BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC.,	)	Docket No. UT-003120
	)	Volume II
	)	Pages 12 to 24
Complainant,	)	
	)	
v.	)	
	)	
QWEST CORPORATION,	)	
	)	
Respondent.	)	
_____	)	

A hearing in the above matter was held on August 23, 2001, at 1:30 p.m., at 1300 South Evergreen Park Drive Southwest, Room 108, Olympia, Washington, before Administrative Law Judge KAREN M. CAILLE.

The parties were present as follows:

AT&T, by STEVEN H. WEIGLER, Attorney at Law, 1875 Lawrence Street, Suite 1524, Denver, Colorado 80202.

QWEST CORPORATION, via bridge line, by LISA ANDERL, Attorney at Law, 1600 Seventh Avenue, Suite 3206, Seattle, Washington 98191.

Joan E. Kinn, CCR, RPR
Court Reporter

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INDEX OF EXHIBITS

EXHIBIT:	MARKED:	ADMITTED:
1	23	24

P R O C E E D I N G S

JUDGE CAILLE: Good afternoon, we are on the record. We are here for a status conference in Docket Number UT-003120. This is a complaint brought by AT&T against Qwest. My name is Karen Caille, and I'm the Administrative Law Judge assigned to this proceeding. We have had quite a bit of off record discussion, and we will be summarizing that on the record this afternoon.

But before we begin, I would like to ask the parties to please enter their appearances.

MR. WEIGLER: This is Steve Weigler from AT&T.

MS. ANDERL: And, Your Honor, this is Lisa Anderl representing Qwest.

JUDGE CAILLE: Thank you. Let the record reflect there are no other appearances.

Mr. Weigler, why don't I begin with you, and you can state your proposal.

MR. WEIGLER: Thank you, Your Honor.

As Your Honor indicated, this is a status conference on AT&T's complaint regarding access to the on premises wiring in MDU settings. As part of determining the status, I was able to go through the various issues that the parties still face on AT&T's complaint and recognized that the issues that AT&T still

has are either being addressed or we hope are being addressed by the Commission in UT-3022/UT-3040, which is the 271 and SGAT docket, or UT-003013, which is the cost docket. And accordingly, I have prepared a list which I think is Exhibit 1.

JUDGE CAILLE: Yes.

MR. WEIGLER: Which listed what issues are being handled in what docket. At the current time, we are briefing the 3022/3040 issues, and I think the brief is due on September 7th. We have also had testimony on the record occurring at the end of July, the beginning of August, in two separate workshops on that or two separate sections of that workshop on those issues. The cost issues are in 003013, which is the second part of Exhibit 1, are being what issues are going to be handled in Section D of that case are being discussed on September 11, 2001, or a report is due by the Commission on September 11, 2001. So I do recognize that the Commission at least in theory is going to be addressing AT&T's issues in one docket or the other, and so therefore that's the status.

Let me just add AT&T is still extremely concerned about asserting its rights to access MDUs to capture the on premises wiring, and these are substantial issues to AT&T that we hope will be resolved

by this Commission.
JUDGE CAILLE: And I know when we had our off record discussion, Mr. Weigler, there was an issue that you added underneath the cost, which I will have to add to my Exhibit 1.
MR. WEIGLER: Sure. Ms. Anderl and I have framed the issue in different ways. What AT&T's fear is is that we're going to get hit with this huge bill for retroactive charges that AT&T was -- charges that have never even been established. And so AT&T has framed the issue, would Qwest be able to invoice CLECs for retroactive charges for rate elements not yet established by this Commission. And I think Ms. Anderl has framed the issue differently.
JUDGE CAILLE: Okay, and we will hear from her in just a moment.
I have one question. You mentioned a September 11th date as the date that the cost issues, there's a report coming from the Commission. Is it a report or is it a conference on issues? I thought it was a conference.
MR. WEIGLER: That's a good question. I think it's a conference. I'm not --
JUDGE CAILLE: Ms. Anderl.
MS. ANDERL: Yes, thank you, Your Honor. It

is a second prehearing conference.
JUDGE CAILLE: Okay.
MS. ANDERL: On the Part D issues list. We had a conference with Judge Berg on Tuesday, August 21st, and determined that it would be good for the parties to consider the issues list that had been proposed by some of the parties already, including some issues proposed by Qwest and Verizon and Covad, and then reconvene on September 11th to finalize an issues list for consideration in Part D, and then to establish a schedule at that time.
JUDGE CAILLE: Okay. All right, Ms. Anderl, may I hear from you and anything that you recall that we had discussed off record that you believe would be important to have transcribed.
MS. ANDERL: Okay, thank you, Your Honor.
I generally agree with Mr. Weigler's Exhibit 1. The issues that are identified for briefing and resolution in the 271 and SGAT docket are, in fact, teed up to be briefed by September 7th, and I'm not sure what the Administrative Law Judge's target date for a recommended decision on those is, but they have been coming out about 30 days after the briefing, so we expect to get some answers on those first three issues fairly quickly.

