLP, 2600 Century
15 Square, 1501 Fourth Avenue, Seattle, Washington,
16 98101-1688. Phone number is 206-628-7692. And I'm
17 here representing Nextlink Washington, Inc., Electric
18 Lightwave, Inc., Advanced TelCom Group, Inc., New
19 Edge Networks, Inc., North Point Communications,
20 McLeod USA Telecommunications Services, Inc., Focal
21 Communications, The Association for Local
22 Telecommunications Services, or ALTS, and JATO
23 Communications.

24 JUDGE WALLIS: The last is spelled how?

25 MR. KOPTA: All caps, JATO.

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1 JUDGE WALLIS: Thank you, Mr. Kopta. Mr.
2 Harlow.

3 MR. HARLOW: Good morning, Your Honor.
4 Brooks Harlow, of the Miller Nash Law Firm, 601 Union
5 Street, Suite 4400, Seattle, Washington, 98101.
6 Telephone, 206-777-7406. This morning I'm
7 representing Covad Communications and ICG
8 Communications. We continue to be counsel of record
9 for two companies that are not participating today,
10 but are expected to participate later in the docket.
11 Those are MGC, now known as MPower, and MetroNet
12 Services Corporation.

13 An additional note, we are counsel, as
14 well, for WorldCom, although Ann Hopfenbeck continues
15 to be the lead. And I'd remind people that she
16 should be served with everything on WorldCom's
17 behalf.

18 MR. BUTLER: Arthur A. Butler, with Ater
19 Wynne, LLP. Address is 601 Union Street, Suite 5450,
20 Seattle, Washington, 98101-2327. Phone number is
21 206-623-4711. I'm appearing on behalf of Tracer,
22 Rhythms Links, Inc., Teligent Services, Inc., and
23 Broadband Office Communications, Inc.

24 MR. FFITCH: Simon ffitich, Assistant
25 Attorney General, Public Counsel, Washington Attorney

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1 General's Office, 900 Fourth Avenue, Suite 2000,
2 Seattle, Washington, 98164-1012. Electronic mail
3 address is Simonf@atg.wa.gov, and our US West
4 telephone number is area code 206-389-2055.

5 JUDGE WALLIS: Thank you. For --

6 MR. FFITCH: Your Honor, I have one other
7 matter to mention, which is that on the service list
8 for UT-003022, Robert Cromwell of our office is shown
9 as the lead attorney, and by my appearance today, I
10 am substituting myself as the attorney both on this
11 docket, the 040 docket, and the 3022 docket for
12 Public Counsel.

13 JUDGE WALLIS: Thank you, Mr. ffitich. For
14 WorldCom.

15 MR. DIXON: Thomas F. Dixon, D-i-x-o-n.
16 Our offices are located at 707 17th Street, Suite
17 3900, Denver, Colorado, 80202. Phone number is
18 303-390-6206. Also, the lead counsel for WorldCom,
19 as Mr. Harlow has indicated, is Ann Hopfenbeck,
20 spelled H-o-p-f-e-n-b-e-c-k. Her address is the same
21 as mine. Her phone number is 303-390-6106. And fax
22 numbers for both of us are 303-390-6333.

23 I will be appearing today on behalf of Ms.
24 Hopfenbeck for the prehearing conference. Ms.
25 Hopfenbeck will be lead counsel and will appear at

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1 the workshop scheduled for next week, and I will also
2 be at those workshops next week. I worked on both
3 the Arizona and Colorado workshops that have already
4 occurred on the subject matter.

5 JUDGE WALLIS: Thank you, Mr. Dixon. For
6 Sprint.

7 MR. HEATH: Eric Heath, H-e-a-t-h. My
8 business address is 330 South Valley View Boulevard,
9 Valley View is two words, Las Vegas, Nevada, 89107.
10 My telephone number is area code 702-244-6541, and my
11 fax number is 702-244-7380.

12 JUDGE WALLIS: Thank you, Mr. Heath. For
13 Echelon.

14 MR. AHLERS: Your Honor, I think you meant
15 Mr. Ahlers?

16 JUDGE WALLIS: Yes, is the client's name
17 Echelon?

18 MR. AHLERS: Yes.

19 JUDGE WALLIS: Yes, Mr. Ahlers.

20 MR. AHLERS: Dennis Ahlers, for Echelon
21 Telecom of Washington. My address is 730 Second
22 Avenue South, Suite 1200, Minneapolis, Minnesota,
23 55402. Phone number is 612-436-(inaudible). Also
24 appearing for Echelon will be Karen Clauson.

25 JUDGE WALLIS: Thank you, Mr. Ahlers. Are

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1 there any other appearances to be made this morning?
2 That is, any other person appearing in either of
3 these dockets in a representative capacity? Let the
4 record show that there is no response.

5 As a technical matter, we have taken
6 petitions for intervention in Docket Number
7 UT-003022, and it would be appropriate to determine
8 at this time whether parties already party to that
9 docket desire to appear in the consolidated UT-3040,
10 and whether there are any persons present today, in
11 addition to those to whom intervention has been
12 granted, so that you may state your request to
13 intervene at this time.

14 MR. KOPTA: Thank you, Your Honor. On
15 behalf of all of the clients that I represent that
16 have intervened in Docket 3022, we would request the
17 same intervention in 3043. In addition, three of the
18 clients that I represent, Focal Communications, ALTS,
19 and JATO, have not yet been granted intervention in
20 3022, and would ask for intervention in both dockets,
21 as consolidated.

22 JUDGE WALLIS: Thank you, Mr. Kopta. What
23 is the nature of the business of those clients?

24 MR. KOPTA: Focal Communications and JATO
25 are both competing local exchange companies. ALTS is

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1 an organization that represents and is comprised of
2 competing local exchange companies.

3 JUDGE WALLIS: Any others?

4 MR. AHLERS: Your Honor, this is Dennis
5 Ahlers, with Echelon. We have moved to intervene in
6 Docket 3022. I'm not sure if that's been ruled upon
7 yet, but we'd also like to intervene in the other
8 docket, also, the combined dockets.

9 JUDGE WALLIS: Thank you. What is the
10 nature of Echelon's business?

11 MR. AHLERS: We're a competing local
12 exchange carrier in Washington.

13 JUDGE WALLIS: Thank you.

14 MR. HARLOW: Your Honor, Covad, MGC/MPower,
15 MetroNet, and ICG would also like to intervene in the
16 consolidated docket, including 003040, for the same
17 reasons set forth in their intervention petition in
18 003022.

19 JUDGE WALLIS: And the nature of their
20 businesses?

21 MR. HARLOW: They are all CLECs.

22 JUDGE WALLIS: Thank you. Mr. Butler.

23 MR. BUTLER: Yes, Tracer, Rhythms Links,
24 Inc., Teligent Services, Inc., and Broadband Office
25 Communications, Inc. would like to intervene in the

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1 consolidated proceedings. Tracer is an association
2 of large consumers of local and long distance
3 services. The other entities are all competing local
4 exchange carriers or a DSL provider, in the case of
5 Rhythms Links.

6 MR. HEATH: Your Honor, this is Eric Heath,
7 for Sprint. Sprint intervened in Docket UT-003022,
8 and would ask to also be granted intervention in the
9 consolidated docket of UT-003022 and UT-003040.

10 JUDGE WALLIS: Thank you, Mr. Heath. Any
11 others? Very well, is there any objection to these
12 requests?

13 MR. DIXON: Judge, this is Tom Dixon, of
14 WorldCom. It's not clear to me whether we've already
15 been granted intervention status in Docket Number
16 UT-003040. I noticed from the order we weren't
17 listed as one of the known parties. So to the extent
18 that's the case, we would request permission to
19 intervene in that docket if it hasn't already been
20 granted. And again, Ann Hopfenbeck will be lead
21 attorney.

22 MR. HARLOW: Your Honor, I believe -- and
23 Mr. Dixon may not be aware of this, but I believe Ms.
24 Hopfenbeck filed a written petition to intervene in
25 3040.

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1 JUDGE WALLIS: Very well.

2 MS. TRIBBY: Your Honor, this is Mary
3 Tribby, on behalf of AT&T. We have filed a written
4 request for intervention in the combined docket and
5 have intervened in both of the existing dockets.

6 JUDGE WALLIS: Thank you. For US West.

7 MS. SACILOTTO: No objection.

8 JUDGE WALLIS: Very well. I would expect
9 in the ordinary course of events that the prehearing
10 conference order for this conference would grant the
11 requested interventions.

12 Let's move on to some of the more technical
13 details of conducting the workshop hearings.

14 MR. KOPTA: Your Honor, may I interject
15 something just before we leave this particular topic?

16 JUDGE WALLIS: Mr. Kopta.

17 MR. KOPTA: There are some --

18 JUDGE WALLIS: We've already left it, but
19 we'll go back.

20 MR. KOPTA: Okay. I'm fine with that
21 characterization. There may be some additional
22 companies that would be interested in later
23 proceedings. Since we've divided, at least according
24 to the interpretive and policy statement, the
25 consideration of various checklist items into

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1 discrete workshops and there are prehearing
2 conferences scheduled for each of those, the
3 assumption has been that those that may not be
4 interested in the first series of workshops but are
5 more interested in later checklist items would be
6 able to intervene at that time.

7 And particularly, given the more informal
8 nature of the process, I wanted to confirm that that
9 is the understanding of the Commission, that there
10 will be opportunities for additional parties to
11 intervene and participate in later workshops, should
12 they seek to do so.

13 JUDGE WALLIS: As in any proceeding before
14 the Commission, under the state Administrative
15 Procedure Act, it is permissible for parties to
16 request leave to intervene after the beginning of the
17 proceeding, and the fact that anything up to that
18 date is not of interest to them certainly would be a
19 matter that the Commission would consider.

