

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

In the Matter of the Petition for)	DOCKET UT-073031
Arbitration of an Interconnection)	
Agreement Between)	ORDER 03
)	
SPRINT COMMUNICATIONS)	
COMPANY L.P.)	PREHEARING CONFERENCE
)	ORDER; NOTICE OF HEARING
with)	<i>(Jan 31, 2008, and Feb 1, 2008)</i>
)	
WHIDBEY TELEPHONE COMPANY)	
)	
Pursuant to 47 U.S.C. Section 252(b).)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On October 17, 2007, Sprint Communications Company L.P. (Sprint) filed with the Washington Utilities and Transportation Commission (Commission) a request for arbitration pursuant to 47 U.S.C. § 252(b) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act). The petition was served on Whidbey Telephone Company (Whidbey).

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington, on November 26, 2007, before Administrative Law Judge (ALJ) Adam E. Torem.

3 **APPEARANCES.** Judith Endejan, Graham & Dunn PC, Seattle, Washington, represents Sprint. Richard A. Finnigan, Law Office of Richard A. Finnigan, Olympia, Washington, represents Whidbey.¹ Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

¹ At this point in the proceeding, Whidbey has made only a limited appearance for purposes of challenging the Commission’s jurisdiction over this matter.

4 **PROCEDURAL SCHEDULE.** The parties partially agreed on a procedural schedule during the conference, but only with regard to the disposition of certain “threshold issues” raised by Whidbey. On November 27, 2007, the parties submitted a letter setting out their agreements with regard to the remainder of the procedural schedule. The Commission adopts the parties’ proposed procedural schedule as set forth below and in Appendix B to this Order.

Sprint’s Opening Brief & Pfaff Affidavit re “Threshold Issues”	December 7, 2007
Whidbey’s Response Brief re: “Threshold Issues”	December 17, 2007
Disputed Issues Lists (both parties)	December 21, 2007
Witness Lists (both parties)	January 4, 2008
Commission Order on “Threshold Issues”	January 4, 2008
Arbitration Hearing	January 31, 2008, and February 1, 2008
Post-Hearing Opening Briefs	February 12, 2008
Post-Hearing Response Briefs	February 22, 2008

5 **DISCOVERY.** In their letter of November 27, 2007, the parties requested approval of their intentions to depose each other’s witnesses prior to the arbitration hearing. In addition, the letter set out required information to be included in the submission of each party’s witness list. Thus, the parties have impliedly sought to invoke the Commission’s rule on discovery, WAC 480-07-400(2)(b). The parties’ request is granted because the Commission finds that the needs of this case are best served by the methods of discovery specified in Commission rules. Discovery will proceed pursuant to the Commission’s discovery rules, WAC 480-07-400 – 425.

6 The parties' witness lists shall conform to the agreed requirements set out in their letter of November 27, 2007. For every witness, each list shall identify the subject matter of the expected testimony as well as the qualifications of the witness, including disclosure of expert witnesses with a summary of opinions to be expressed and any supporting exhibits to be used or relied upon in support thereof.

7 **NOTICE OF HEARING.** The Commission will hold a hearing on the merits of this matter, to begin on **Thursday, January 31, 2008, at 9:00 a.m., in Room 108 of the Commission's headquarters, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The hearing will continue and be completed, as needed, on **Friday, February 1, 2008,** in the same location.

8 **ARBITRATOR'S REPORT AND DECISION.** In accordance with WAC 480-07-630(11)(b), the deadline for the arbitrator's report and decision would normally occur on Monday, February 4, 2008. Further, under the §252(b)(4)(C) of the Telecommunications Act of 1996, the deadline for those same decision documents would occur on Monday, February 11, 2008. The agreed procedural schedule proposed by the parties and adopted herein will not allow compliance with these regulatory deadlines.

9 The parties, in their letter of November 27, 2007, have agreed to waive the legally required date for issuance of the arbitrator's report and decision. However, the parties' letter does not indicate any proposed action deadline for the Commission. At the prehearing conference, Sprint indicated it was amendable to waiving these regulatory deadlines for so long as was required for the Commission to complete its required analysis of the issues presented. Therefore, in light of the parties' agreed proposed schedule, **the Commission sets Monday, March 10, 2008, as the deadline for issuance of the arbitrator's report and decision.**

10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus three (3) copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The

Commission may require a party to refile any document that fails to conform to these standards.

- 11 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Upon request of the parties made in their letter of November 27, 2007, and pursuant to WAC 480-07-145(6), the presiding officer grants a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov, and file an original, plus three (3) paper copies, of the documents with the Commission by noon on the following business day. Parties must also provide courtesy copies of their electronic submissions to the presiding administrative law judge and all parties to the proceeding.
- 14 **NOTICE TO PARTIES:** Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective December 3, 2007.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-073031**

PARTY	REPRESENTATIVE	PHONE	FAX	E-MAIL
SPRINT COMMUNICATIONS COMPANY	JUDITH ENDEJAN Graham & Dunn PC 2801 Alaskan Way Pier 70, Suite 300 Seattle, WA 98121-1128	(206) 340-9694	(206) 340-9599	jendejan@grahamdunn.com
WHIDBEY TELEPHONE COMPANY	RICHARD A. FINNIGAN Law Office of Richard A. Finnigan 2112 Black Lake Blvd SW Olympia, WA 98512	(360) 956-7001	(360) 753-6862	rickfinn@localaccess.com
Admin. Law Judge	ADAM E. TOREM 1300 S Evergreen Park Dr SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1138	(360) 664-2654 <i>[ALD fax only – do not use to file]</i>	atorem@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-073031**

EVENT	DATE	INTERVAL
Prehearing Conference	Monday, November 26, 2007	—
Opening “Threshold Issues” Brief and Supporting Affidavit (Sprint)	Friday, December 7, 2007	11 Days
Response Brief re: “Threshold Issues” (Whidbey)	Monday, December 17, 2007	10 Days
Disputed Issues Lists (both parties)	Friday, December 21, 2007	4 Days
Commission Order on “Threshold Issues”	Friday, January 4, 2008	14 Days
Witness Lists (both parties)	Friday, January 4, 2008	SAME
Whidbey Deposes Sprint Witnesses	Week of January 14, 2008	~10 Days
Sprint Deposes Whidbey Witnesses	Week of January 22, 2008	~8 Days
Hearing on the Merits	Thurs, January 31, 2008, and Fri, February 1, 2008	~9 Days
Post-Hearing Opening Briefs	Tues, February 12, 2008	11 Days
Post Hearing Response Briefs	Friday, February 22, 2008	10 Days
Commission Arbitrator’s Report and Decision	Monday, March 10, 2008	17 Days