20 MR. KOPTA: I just am cognizant of the
21 Commission's reticence to grant intervention in
22 proceedings after they have begun and wanted to make
23 sure that we could represent to those who might be
24 interested that there will be a realistic opportunity
25 of participating should they choose to do so.

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1 JUDGE WALLIS: There will. Now, are we
2 ready to proceed to consider plans for our workshop?

3 MR. KOPTA: Please.

4 JUDGE WALLIS: Let's do so. The first
5 announcement that I have is that it appears that the
6 Commission will not be providing donuts at the
7 workshop, and I know that when something is labeled
8 workshop, people have come to expect a goodie bar at
9 the door, and it's my anticipation that we will not
10 be able to provide that. Some of us, as individuals,
11 may leap into the void. I will try to arrange for
12 coffee for the participants, but if blood sugar is a
13 problem for you, I would suggest that you stoke up
14 before you arrive.

15 MR. FFITCH: Your Honor, with regard to the
16 July 6th event in Seattle, I don't think donuts are
17 actually available in downtown Seattle any longer.

18 MR. KOPTA: What about Krispy Kreme?

19 JUDGE WALLIS: The dress for the
20 proceeding, as far as the Commission Staff is
21 concerned, may be business casual or, as we earlier
22 expressed, any form of dress that does not distract
23 attention from the purpose of our proceeding. So you
24 need not worry about getting your best suits out or
25 your tuxedos or whatever in honor of the occasion,

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1 but merely come comfortable and prepared to
2 participate.

3 We do want to have the names of all of the
4 participants who intend to sit at the table, so that
5 we may judge the size of the table and we may prepare
6 tent cards and suitable identification for the
7 workshops. It is not necessary to do that now, but
8 if you could -- actually, for those people who are in
9 the room, I will pass around another piece of paper
10 so that you can provide that information to us before
11 you leave. That is, the name of anyone who is going
12 to be participating. And if they have only limited
13 interests, for example, only one or two of the
14 checklist items, if you could identify those for me,
15 that would, again, help us in preparing for the
16 workshop.

17 Those of you who are on the bridge line, if
18 you could send us that to the Records Center, which I
19 believe is Records@wutc.wa.gov, the names of the
20 participants on your behalf and, if less than the
21 entire workshop hearing, then what elements you will
22 be following or participating in. Will that work for
23 those of you on the bridge line?

24 MR. HEATH: That's fine, Judge.

25 MR. DIXON: Judge, that's fine on behalf of

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1 WorldCom.

2 JUDGE WALLIS: All right. Thank you very
3 much. If you could get that to us today, that would
4 be a big help. We have an indication from US West
5 that they will be asking for an expedite on the
6 transcript for delivery within one week. And if that
7 is not acceptable to any of the other parties, you
8 will need to make your arrangements with the court
9 reporter to have a faster expedite.

10 I have, through the courtesy of our
11 excellent support staff, gathered together an exhibit
12 list of exhibits by witness, and I have committed to
13 provide a copy of that by electronic mail to each of
14 the participants, and we will send that to those
15 who've identified themselves as lead counsel today
16 and ask that you update that with any additional
17 exhibits that are not identified and correct it with
18 any corrections that need to be made and return that
19 to us by the end of the day on Monday, if you would
20 do that, please.

21 Will parties be able to accomplish that in
22 the requested time? Will anyone have difficulty with
23 that?

24 MR. DIXON: Judge, Tom Dixon, with
25 WorldCom. I just want to advise that we have

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1 previously submitted an exhibit list and we had
2 identified Michael A. Beech, who did pre-file
3 testimony, as one of our witnesses, and it's my
4 understanding we will be substituting Thomas P.
5 Priday, like Friday with a P, for Mr. Beech. I'll
6 just let everybody know that now. I think that's
7 been going out on e-mails to a number of people.

8 JUDGE WALLIS: Very well. Thank you for
9 sharing that.

10 MR. DIXON: Thank you.

11 MS. SACILOTTO: Your Honor, consistent with
12 the informality we're trying to do with the workshop,
13 can we get a stipulation that, unless somebody
14 specifically objects, that documents on the exhibit
15 list will be admitted into the record without having
16 to go through the laying of the foundation and
17 whatnot?

18 MS. TRIBBY: AT&T has no objection to that.

19 MR. KOPTA: No objection.

20 MR. HARLOW: No objection.

21 MR. DIXON: Tom Dixon, on behalf of
22 WorldCom. I'm assuming that was US West making that
23 request?

24 JUDGE WALLIS: Yes, that was US West.

25 MR. DIXON: And perhaps as a courtesy to

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1 those of us on the phone, and I realize it's
2 difficult, if it's possible for parties in the
3 hearing room to identify themselves as we speak, it
4 will probably be easier for the rest of us to
5 respond.

6 JUDGE WALLIS: Yes, I will so request the
7 parties. Mr. Butler, you've indicated assent, as
8 well; is that correct?

9 MR. BUTLER: That's correct.

10 MR. FFITCH: Public Counsel. No objection
11 for this workshop.

12 JUDGE WALLIS: Very well. And others on
13 the bridge line? Mr. Heath.

14 MR. HEATH: Thank you, Judge. No
15 objection.

16 JUDGE WALLIS: And Mr. Ahlers.

17 MR. AHLERS: No objection.

18 JUDGE WALLIS: Mr. Dixon, did you state
19 that you had no objection?

20 MR. DIXON: That's correct, Your Honor. On
21 behalf of WorldCom, we have no objection to the
22 request.

23 MR. HARLOW: Your Honor, Mr. Harlow. I'd
24 like to add the same qualifier that Mr. ffitich added,
25 which is no objection for this workshop.

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1 JUDGE WALLIS: Do you include in that the
2 July 6th session?

3 MR. HARLOW: Yes, assuming that's dealing
4 only with the same checklist items.

5 JUDGE WALLIS: Yes, very well. Thank you
6 very much. Let's move on to the question of
7 audio-visual equipment. If there are any needs that
8 people have for overhead projectors -- we've already
9 had a request for an easel. In conjunction with that
10 request, do people want some oversize paper --

11 MS. SACILOTTO: Yes, Your Honor.

12 JUDGE WALLIS: -- and pens to write with?
13 Okay. I believe we can provide that. Are there any
14 other requests?

15 MS. SACILOTTO: Your Honor, for US West,
16 I'm not sure -- our witness, Tom Freeburg, prepared
17 some handouts or demonstrative diagrams. I don't
18 know if he's going to be needing an overhead
19 projector. I could either report back to you or, if
20 it's easy enough, we can just assume that he may need
21 one.

22 JUDGE WALLIS: We will see that one is
23 available.

24 MR. DIXON: Judge, this is Tom Dixon, on
25 behalf of WorldCom. Having been involved recently in

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1 the Colorado workshops, I'm assuming that any diagram
2 that's either been prepared in advance that's
3 oversized and/or one prepared in the hearing room
4 will be reduced to some sort of exhibit that will be
5 provided to all parties, either before, if it's been
6 done in advance, or subsequent to the introduction of
7 that exhibit.

8 JUDGE WALLIS: The Commission rules provide
9 for doing so, and I will ask that anyone who
10 anticipates that such a document would be prepared to
11 provide it in advance.

12 MR. DIXON: Thank you, Judge.

13 JUDGE WALLIS: All right. Let's move on to
14 what I've identified as more process issues. We have
15 asked for a discussion of what basically has worked
16 in similar proceedings in other jurisdictions and
17 what has not worked, in your opinion, so that we can
18 take the best of those ideas and attempt to run with
19 them and not repeat the failures of the past.

20 We have had a request to basically follow
21 the format of the Colorado process and to set up an
22 agenda based on checklist items, and specifically in
23 the following order for this first session, that
24 being items eight, seven, nine, ten, twelve, three
25 and thirteen; is that correct?

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1 MS. SACILOTTO: Yes, for US West, I believe
2 that's correct.

3 JUDGE WALLIS: Yes.

4 MR. DIXON: On behalf of WorldCom, this is
5 Tom Dixon, and that would appear to be consistent
6 with what we did in Colorado and is acceptable to
7 WorldCom.

8 JUDGE WALLIS: I understand that there may
9 be a question of witness availability that could
10 affect that schedule; is that correct?

11 MR. DIXON: If you're directing that to me,
12 Tom Dixon, on behalf of WorldCom, Your Honor, we had
13 a problem, we thought, but that's why Mr. Priday has
14 been substituted for Mr. Beech. And we have since
15 resolved that problem and can work with the schedule
16 that was contemplated both in Colorado and that's
17 being discussed right now.

18 JUDGE WALLIS: Very well. Any other
19 thoughts? Mr. Kopta.

20 MR. KOPTA: Thank you, Your Honor. Because
21 Nextlink is the only client that's going to be
22 presenting any witness, we would like to make sure
23 that there's a date certain on which at least the
24 poles, ducts, conduits checklist item will be
25 addressed. It sounds, from what's happened in

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1 Colorado, that the first day is generally taken up
2 with the first set of checklist items and that the
3 second day is usually when we start with the poles,
4 ducts, but I want to be able to have a set date
5 certain for review of that particular issue, if
6 that's possible.

7 MR. DIXON: Judge, this is Tom Dixon, for
8 WorldCom. We were able to get through the first four
9 checklist items, and I think all the way through five
10 on the first day. The reason I say to some degree,
11 we had a little carry-back on a couple of the earlier
12 checklist items. But I would think we would not hit
13 access to poles and right-of-way, given the fact that
14 everybody will be developing a record, even though we
15 may ultimately know where we're going because of
16 prior workshops, so I would think that checklist item
17 three would not start until day two.

18 MS. SACILOTTO: That would be US West's
19 anticipation, as well.

20 JUDGE WALLIS: Very well. I'm going to
21 suggest that we then make that commitment, that we
22 would not begin checklist item three before day two.

23 MR. KOPTA: Thank you, Your Honor.

24 JUDGE WALLIS: Are there any other
25 observations that participants have on things that

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1 you would like to see or would not like to see?
2 We've stated our intention to allow a relatively free
3 exchange of discussion, consistent with the workshop
4 nature of the docket, but also have pledged to make
5 an effort to keep items on track, because we are
6 preparing a record and this will constitute a record,
7 and we will try to strike a balance between those
8 goals. And as we go through that, if parties have
9 any suggestions, we'll certainly be amenable to
10 hearing them.

11 There was a discussion, as well, in some
12 preliminary discussion that we had this morning about
13 the opportunity to provide legal arguments by briefs.
14 I stated the request and would repeat that, that if
15 there is a legal issue relating to a checklist item,
16 that the parties inform the Commission about that
17 legal issue and state very briefly the nature of the
18 issue and the principal arguments that the proponent
19 and opponent have relating to that issue.

20 I will not ask for an extensive briefing or
21 oral argument, but more in the nature of statement of
22 position. And we will afford the parties the
23 opportunity to provide written arguments on a
24 relatively expedited time frame following the
25 hearing. Is that going to work for folks?

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1 MS. DeCOOK: Your Honor, Becky DeCook, on
2 behalf of AT&T.

3 JUDGE WALLIS: Ms. DeCook.

4 MS. DeCOOK: One question on that. When
5 would you like that, at the closure of the workshop?

6 JUDGE WALLIS: I'm sorry, I didn't quite
7 catch that.

8 MS. DeCOOK: When would you like that
9 disclosure? Is that at the workshop?

10 JUDGE WALLIS: Yes, at the workshop.

11 MS. DeCOOK: Thank you.

12 MR. DIXON: Judge, this is Tom Dixon, on
13 behalf of WorldCom.

14 JUDGE WALLIS: Mr. Dixon.

15 MR. DIXON: That's basically the approach
16 we took in Colorado, and it seemed to work well. We
17 have not yet filed our closing briefs, but we
18 generally addressed an issue by identifying we felt
19 it was legal, as opposed to one of a more factual in
20 nature, generally stated our position, and then
21 walked away from it for a later date.

22 JUDGE WALLIS: Very well. Thank you. We,
23 as I indicated, will be distributing an exhibit list,
24 and I'm going to ask that parties, in responding to
25 that exhibit list, identify the checklist items that

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1 each witness is going to be addressing, so that we
2 can include that information in the list. That will
3 also assist us in preparing for the workshop. Is
4 that something the parties will be able to do for us?

5 MS. SACILOTTO: Yes, Your Honor.

6 MR. DIXON: Tom Dixon, on behalf of
7 WorldCom. We'll be able to get that to you by
8 Monday, at the latest.

9 JUDGE WALLIS: Fine. Thank you very much.

10 MR. DIXON: Judge, I do have one question.
11 We have found -- our testimony in Washington is not
12 unlike that in Colorado. Perhaps some names of the
13 states changed, hopefully, but we did find mistakes
14 in it. We're going to need to do some corrections
15 there in the nature of typographical errors and/or
16 things of that nature. Should we refile the entire
17 exhibit and get that to you Monday, or can we do that
18 on the record? I know US West and AT&T are fully
19 aware of the corrections. We made them in Colorado.
20 But because there are other participants, I just
21 wanted to alert you to that issue.

22 JUDGE WALLIS: Thank you. My request is
23 neither of the above, but that you provide an errata
24 sheet that we can receive in conjunction with the
25 exhibit.

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1 MR. DIXON: That will be fine. And just
2 present that at the workshop itself?

3 JUDGE WALLIS: Yes, that's correct.

4 MR. KOPTA: Your Honor, may I make another
5 point here?

6 JUDGE WALLIS: Mr. Kopta.

7 MR. KOPTA: Thank you. In keeping with the
8 informal nature of these workshops, there may be
9 instances in which there's additional information or
10 maybe even additional witnesses that haven't filed
11 pre-filed testimony or provided information in
12 advance. My understanding, from prior states'
13 workshops, is that there has been some allowance for
14 that, to the extent that it isn't an attempt to
15 somehow game the system, but is in fact a legitimate
16 exercise of bringing materials to the attention of
17 the Commission and the parties in a timely and
18 reasonable manner.

19 And with respect to this first workshop,
20 Nextlink was not able to get information from US West
21 on some aspects of one of the checklist items, and so
22 the issue arises. We had wanted to pre-file
23 testimony for a particular technical witness to
24 address those issues, but we could not.

25 Our preference would be to try and do that

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1 later, since we are just getting the information
2 today, as I understand it, but we don't want to slow
3 down the process. And so one possibility would be to
4 have a witness that has not pre-filed testimony
5 attend the workshops next week and, if necessary, we
6 can deal with any carry-over issues on the follow-up
7 workshop that's currently scheduled for July 6th.

8 JUDGE WALLIS: Very well. My preference
9 would be that, in a situation such as this, your
10 first approach would be to opposing counsel, and
11 advise them and seek their agreement, and your second
12 approach would be to other counsel, to let everyone
13 know what you're proposing. And to the extent, as
14 you've indicated, that this is not an attempt to game
15 the situation, but in fact to respond to exigent
16 circumstances, we would give everyone the opportunity
17 to be heard and then make a decision in light of the
18 nature of the proceeding.

19 MS. SACILOTTO: Your Honor, for US West, I
20 would concur that we would need a little bit more
21 information. The workshop schedule is in place, and
22 our concern is, frankly, one, to keep it on track,
23 but also fairness to our own witnesses, who need to
24 be in preparation for these workshops and simply
25 can't do so if testimony and concerns aren't raised

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1 well enough in advance.

2 So we want to be as accommodating as
3 possible, but to keep the process going and to make
4 it fair to us, so that everything doesn't fall into
5 the follow-up workshop, I would like a little bit
6 more information to see if this is something that we
7 can work out or if we're going to have a serious
8 objection to this.

9 JUDGE WALLIS: That is the reason that I've
10 requested people to engage in discussions, so that by
11 the time you come to us, and I hope that would be
12 well enough in advance that we're not surprised, then
13 you'll be able to state the nature of any agreement
14 or indicate whether disagreement exists, and we can
15 then take the time and use the process to attempt to
16 work things out or to make a decision that resolves
17 matters.

18 MS. SACILOTTO: Thank you, Your Honor.

19 MR. KOPTA: I agree that that is the
20 preferable procedure. However, the workshops start
21 next week, and if there's going to be some objection
22 to having our witness testify next week, I'd like to
23 know in advance. In the testimony that was filed, we
24 noted this issue, and I have had brief discussion
25 with Counsel for US West in terms of information that

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1 we've requested and when we can anticipate that, so
2 there have been some discussions, but I just, at this
3 point, wanted to gauge from the Commission how formal
4 we want to be in terms of identifying witnesses and
5 testimony and exhibits in advance of the workshop or
6 the extent to which, you know, what kind of notice is
7 required and how formal the Commission's expecting
8 these to be in terms of having things in advance, as
9 opposed to having things arise at the workshop.

10 And I agree that there needs to be
11 sufficient notice, but we are still feeling our way
12 through this process, given that it's neither fish
13 nor fowl, and so I'm trying to raise this at the
14 earliest opportunity when we are all met, as it were.

15 JUDGE WALLIS: Well, I'm not sure I would
16 characterize it as neither fish nor fowl. I think it
17 is either fish with a little bit of fowl, or it's
18 fowl that's a little bit fishy, in the sense that we
19 do defer to the Marquis of Queensberry rules and use
20 those as our standard, but recognizing the needs of
21 the process, we'll attempt to loosen the reins as
22 much as possible to allow as much flexibility and
23 interchange as is feasible, but our goal will be to
24 act reasonably under the circumstances, and our
25 expectation is that counsel will also act reasonably

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1 under the circumstances so that we can deal with
2 situations that do arise.

3 We will not be so hidebound with rules and
4 process that we can't deal with emergent situations,
5 and we'll just have to wait until everyone has an
6 opportunity to discuss those matters and to make
7 presentations before we can rule in advance on what
8 it would be.

9 I hope that gives you a little bit of a
10 signal that we're not going to be sitting on the rule
11 book and demanding absolute compliance with every
12 comma and every hyphen, but at the same time, we will
13 be looking to what's fair and what's due process and
14 what is necessary in the context of the proceeding.

15 MR. KOPTA: Thank you, Your Honor. I take
16 it that I should discuss this with Counsel for US
17 West, and if there's an objection, then we can bring
18 that to your attention?

19 JUDGE WALLIS: Yes.

20 MS. TRIBBY: Your Honor, just as a
21 follow-up to that comment by Mr. Kopta --

22 JUDGE WALLIS: Ms. Tribby.

23 MS. TRIBBY: -- and your comments, there
24 are a couple issues that arose in Colorado that may
25 be just helpful to advise you about here, with

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1 respect to sort of the informality of the
2 proceedings. And one of those is to recognize, as I
3 think you have just now, that the relationships
4 between US West and the CLECs are ongoing business
5 relationships, and so disputes may be arising after
6 pre-filed testimony has been filed that we think are
7 necessary to air and try to resolve in these
8 workshops in order to, A, resolve them for business
9 reasons, but also to make a complete record for the
10 Washington Commission.

11 So while we will certainly try to put as
12 much as we can into our pre-filed testimony, I would
13 anticipate that, from time to time, issues may arise
14 that have not been fully aired in either our
15 testimony or in previous states.

16 And that brings me to the second objection,
17 which it came up a great number of times in Colorado
18 that something had been resolved in Arizona or had
19 been discussed and decided in Arizona, and while I
20 think it's beneficial and most efficient for all of
21 us to try to take the teachings and the learnings and
22 certainly the resolutions of disputes that have
23 occurred in other states, while this is not AT&T's
24 issue, I think for some of the other parties here who
25 have not participated in the other states, I think

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1 the recognition needs to be understood that issues
2 may need to be discussed at length because of other
3 parties' interests that may not have been fully
4 discussed or may have been resolved in a different
5 way in other states.

6 MS. SACILOTTO: Your Honor, for US West, to
7 first discuss Mr. Kopta's point, we do need to
8 balance the workshop nature with the fairness nature,
9 and I would urgently request that he provide us with
10 his information as soon as possible so that we can
11 determine whether or not it's possible to work this
12 out or whether we are going to have an objection.
13 It's only fair to our witnesses that they know what
14 they're going to be facing, and it's the only way,
15 frankly, that we can keep the schedule.

16 As far as raising issues that have been
17 raised in other states, we recognize that Washington
18 is not Arizona or Colorado, but to the extent issues
19 have been -- the identical issues have been raised in
20 the states and to the extent the parties are working
21 through those issues, I would certainly like to
22 avoid, as much as possible, retreading ground that's
23 already been tread or resolved.

24 To the extent other parties have additional
25 issues, by all means, they can raise those issues,

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1 but with respect to issues that they filed no
2 testimony on or expressed no interest on, if we've
3 come to agreements in other states, I think it's
4 useful for this Commission to know that those
5 agreements have been reached. If there are
6 additional issues in this state, I would hope that
7 they have already been raised in the pre-filed
8 testimony or will be raised as promptly as possible
9 to allow us to lodge any objections, if it's
10 necessary.

11 MR. HARLOW: Your Honor, if I may, from the
12 perspective of the other parties --

13 JUDGE WALLIS: Mr. Harlow.

14 MR. HARLOW: Thank you. We would agree, in
15 principle, that issues that have been resolved need
16 not be rehashed, but from the perspective of the
17 other parties, we need to see those agreements --

18 MS. SACILOTTO: Absolutely.

19 MR. HARLOW: -- in advance of the hearing,
20 or at least in advance of the discussion. That's all
21 I'd like to say, is that it needs to be reduced to
22 writing or somehow conveyed to us in a way we can
23 review it with our clients and make a decision of
24 whether we want to rehash or supplement or are
25 satisfied with the prior resolution.

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1 MS. SACILOTTO: For US West, absolutely.
2 In fact, one of our exhibits on our exhibit list is a
3 red-line version of the SGAT that will reflect those
4 things, and hopefully that will be a useful tool in
5 this upcoming workshop.

6 MR. DIXON: This is Tom Dixon, of WorldCom.
7 Referring back to that last comment, will that
8 incorporate changes made in Colorado, as well as
9 Arizona, or just Arizona?

10 MS. SACILOTTO: I believe it will have
11 both.

12 MR. DIXON: And with respect to any
13 language that's still pending in Colorado that we're
14 all still working on, what will happen with that?

15 MS. SACILOTTO: I haven't actually seen the
16 document. My understanding -- and hopefully, if I'm
17 wrong, somebody will correct me. My understanding is
18 that there is an indication in the document about
19 whether or not something is proposed or whether it's
20 approved.

21 MR. DIXON: Thank you.

22 MR. BECK: This is Steve Beck, for US West.
23 I apologize, Judge Wallis. I didn't enter an
24 appearance, but I think it would be helpful for me to
25 jump in here and --

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1 JUDGE WALLIS: Excuse me, Mr. Beck. I'm
2 going to interrupt merely to ask you to bring the
3 microphone closer to your mouth and to speak up so
4 that we can all hear you clearly.

5 MR. BECK: Sorry about that, Judge. I was
6 two inches from the microphone.

7 JUDGE WALLIS: You're still not coming
8 through optimally, so please, at a minimum, speak
9 slowly.

10 MR. BECK: Okay. This is Steve Beck, for
11 US West, and I just wanted to confirm that Ms.
12 Sacilotto's representation about the Web site is
13 correct. It will have changes that are resolved and
14 agreed to or are the subject of consensus from
15 Colorado workshops, and it will also have changes
16 that are proposed by US West as a result of issues
17 raised in Colorado workshops.

18 MR. DIXON: This is Tom Dixon. Mr. Beck,
19 you indicated a Web site. Can you give us the Web
20 site address?

21 MR. BECK: It's not up yet, but it will go
22 up by e-mail to the parties both in Colorado and
23 Washington and in Arizona.

24 MR. DIXON: Thank you.

25 MS. DeCOOK: Your Honor, Becky DeCook, for

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1 AT&T. I'd just like to weigh in on one of the
2 issues, and that is something raised by Ms.
3 Sacilotto, about rehashing issues that have been
4 resolved. And I think it's been AT&T's approach that
5 as we move from state to state, we have presented the
6 issues and identified if they've been resolved and
7 how they've been resolved or if they've not been
8 resolved, and that's our plan on a going forward
9 basis.

10 We don't intend to rehash issues, but we
11 think it's helpful to the Commission, the Staff and
12 participants that have not been involved in Arizona
13 or Colorado, but are in Washington, to understand
14 what the issues were and how they were resolved by
15 specific language. So hopefully, that will not
16 delay, unduly delay the workshop, but I do think it's
17 an important foundation to lay for all the parties
18 who have not participated here before.

19 JUDGE WALLIS: Thank you, Ms. DeCook.

20 MS. TRIBBY: This is Mary Tribby, from
21 AT&T, with a question for US West with respect to the
22 red-lined SGAT, because I had raised that during the
23 last procedural hearing. Will the red-line also show
24 the things that are Washington-specific? In other
25 words, one of the things you said at the last

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1 procedural conference is that there will be some
2 things in the Washington SGAT that differ from the
3 SGAT in other states because of rulings that have
4 been made in Washington or rules that exist here.
5 Will those be red-lined, as well?

6 MS. SACILOTTO: For US West, my
7 understanding is that they will not, that the
8 document is living and breathing and has lived past
9 that point where it would be -- we don't have a
10 document with Washington-specific changes on it.

11 MS. TRIBBY: So the SGAT that was filed in
12 Washington, is it Washington-specific or is it a
13 generic docket (sic)?

14 MS. SACILOTTO: Yes. No, the SGAT that was
15 filed on March 22nd is a Washington-specific
16 document. We did not red-line that document. What
17 we have been doing is red-lining it as the parties
18 have resolved issues going forward out of the other
19 dockets. So if you wanted to see the
20 Washington-specific document, you would look at the
21 original March 22 SGAT that we filed with the
22 Commission. That has the Washington-specific
23 language in it, but it is not red-lined.

24 MS. TRIBBY: So what provisions will be
25 red-lined in the exhibit that you are filing next

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1 week?

2 MS. SACILOTTO: Proposed and consensus
3 language out of the Arizona and Colorado workshops.

4 MS. TRIBBY: So those things that have
5 changed since you filed the original Washington SGAT?

6 MS. SACILOTTO: Well, as a result of the
7 workshop process. There might have been changes that
8 we made as a result of, say, Staff concerns and
9 whatnot. Those would not necessarily be red-lined on
10 it. The red-line is mostly to reflect language that
11 has been agreed upon in the workshops in other two
12 states. I think you're aware that we filed an SGAT
13 amendment just a few days ago. I don't know that
14 that would necessarily be on the red-line.

15 MS. TRIBBY: I guess one of the questions I
16 have is could you provide a red-line version that
17 red-lines what is unique to Washington, so that when
18 we are reviewing this SGAT, we can assure ourselves
19 that the changes that have occurred in other states
20 have been incorporated into Washington and that --
21 and we can see what you've changed specific to
22 Washington, so we can decide if we agree with your
23 interpretation of Washington law with respect to
24 these issues?

25 MS. SACILOTTO: Well, the things that have

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1 been red-lined in the document are not
2 Washington-specific issues. They are issues that
3 have been reached in resolution in the other two
4 workshops. So you will see those changes to see if
5 they are consistent with what happened in the other
6 workshops.

7 If you want to see if the document is
8 consistent with your interpretation of Washington
9 law, you can look at either the original Washington
10 SGAT or you can look at the red-line version, but
11 realize that the red-lining is not an attempt to
12 reflect Washington language; it's an attempt to
13 reflect workshop resolutions.

14 MS. TRIBBY: I understand what you're
15 saying about the document you're going to produce
16 next week, and my question, I think, is simply could
17 you produce a document -- and I don't know the answer
18 to this. Could you produce a document that red-lines
19 what you changed in your generic SGAT to be
20 Washington-specific?

21 MS. SACILOTTO: My understanding is no such
22 document exists. I do not know if it's possible to
23 provide one. I don't think it would -- it wouldn't
24 be just like pulling something out of a hat, so I
25 can't answer that. I do know that one does not

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1 exist, because I asked.

2 MS. TRIBBY: AT&T would make the request
3 that you check and see whether that could be done or
4 not.

5 MS. SACILOTTO: We can check, sure.

6 MR. DIXON: This is Tom Dixon, with
7 WorldCom. Alternatively, perhaps either you or Mr.
8 Beck can provide to us an identification of the
9 paragraphs that have been made Washington-specific,
10 if that was possible, instead of redoing the whole
11 document. That's the issue we're up against, so at
12 least we know where you believe you made
13 Washington-specific changes.

14 JUDGE WALLIS: Can US West provide that
15 information?

16 MS. SACILOTTO: I can ask. I'm not
17 certain.

18 JUDGE WALLIS: Ms. DeCook, did you have
19 something?

20 MS. DeCOOK: Thank you, Your Honor. I have
21 a clarifying question for Ms. Sacilotto. You
22 indicated, at least in one statement, that the
23 red-line changes are going to reflect language that
24 -- proposed language changes, as well as agreed-to
25 language changes. Is that true or -- I heard you say

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1 later it was just agreed-to language changes, so
2 which is it?

3 MS. SACILOTTO: My understanding is that it
4 will have both.

5 MS. DeCOOK: And are you going to
6 separately identify those which are just -- I assume
7 these are changes proposed by US West?

8 MS. SACILOTTO: Correct.

9 MS. DeCOOK: As opposed to agreed-to
10 changes?

11 MS. SACILOTTO: Well, if they are agreed-to
12 changes, they would be agreed to between more than
13 just ourselves. My understanding is that there is
14 going to be a way that proposed and agreed-upon
15 language are distinguished in the document.

16 MS. DeCOOK: That would be helpful.

17 MR. BECK: If I could intrude here again,
18 this is Steve Beck, for US West, I can give you a
19 better answer to that question. Can everybody hear
20 me?

21 JUDGE WALLIS: Mr. Beck, I will repeat my
22 request that you pull the microphone close and speak
23 slowly.

24 MR. BECK: It's actually touching my mouth.
25 I don't know what's going on, but I'm doing the best

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1 I can, Judge, but I'll try and speak a little slower
2 and keep it brief.

3 JUDGE WALLIS: Thank you.

4 MR. BECK: The SGAT that will go online,
5 and it is scheduled to go online today, will have
6 footnotes as to each red-lined change, and the
7 footnote will establish what state it comes or
8 originates from, and it will have in parentheses
9 either the word "consensus" or the word "proposed."
10 The word consensus will mean it is a change that was
11 agreed to at a workshop, and the word proposed will
12 mean that it is a US West-proposed change that was
13 brought about by an issue raised in a workshop.

14 JUDGE WALLIS: Thank you, Mr. Beck. Does
15 that resolve some of the parties' concerns?

16 MS. DeCOOK: That's great, Your Honor.

17 MR. DIXON: Sounds good for WorldCom, Your
18 Honor.

19 MS. DeCOOK: Your Honor, Becky DeCook, for
20 AT&T.

21 JUDGE WALLIS: Ms. DeCook.

22 MS. DeCOOK: I have two questions about
23 process. The first one is, given the informal nature
24 that we appear to be adopting for these workshops,
25 has formal cross-examination of witnesses been

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1 dispensed with?

2 JUDGE WALLIS: It would be my expectation
3 that there will be examination in a more discussion
4 format, in which questions and answers may be
5 exchanged, and at the same time, that elements of
6 basic fairness would be observed and objections could
7 be lodged against questions and answers, because
8 these do constitute a record. Is that consistent
9 with others' expectations?

10 MS. SACILOTTO: Yes, Your Honor.

11 MR. HARLOW: Your Honor, first of all, on
12 behalf of Covad, I'd raise, I guess, the same
13 qualification as I did previously, which is for this
14 workshop.

15 And then, secondly, on behalf of all the
16 companies we represent, we would like an opportunity
17 -- I think kind of the way I understand it went in
18 Colorado is that it was more of an informal
19 discussion nature, but that kind of toward the end of
20 each panel, there was an opportunity for the lawyers
21 to ask more formal cross to establish their record.
22 And if that's the kind of the procedure you're
23 contemplating, then I think we would be comfortable
24 with that.

25 MS. DeCOOK: Your Honor, this is Becky

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1 DeCook, for AT&T. Having participated in Colorado, I
2 don't think that there was really a structure such as
3 Mr. Harlow suggests. I think lawyers tended to ask
4 questions, as well as witnesses, of one another, and
5 it was a very informal process. And I don't recall
6 that there was really a time set aside, informally or
7 formally, for cross-examination.

8 And from my perspective, I thought that
9 worked very well, because it led to the free
10 interchange of information. These are technical
11 workshops, and I think it was much more informal, and
12 the witnesses tended to be the ones that engaged in
13 discussions, and I think that was beneficial for the
14 record.

15 MR. DIXON: This is Tom Dixon of WorldCom.
16 I absolutely agree with what Ms. DeCook has said.
17 I'd simply suggest that there was no times when it
18 was essentially asked, Are there any questions from
19 lawyers or any cross-examination. As a lawyer, we
20 either jumped in when we wanted to, assuming we
21 waited for the witness to finish their statement, and
22 the same was done with the technical people. There
23 was no formality to when we asked questions or who
24 got to ask them. It was pretty much a first come,
25 first serve. If you had an issue you wanted to

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1 discuss with the witness or if one of our own
2 witnesses wanted to ask a question of another party's
3 witness, they just jumped in and asked the question,
4 using as much politeness as possible. But there's
5 nothing formal where, you know, at the end of the
6 presentation, somehow someone announced, Does anyone
7 have any cross-examination of this witness.

8 And I agree with Ms. DeCook. I'm now
9 actually in my second full-blown workshop like this,
10 handling these same issues, and feel that has worked
11 extremely well. It's taken any of the perhaps normal
12 fear of being questioned out and I would say produced
13 usually good clarifying information that went to the
14 nature of trying to clarify an issue, as opposed to
15 jam something down someone's throat as to whether
16 they were right or wrong about what they were saying.

17 MS. SACILOTTO: Your Honor, for US West, I
18 agree with what Mr. Dixon says. It would be our
19 preference to follow that format. To the extent a
20 lawyer has a question that would be in the form of a
21 cross-examination question or be in the nature of
22 cross-examination, it sort of just worked its way
23 into the discussion. Ask your questions when you
24 have them.

25 If we start moving to a setting aside time

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1 for that, I think it will chill the informal nature
2 of the workshops, chill the back and forth discussion
3 that we're trying to reach, and I would just hope
4 that you could work your questions in as we go along.
5 And I think that you will find that we'll end up with
6 a greater understanding of what's going on if we can
7 keep it in that format.

8 JUDGE WALLIS: I understood Mr. Harlow's
9 question to address the issue of whether the
10 attorneys would have an opportunity to ask whatever
11 questions they feel they need to ask, and the answer
12 to that would be yes.

13 MR. HARLOW: That's really all I was going
14 to. I was misled, apparently, on kind of what had
15 happened in Colorado, and I think people seized upon
16 that. I didn't mean to worry everyone. But you
17 know, the important point I wanted to make was simply
18 that we would have the opportunity to do what
19 effectively would constitute cross-examination, not
20 to when that would occur.

21 JUDGE WALLIS: Certainly you'll have the
22 opportunity to make a record.

23 MR. DIXON: This is Tom Dixon.

24 JUDGE WALLIS: Mr. Dixon.

25 MR. DIXON: Mr. Harlow, I would assure you,

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1 I saw no one who ever felt they got cut out of the
2 deal in Colorado or in Arizona. No one ever got up
3 and felt that they did not get an opportunity to
4 raise the issues, and there were a roomful of
5 attorneys, as well as expert people. So I'm
6 confident that if we operate on the same basis, that
7 you and everyone else will have an adequate
8 opportunity. By the same token, to the extent people
9 want to do something different, I don't want to
10 suggest that just because Colorado and Arizona did it
11 some way, that Washington's bound by it, but I do
12 state that that worked pretty well in both Colorado
13 and Arizona.

14 MR. HARLOW: I'm sure Mr. Dixon would never
15 allow himself to be cut out of a proceeding.

16 MR. DIXON: I've interjected myself in this
17 one.

18 MS. DeCOOK: Your Honor, Becky DeCook
19 again. I have two questions. My other questions
20 went to a little more base level question and --

21 JUDGE WALLIS: Ms. DeCook, I'm starting to
22 lose you, and I'd ask you, as I did Mr. Beck, to
23 please talk a little louder, bring the microphone a
24 little closer, and talk a little slower, so we can
25 all hear.

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1 MS. DeCOOK: I have done that. Is that
2 better?

3 JUDGE WALLIS: It is a little better.
4 Thank you.

5 MS. DeCOOK: All right. My second question
6 was -- it deals with the room arrangement. And one
7 of the experiences that we had in Colorado was
8 difficulty in hearing people, even those in the room,
9 and so my question is will you have microphones
10 available for participants to speak with and into?

11 JUDGE WALLIS: Yes.

12 MS. DeCOOK: Great.

13 JUDGE WALLIS: At least I can answer that
14 as to proceedings that are held in this room. I
15 understand that we may be using another room on rare
16 occasions when this room is preempted by
17 Commissioners for Commission activities, and I can't
18 speak to the facilities that are available in Seattle
19 at the Attorney General Division offices, but we will
20 do our best to make sure that everyone can be heard
21 and will be heard.

22 Anything else on the topics we've addressed
23 so far? Mr. Harlow.

24 MR. HARLOW: I have a witness availability
25 issue that I simply wished to report to Your Honor

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1 and the parties at whatever time you feel would be
2 appropriate.

3 JUDGE WALLIS: Very well. Let's go through
4 a couple other housekeeping things, and then I'll ask
5 for any other matters and you can bring that up then,
6 if that would work for you.

7 Exhibits on cross-examination, if you have
8 not identified an exhibit that you intend to use, we
9 ask that you do that as soon as possible and provide
10 that information to us as you respond to the exhibit
11 list that we are going to provide by electronic mail.

12 Again, there would be a little bit of
13 flexibility to recognize exigent circumstances, but
14 we do ask that if you're going to present a document
15 or reasonably believe that you will be presenting a
16 document, that you let us know at the earliest
17 feasible date so that we can minimize the need to
18 take valuable workshop time for housekeeping matters.

19 MR. DIXON: Judge, this is Tom Dixon.

20 JUDGE WALLIS: Mr. Dixon.

21 MR. DIXON: Just a quick -- you brought
22 something to my attention when you talked about the
23 exhibit list going out electronically on Monday. I
24 don't know if I'm the only one. I know at least two
25 of us are going to be flying to Washington Monday

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1 afternoon, which is another way of saying anything
2 sent out after noon, we probably won't receive, at
3 least certainly not until after business hours.

4 May I suggest that, to the extent possible,
5 we have access to hard copies in the hearing? We'll
6 certainly try and pull them down online when we get
7 into our hotel rooms. When we come in Tuesday
8 morning, to the extent something was sent on Monday
9 -- on occasion, I've had trouble pulling information
10 by e-mail, and I'm just saying if we could have hard
11 copies sent after noon, it would be helpful.

12 JUDGE WALLIS: Let's go off the record for
13 just a minute.

14 (Discussion off the record.)

15 JUDGE WALLIS: Let's be back on the record.

16 MR. DIXON: I apologize for not knowing
17 what day it is.

18 JUDGE WALLIS: In clarification, it appears
19 that Mr. Dixon is inquiring as to matters that would
20 be distributed on Tuesday afternoon, and the request
21 is that hard copies be available in the hearing room
22 on Wednesday morning, prior to the start of the
23 hearing. And I would ask that parties do that and
24 that any such documents be available at least a half
25 hour before the scheduled start of the hearing.

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1 MR. DIXON: Thank you, Judge. Sorry about
2 all that.

3 JUDGE WALLIS: Thank you. That brings up a
4 related question, and that is the effort to achieve
5 consensus that we can, in fact, communicate by
6 electronic mail, and that will be a feasible
7 mechanism to exchange information. Let's start with
8 that, and ask if the parties can consent to the
9 exchange of information by electronic mail. Is there
10 any objection to that? It appears that there is no
11 objection.

12 There's been a reference made to a US West
13 Web site. I would call the parties' attention to the
14 fact that this Commission maintains a Web site, and
15 that the Commission posts on that any document that
16 is received in electronic format. It is not
17 instantaneous, but it is generally within a day or
18 two of the time it's received by the Commission. So
19 that resource is available to parties.

20 I will ask that the parties use the
21 WordPerfect platform for any documents that are filed
22 electronically, so that we're sure that, as a lowest
23 common denominator, as it were, that the Commission
24 Staff can read those documents, and I would ask that
25 the version be no earlier than -- or no later than 8,

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1 Version 8, and no earlier than Version 6 of
2 WordPerfect for optimal convertibility.

3 I recognize that some people may not have
4 access to WordPerfect or to a conversion utility for
5 WordPerfect. If you must use Word, which we do
6 discourage for our purposes, if you must use Word,
7 please file documents in Word '97 or earlier, and not
8 in Word 2000, which we cannot convert, or which I
9 have not been able to find a conversion utility for.

10 MR. KOPTA: Can we go off the record to
11 discuss this for just a moment, Your Honor?

12 JUDGE WALLIS: Yes.

13 (Discussion off the record.)

14 JUDGE WALLIS: Let's be back on the record.

15 We discussed very briefly the advantages and
16 disadvantages of platforms and a consistent platform
17 and the problems that each arises. It is not
18 necessarily a question of can we ultimately have
19 access to the document; it is a question of when we
20 get access to it and what it looks like when we do.
21 And therefore, we do request that parties honor our
22 platform request, to the extent that it is reasonably
23 possible to do so.

24 There's also been a question raised as to
25 whether it is our expectation that copies of

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1 documents will be sent electronically at the time
2 they are sent in hard copy, and the answer to that is
3 yes. We do ask that documents be shared with the
4 Commission, Commission Staff, and others, other
5 participants by electronic mail, so that access is
6 available in a timely manner on matters that are
7 subject to a distinctly expedited schedule.

8 MR. DIXON: Judge, this is Tom Dixon, for
9 WorldCom. Just so I'm clear on what you're stating,
10 would we continue to serve other parties hard copies,
11 as well as electronically, or are we going to an
12 electronic service list for all parties and only hard
13 copies to the Commission?

14 JUDGE WALLIS: Unless parties waive service
15 of hard copy, it's my reading of the Administrative
16 Procedure Act that service must be made in hard copy,
17 although, as I say, I believe that parties can waive
18 receipt of hard copies.

19 MR. DIXON: Can we explore that
20 possibility, Judge, at this conference, or is that
21 something we shouldn't talk about now?

22 JUDGE WALLIS: Ms. Smith, did you have a
23 comment or question?

24 MS. SMITH: I did, very briefly. I would
25 just like to remind parties that since the Commission

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1 Staff is not in an advocacy role in this case, we
2 should not receive DRs or DR responses. We should
3 only receive documents that are being filed with the
4 Commission.

5 JUDGE WALLIS: Thank you, Ms. Smith. Let's
6 go back to Mr. Dixon's request and see whether there
7 is waiver of service of hard copies.

8 MR. HARLOW: Your Honor, I'll remind us all
9 of the difficulties we've had with references to page
10 numbers for the record, because oftentimes every
11 different printout comes out with different
12 pagination. So for that reason alone, I think we
13 want hard copies, although typically prefer to get
14 electronic and work with that right up till the
15 hearing, when we need to have an accurate page
16 reference.

17 JUDGE WALLIS: That's a concern that I have
18 experience with, as well, and --

19 MR. HARLOW: I wish we could solve that.

20 JUDGE WALLIS: Well --

21 MR. HARLOW: We're not quite there yet.

22 JUDGE WALLIS: We have had the experience
23 of computers sitting side-by-side, configured
24 slightly differently, sending the same document to
25 the same printer coming up with different pagination,

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1 and it is something that our internal committee team
2 addressing electronic access issues is addressing.
3 We don't have the answer yet.

4 The Commission does post documents in PDF
5 format, which cannot be altered, and I suspect
6 ultimately we will zero in on that as one of the
7 potential solutions. But until then, parties
8 continue to be free to waive a hard copy, but there
9 is an advantage to receiving a hard copy ultimately.

10 MS. SACILOTTO: Tom, for US West, we'd like
11 to get the hard copies. Sorry.

12 MR. DIXON: That's all right. This is Tom
13 Dixon, for WorldCom. Frankly, if one wants hard
14 copies, it's more of an administrative nightmare to
15 figure out who wants what. So the general rule is
16 fine. I just wanted to explore -- in Colorado, we
17 went the other way. I thought I would explore it
18 with this group, which you have no reason to change
19 your process of hard copies for everybody, as well as
20 electronic. We'll just do both.

21 JUDGE WALLIS: Very well.

22 MR. DIXON: Judge, that does bring me to
23 other administrative issues, if I can raise them.

24 JUDGE WALLIS: Mr. Dixon.

25 MR. DIXON: Regarding copies of documents

00111

1 we've already served everybody with represent
2 pre-filed testimony, I'm assuming at the actual
3 workshop, we only need to provide one copy for the
4 court reporter and not distribute copies throughout
5 the room to whomever may want them, since we've done
6 that electronically, and presuming they have a hard
7 copy already.

8 I just want to see if that's a correct
9 assumption or whether you have some different thought
10 on how many copies need to be made available at the
11 hearing room when we offer these documents into
12 evidence.

13 JUDGE WALLIS: Let me ask parties whether
14 you expect to have copies provided at the time of the
15 hearing?

16 MR. HARLOW: No, Your Honor.

17 JUDGE WALLIS: I see no one indicating that
18 they do expect copies. I would request that you have
19 a couple of copies available in case of a misplaced
20 document or the need to mark something up for a
21 witness and yet have a clean copy. If you can bring
22 a couple of copies to the hearing to deal with
23 potential exigencies of that sort, that would be
24 helpful.

25 MR. DIXON: Judge, would that be a couple,

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1 plus one to be formally marked and identified by the
2 court reporter?

3 JUDGE WALLIS: It is our custom to use one
4 of the pre-filed documents as the official exhibit.

5 MR. DIXON: We can do that. Thank you.

6 JUDGE WALLIS: To the extent that a
7 document is pre-filed. Let's move on. The question
8 was posed as to the integration of the SGAT
9 proceeding with the 271 proceeding, and we will ask
10 US West to provide, no later than Monday to the
11 Commission, with a copy to all parties, a road map of
12 the SGAT, identifying which elements will be
13 considered in the 271 proceeding, which elements have
14 rate aspects that will be considered in Docket Number
15 UT-003013, and which elements are involved in
16 neither, and consequently will need to be
17 independently addressed. Can US West do that?

18 MS. SACILOTTO: Yes, Your Honor. One
19 question of clarification. With respect to the
20 issues that would go to the cost docket, I don't know
21 that we can identify all of those right now or if
22 that's something that arises as the workshops go on,
23 that that need arises. So I would ask that we have
24 the ability to identify those kinds of issues on an
25 ongoing basis, as opposed to right now.

00113

1 JUDGE WALLIS: The one reservation that I
2 have with regard to that suggestion is that the cost
3 docket has begun and we are in the process of
4 scheduling the bells in the carillon, and while they
5 have not yet been rung, it is certainly getting to be
6 time that if you want -- truly want something to be
7 considered in that docket, you need to be able to
8 identify it as an issue in that docket.

9 So for this proceeding, there will not
10 necessarily be a barrier to identification of such
11 issues from a practical standpoint. As you proceed
12 in all of the dockets that US West is involved in,
13 you need to make sure that issues can be timely
14 raised in those dockets.

15 MS. SACILOTTO: That's our hope, is to
16 raise them. It's my understanding that all of the
17 issues have not quite yet been solidified in the cost
18 docket, and that there's some room there in the event
19 something arises here, that it would be more
20 appropriately dealt with there. It's simply our goal
21 to have cost issues addressed in a forum that would
22 best address those, and which would probably not be
23 this forum.

24 MR. DIXON: Judge, this is Tom Dixon, of
25 WorldCom.

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1 JUDGE WALLIS: Mr. Dixon.

2 MR. DIXON: Judge, we encountered a
3 situation in Colorado that may be relevant to what
4 they're talking about here, that dealt with the
5 concept of how to integrate the SGAT into the 271 and
6 yet fully litigate the SGAT at some point. I recall
7 Mr. Steese and I and others in the Colorado workshop
8 discussed a number of what we'll term general terms
9 and conditions found in the SGAT that do not directly
10 relate to any one of the 14 checklist items. And I
11 believe in Colorado we proposed -- and I think this
12 is where we're going -- putting it into what we call
13 the cost docket in Colorado. Would US West
14 anticipate doing the same here in Washington,
15 assuming we take that approach?

16 MS. SACILOTTO: Not the cost docket, Tom.
17 We have a proposal of terms that I believe is similar
18 to what you have in Colorado that we would propose
19 putting into the SGAT docket.

20 MR. DIXON: And that's the Washington SGAT
21 docket, we're talking?

22 MS. SACILOTTO: Yes.

23 MR. DIXON: Fine. As long as it goes
24 somewhere. I just want to make sure, when all is
25 said and done, I know when I was supposed to address

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1 it and have an opportunity to deal with it.

2 JUDGE WALLIS: We will try to make sure
3 that you have that opportunity, Mr. Dixon.

4 MR. DIXON: Thank you, Judge.

5 JUDGE WALLIS: The last item I would like
6 to raise at this juncture is the question of process,
7 timing. Parties have asked leave to present briefing
8 on legal issues. We have not yet determined the form
9 of report that will be going to the Commissioners or
10 the extent of process that will be afforded in terms
11 of whether it will go through one release or two
12 before it gets to the Commissioners, and we need to
13 address that. I'm not convinced that we need to
14 address it today in any length.

15 We got a little bit of a late start because
16 of technological problems and the failure of our
17 bridge line until relatively late in the morning. I
18 would like to ask the parties, however, if it would
19 be satisfactory, for your purposes, to establish a
20 deadline of five days after the last workshop day in
21 each session for the presentation of legal arguments.
22 Is that something that you can live with?

23 MS. SACILOTTO: Your Honor, for US West, do
24 you mean presentation or written briefs?

25 JUDGE WALLIS: Yes.

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1 MS. SACILOTTO: Yes, that would be fine.

2 MR. FFITCH: Your Honor, is that five
3 calendar days or five business days?

4 JUDGE WALLIS: That would be five business
5 days.

6 MR. HARLOW: Would that be timed from the
7 conclusion of each checklist item, basically? Am I
8 understanding that right?

9 JUDGE WALLIS: I'm thinking that, for
10 example, on the first set of issues, we will have a
11 three-day session, and any legal issues that arise
12 during that session should be briefed within five
13 days after the Friday, and anything new that comes up
14 on July 6th would then be due within five days after
15 July -- a week's calendar after July 6th.

16 MS. TRIBBY: And that's for written briefs?

17 JUDGE WALLIS: And that's for written
18 statements of legal issues, yes.

19 MS. TRIBBY: Just one suggestion. Given
20 that the follow-up workshop may deal largely with
21 issues that are still being dealt with in the first
22 workshop, could we just do one legal filing following
23 the follow-up workshop?

24 JUDGE WALLIS: Let me clarify that if you
25 believe that a matter is subject to further

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1 discussion and argument, that that would be deferred,
2 but if you're satisfied during that first three-day
3 session that you're not going to bring it up at the
4 July 6th session, it's my preference, on behalf of
5 Staff, that we get those arguments as soon as
6 possible, and not wait until July 6th.

7 MS. TRIBBY: Okay.

8 JUDGE WALLIS: Is that going to work for
9 folks?

10 MR. DIXON: Sounds fine, Judge. This is
11 Tom Dixon, for WorldCom. If I understand your
12 statement, assuming we conclude our workshops on June
13 23rd, you'll want a brief on June 30?

14 JUDGE WALLIS: Yes, that's correct.

15 MR. DIXON: That will be five business days
16 later.

17 JUDGE WALLIS: Yes.

18 MR. DIXON: Thank you.

19 JUDGE WALLIS: Okay. I want to acknowledge
20 that we have not determined yet the form of report,
21 whether it will look more like an order or more like
22 a report, nor have we determined the precise schedule
23 on which we will be producing drafts and have not
24 addressed the issue of whether and to what extent
25 drafts would be released and revised, and we will

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1 address those during first workshop series.

2 Is there anything else that parties wish to
3 raise? Mr. Harlow.

4 MR. HARLOW: Yes, Your Honor, thank you.
5 We -- let me specify. ICG pre-filed testimony of
6 Cindy Schonhaut, and we do know that she is not
7 available next week. We are working on obtaining a
8 witness to adopt her testimony, and as of this
9 morning, we hadn't identified anyone, and I simply
10 wanted to alert the parties to that. As soon as we
11 identify a witness, we will notify all parties and
12 provide a CV or biographical information for the
13 witness, and I'm hoping that will be not later than
14 close of business Monday.

15 MS. SACILOTTO: Your Honor, I had a
16 question of clarification on the issue that we just
17 left. This is US West.

18 JUDGE WALLIS: Before we do that, can we
19 bring closure to Mr. Harlow's inquiry?

20 MS. SACILOTTO: I can't foresee any
21 objection.

22 JUDGE WALLIS: Okay. Any other party wish
23 to comment on that? All right. Thank you.

24 MS. SACILOTTO: Sorry. With respect to the
25 legal briefs that we were just discussing, would that

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1 include items on which the parties have reached -- I
2 would call them impasse items, items upon which it
3 might -- I don't want to say they'll just be legal
4 arguments. It might be issues that we just don't
5 believe that we are going to be able to resolve. I
6 would assume they're largely legal, but there might
7 be a little smattering of facts in there.

8 JUDGE WALLIS: Well, let me say that I'm
9 content to resolve that on an issue-by-issue basis.

10 MS. SACILOTTO: Okay, I think. Could I
11 understand what you mean by that?

12 JUDGE WALLIS: So as matters come up during
13 the discussion, we can flag them as matters that
14 either involve a legal argument that needs to be
15 briefed or that involve an issue that needs to be
16 addressed more broadly than merely statement of a
17 legal argument, and then we can determine whether
18 they would be kicked over to the July 6th session or
19 not, and if they are not, then we can determine
20 whether the parties want to brief them then or later.

21 MS. SACILOTTO: That sounds great. Also,
22 when we discuss at the workshop proceeding the format
23 of the report and whatnot, will we also be discussing
24 the nature of the presentations to the Commissioners?

25 JUDGE WALLIS: Yes.

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1 MS. SACILOTTO: Okay.

2 MS. DeCOOK: Your Honor.

3 JUDGE WALLIS: Ms. DeCook.

4 MS. DeCOOK: Becky DeCook, of AT&T. Have
5 you addressed the format you're going to use for the
6 workshops themselves? For example, do you anticipate
7 that, on each checklist item, each party that's filed
8 comments will make a presentation and then the floor
9 will essentially be opened up for questions?

10 JUDGE WALLIS: That's my expectation. Does
11 anyone have a different expectation?

12 MR. BECK: This is Steve Beck, from US
13 West.

14 JUDGE WALLIS: Mr. Beck.

15 MR. BECK: I think that, in general, we
16 followed that procedure in Colorado, except as to
17 reciprocal compensation, and I think reciprocal
18 compensation tended to work a little bit better. In
19 Arizona, we didn't follow that procedure at all, and
20 it worked quite well to kind of just do general
21 presentations, but then take issues afterward and let
22 each party go on each issue and resolve the issue and
23 then go on to issue number two and then issue number
24 three, as opposed to having party number one go
25 through all the disputed issues on a checklist item

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1 and then have party number two do the same thing and
2 then party number three, because in the end you end
3 up coming back to issue-by-issue anyway. And I think
4 it's a little more efficient to allow each party to
5 do maybe a general presentation briefly at the
6 beginning of each checklist item, and then take
7 issue-by-issue and have each party have its say on
8 each issue and then close the issue and move on to
9 the next disputed issue.

10 JUDGE WALLIS: Do the parties have
11 observations on that suggestion?

12 MS. SACILOTTO: I would agree with both of
13 them, frankly. I think whatever works best for a
14 particular checklist item, I think Steve's approach
15 worked well, and to the extent that, for some of the
16 checklist items, for example, there were no comments
17 filed. I would not foresee -- I would foresee just a
18 presentation, you know, and then opening it up or
19 whatever. So I think it just depends on the
20 checklist item. But it does work better if we try to
21 just avoid repetition and immediately go to the
22 disputes, if that's possible.

23 MS. DeCOOK: Your Honor, Becky DeCook, for
24 AT&T. I agree with Ms. Sacilotto. I think there are
25 some checklist items where they've been largely

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1 resolved. And so to that extent, I'm not sure an
2 issue-by-issue presentation is necessary, but on a
3 checklist item such as reciprocal comp, I believe
4 that the approach that Mr. Beck identified did work
5 the best.

6 MR. DIXON: This is Tom Dixon, on behalf of
7 WorldCom.

8 JUDGE WALLIS: Mr. Dixon.

9 MR. DIXON: I'd agree with Ms. DeCook and
10 how it worked as far as Colorado with respect to what
11 Mr. Beck talked about. Following up on that, Judge,
12 will there actually be an agenda for each workshop?

13 JUDGE WALLIS: Yes.

14 MR. DIXON: So I'm assuming US West would
15 open the proceeding with their presentations and
16 we'll just work our way down, and either you will
17 arbitrarily or otherwise establish some order of
18 presentation by the CLECs. And to the extent that's
19 the case, again, absent the AT&T objection, generally
20 what we've done is US West went first, AT&T went
21 second, WorldCom went third. And I think, largely
22 because we have all three been actively involved in
23 Arizona and Colorado, that tended to move things
24 along. That's not to say others have not been
25 involved, but I think we're probably the bigger

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1 players. I would suggest that order, if that's
2 acceptable.

3 MS. DeCOOK: This is Becky DeCook, for
4 AT&T. We have no objection to that, but we're
5 certainly flexible if anybody needs to go before us
6 for timing reasons (inaudible).

7 JUDGE WALLIS: I'm sorry, Ms. DeCook, we
8 did not hear the conclusion of your statement.

9 MS. DeCOOK: We're more than willing to
10 allow other parties to go ahead of us if they have
11 some scheduling problems.

12 MR. DIXON: Worldcom is also willing to do
13 that, as well. I just meant as a general concept.

14 JUDGE WALLIS: Mr. Kopta, Mr. Harlow, Mr.
15 Butler?

16 MR. BUTLER: That's fine.

17 MR. HARLOW: No objection.

18 JUDGE WALLIS: Very well. What I envision
19 is that we will engage in some informal discussion as
20 we approach each issue, that the sponsoring witnesses
21 will get the exhibits identified, and we'll receive
22 those exhibits, and then we'll engage in whatever
23 format of discussion makes sense to everybody.

24 MR. FFITCH: Your Honor, I have -- when
25 you're willing, I have a couple of minor procedural

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1 items before we wrap up.

2 JUDGE WALLIS: Mr. ffitch.

3 MR. FFITCH: First of all, Your Honor, Mr.
4 Butler and I have a conference call on Wednesday,
5 which currently conflicts. We will attempt to
6 schedule it for -- either cancel it or schedule it
7 for the noon hour, and we would like to be able to
8 commit to being available to that call at noon on the
9 21st.

10 The second point is that Public Counsel may
11 not be in attendance at every session of the
12 workshop, depending on our level of interest or
13 involvement in a particular issue, so that we just
14 wanted to notify the Bench and parties and determine
15 whether there's any objection from the bench for
16 intermittent attendance on our part.

17 Third point, Your Honor, is that -- I'm
18 sorry. Is there any difficulty with that approach
19 from our office, Your Honor?

20 JUDGE WALLIS: My view is that Counsel can
21 choose to attend or not attend, as they wish, as
22 suits their own scheduling needs and their interest
23 in the proceeding. However, any excuse from the
24 Bench in that record does not absolve any party of
25 the responsibility for being aware of what happens,

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1 nor does it offer a party the opportunity to bring up
2 a matter that is resolved in your absence or
3 addressed in your absence. Is that consistent with
4 your understanding?

5 MR. FFITCH: Yes. Thank you, Your Honor.

6 JUDGE WALLIS: Okay. By the same token,
7 and we addressed this informally, as well, we've
8 observed today the problem that occasionally arises
9 with our bridge line. And I want to make sure that
10 everyone understands that reliance on the bridge line
11 is at the risk of the relier, and that it is possible
12 that the bridge line may be nonfunctional on a day
13 when you would like to use it.

14 In addition, it's my understanding that on
15 some days during the proceeding, as it moves forward,
16 the bridge line will not be available due to other
17 matters, such as formal hearings going on, that would
18 interfere with and preempt our use of the bridge
19 line. So if the bridge line or some kind of
20 electronic communication is essential to you, you
21 need to make that known to me or Ms. Rendahl, so that
22 suitable arrangements can be made.

23 MR. FFITCH: Thank you, Your Honor. The
24 other two items are hopefully quite brief. The next
25 one is to inquire whether there will be an order

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1 memorializing the conference today?

2 JUDGE WALLIS: Yes.

3 MR. FFITCH: Thank you, Your Honor. The
4 last item is really just sort of for the record, and
5 I will pursue this with Counsel for US West. In
6 Appendix A to the order of March 15th in this
7 proceeding, there are certain evidentiary
8 requirements for various portions of the act,
9 particularly with reference to Roman Numerals II,
10 III, and IV contained in Appendix A, which are a list
11 of evidentiary requirements for US West.

12 I'm looking ahead, frankly, for the future
13 workshops, but I want to make sure we anticipate this
14 issue, and I'm going to inquire of US West the manner
15 in which their filings will track these evidentiary
16 requirements. I'm a little bit unclear about how
17 that's working generally in this case, but those are
18 the particular areas where our office would be
19 especially interested.

20 The same question may apply to other
21 checklist items, but in any event, Your Honor, I'm
22 just noting that for the record, and I'll pursue that
23 question with US West.

24 MS. SACILOTTO: I'll be happy to talk about
25 it off the record.

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1 MR. FFITCH: Those are all my matters, Your
2 Honor. Thank you.

3 JUDGE WALLIS: Very well. Is there
4 anything else to come before the Commission?

5 MS. TRIBBY: Your Honor.

6 JUDGE WALLIS: Ms. Tribby.

7 MS. TRIBBY: AT&T has a couple of issues
8 that are, unfortunately, I think, somewhat
9 controversial, and you may not want to deal with them
10 today, but I wanted to note them for the record. One
11 of them doesn't deal with this workshop; it deals
12 with subsequent workshops, but it needs to be
13 addressed before the prehearing which is scheduled
14 for the second workshop.

15 And that is AT&T, and I've talked to the
16 other CLECs about it and tried to resolve it with US
17 West this morning, but I don't think that we'll be
18 able to resolve it. We would like to do some very
19 minor rearranging of some of the groupings of what
20 comes in workshops two and three.

21 Since the procedural schedule was set up in
22 Washington, workshops have been set up in four other
23 states, one of those being a multi-state. And in
24 Colorado, when the schedule was set up, US West and
25 the other parties sat down together and determined

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1 the groupings, and so those were sort of mutual ideas
2 about what groupings were appropriate, and given that
3 all of these workshops are going on somewhat
4 simultaneously, we at least have staffed internally
5 so that our experts and our lawyers work on various
6 topics and try to keep those consistent as we go from
7 state to state.

8 And so while Colorado has six workshops, I
9 think, and the other states typically have four or
10 five, we're not interested in expanding the number of
11 workshops that Washington currently has scheduled,
12 but we would like to do some rearranging of the
13 topics, very minor. So I don't know if you want to
14 deal with that today or if you'd like us to file a
15 written motion or whether we can deal with that at
16 some time in the future.

17 JUDGE WALLIS: I do not want to deal with
18 that today, and I am open as to how you wish to
19 proceed with it. If you wish to proceed informally,
20 we can allot some time during the phase next week for
21 parties who will be assembled in Olympia for the
22 largest part to engage in discussions. Staff would
23 like to be a part of those discussions dealing with
24 the process angle of the structure of the workshops.
25 If you wish to file a written request that the

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1 schedule be changed, then you're free to do that, as
2 well.

3 MS. TRIBBY: We will address it with
4 parties next week, and then, if necessary, bring it
5 back to the Commission's attention.

6 JUDGE WALLIS: Very well. Please remind me
7 at the outset of the hearing that that is an issue to
8 be addressed and we will work to see that some time
9 is scheduled for that.

10 MS. TRIBBY: Thank you. And one other
11 issue, Your Honor, and I think we can actually deal
12 with this on a workshop-by-workshop basis, but an
13 issue that hasn't, I don't think, been fully resolved
14 in the procedural orders that I have seen in
15 Washington is how -- I understand that we are going
16 forward with OSS-related checklist items and looking
17 at those in the workshops.

18 What I don't think is necessarily clear is
19 whether we intend to do a review of data indicating
20 US West's performance prior to allowing the ROC
21 process to be concluded. As you know, Washington is
22 a participant in that ROC process, and as US West has
23 agreed in other states, that ROC process is currently
24 looking at performance measures and performance
25 indicators and trying to determine which measures are

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1 the appropriate ones and how data will be measured
2 under those measures.

3 It's been our position in all of the
4 states, and all of the other states have agreed with
5 us to date, that it doesn't make sense to start an
6 analysis of performance, per se, in other words,
7 looking at data indicating performance, at least
8 until it has been finally determined what the
9 definitions and the measures will be so that you have
10 audited performance data under those measures that
11 you can compare.

12 Clearly, the ROC process is in such an
13 early stage right now that I think we can certainly
14 put that off for workshop one, and if we want to deal
15 with it on an ongoing basis with respect to
16 individual workshops, I think that's fine, but it
17 will be our expectation, going into workshop one,
18 that any data-related performance will be saved until
19 after the ROC process has completed. And I think
20 that's what was contemplated in the procedural order
21 in this case dealing with the ROC process, but I just
22 wanted to clarify that.

23 JUDGE WALLIS: That matter did come up in
24 the initial workshop related to the 271 process, and
25 it was resolved, to my recollection, in the manner

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1 that you have suggested. And if the order was not
2 explicit in that regard, it should have been.

3 MS. TRIBBY: Thank you.

4 MR. FFITCH: Your Honor, just a quick
5 correction or addition to my previous comments. I
6 neglected to mention Roman Numeral VII of Appendix A,
7 which is the public interest list of evidentiary
8 requirements.

9 And again, just in general, Your Honor,
10 these are areas which are issues that are raised by
11 Section 271 applications that are not on the
12 checklist, per se, but are still part of the showing,
13 and that's the area that I want to talk about with
14 the company.

15 JUDGE WALLIS: Very well. We did address
16 that at the earlier process workshop, and I believe
17 it was the conclusion that those matters, if they are
18 not addressed by the conclusion of the third
19 workshop, would be fair game for a fourth workshop,
20 and I'd certainly encourage you, the company, and
21 others to discuss those matters.

22 MS. SACILOTTO: Your Honor, with respect to
23 the matter that we just discussed with -- Ms. Tribby
24 just discussed regarding performance measures, I
25 would just request the opportunity to take another

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1 look at that order and confer to see if we have any
2 -- if we agree with her characterization and whatnot.
3 I don't know that we have any problem with it, but
4 I'd just like the opportunity to confirm and get back
5 to you at the workshop.

6 JUDGE WALLIS: Very well. Is there
7 anything further to come before the Commission? It
8 appears that there is not. Thank you all very much,
9 and this conference is adjourned. We will see you
10 all on Wednesday morning.

11 MS. ANDERL: Nine-thirty?

12 MS. SACILOTTO: Yeah, that's a good
13 question. What time?

14 MS. STRAIN: Fine with me.

15 JUDGE WALLIS: Sounds good to me.

16 MS. TRIBBY: Nine-thirty.

17 JUDGE WALLIS: I don't have the notice of
18 hearing time in mind, but generally it's 9:30, and we
19 will count on that.

20 (Proceedings adjourned at 12:25 p.m.)

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