The cost issues, as we had some off record discussion, I agree with Mr. Weigler that those issues that are identified there are appropriately a part of the cost docket. I think that the first issue is one that at least in Qwest's view has already been briefed after evidentiary proceedings in the Part B as in boy. And the others, with the exception of the subloop trouble isolation charge, the others are ones that Qwest will propose cost studies for in the new cost docket to the extent that it will propose those rate elements at all.

And on the subloop trouble isolation charge, as we just discussed off the record, Qwest's Exhibit A is pricing Exhibit A to its SGAT, does indicate that the trouble isolation charge rate is one that is proposed to be taken from Section 13 of Qwest's Washington Exchange and Network Services Catalog, and I'm afraid that I did not look that up prior to the hearing today, so I don't have that, what the dollar amount of the rate element is, but it's easily obtainable.

And then, as I said, there's a question in my mind that we will have resolved by the 11th of September as to whether Qwest will, in fact, propose rate elements for all of the identified issues on Mr. Weigler's list. But if we do, then we will put those through the cost

docket.

And then the last issue that was not listed here is a kind of a two part issue but essentially comes down to what is Qwest's ability to invoice the CLECs for rate elements that have not been either proposed by Qwest or established by the Commission if, in fact, the CLEC is availing themselves of the underlying services prior to the time that rates are proposed or established by the Commission. And I do think that that is potentially an issue that arises in this context as well as in other contexts, and we would be happy to have that addressed in the cost docket as well.

JUDGE CAILLE: Okay. I do have a question, Mr. Weigler. On your exhibit under the cost issues 9.3.6.1.1 there's a reference to an Exhibit A.

MR. WEIGLER: That is in Qwest's SGAT Lite for Washington. They reference it as attached in Exhibit A. I have never really seen an Exhibit A.

JUDGE CAILLE: Okay.

MR. WEIGLER: But that's because I think we have only been working off the SGAT Lite, and maybe the SGAT would have an Exhibit A.

MS. ANDERL: The SGAT does have an Exhibit A, Your Honor. It's an approximately 17 page pricing exhibit.

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JUDGE CAILLE: Okay. So we need to identify that Exhibit A as part of the SGAT or the SGAT exhibit, part of the SGAT. I'm sorry, Lisa, did you say it was --

MS. ANDERL: It's the SGAT, you know, the statement of generally available terms.

JUDGE CAILLE: Right.

MS. ANDERL: Gosh, has grown to probably 300 pages by now, and it has all numbered sections within it, and then attached to it are alphabetically identified exhibits.

JUDGE CAILLE: Okay.

MS. ANDERL: And so the first one is Exhibit A, which is the pricing exhibit.

JUDGE CAILLE: Okay.

MS. ANDERL: And then it goes, you know, all the way up to H or I or J. I don't know what all of those, off the top of my head, what all of those are.

JUDGE CAILLE: All right.

MS. ANDERL: And whenever we file a complete revised SGAT, which we have actually only done that twice in Washington, we filed an SGAT in April of 2000, and then we filed a fully revised SGAT in June of 2001, each of those did have a current as of that moment Exhibit A.

JUDGE CAILLE: Okay, thank you, I understand now.

MS. ANDERL: And then, Your Honor, I mean I did have one other thing unless we have to discuss these issues some more.

JUDGE CAILLE: I have no other questions.

Do you have anything further, Mr. Weigler?

MR. WEIGLER: No.

JUDGE CAILLE: Go ahead, Ms. Anderl.

MS. ANDERL: Thanks. Qwest believes that in light of the parties' discussions so far on the record it does appear as though there's an appropriate forum for resolution of each of the contested issues outside of this Docket 3120, and we would therefore, on the basis that these issues will be resolved in either the 271 docket or the cost docket, we would request that this complaint, Docket 003120, be closed or dismissed. I understand that Mr. Weigler would like to see that done, if at all, without prejudice, and that's fine with Qwest. But it would seem redundant to keep this docket open based on the representations on the record today.

JUDGE CAILLE: Mr. Weigler.

MR. WEIGLER: AT&T thinks that these issues are still substantial and still forms part of its complaint. However, I do recognize that these issues

are being addressed by the Commission in other dockets, and AT&T doesn't want to waste anyone's time as long as the -- as far as having duplicative dockets as long as these issues are being addressed. Therefore, as long as the Commission is going to address these issues, AT&T has no objection to closing this particular case without prejudice and the Commission in due course addressing these issues either in the 3022/3040 docket or the 003013 docket. To the extent that these issues aren't addressed, I would ask the permission to refile whatever issues remain on this list, although I think that they are being handled in the other dockets.

JUDGE CAILLE: You recognize, Mr. Weigler, that then you would just need to bring a complaint again, and we would or the Commission would address those issues.

MR. WEIGLER: Sure.

JUDGE CAILLE: So we could then close this docket without prejudice.

Is there anything further from the parties?

MR. WEIGLER: No, Your Honor.

JUDGE CAILLE: All right, then what I will propose to do is draft an order for the Commission's signature. It will include Exhibit 1, and it will direct that these issues be handled in the respective

dockets.
Perhaps, I'm wondering if we could go off the record for a moment and agree to some kind of wording for the issue that is being added regarding the possible retroactive invoicing. Can we do that?
MR. WEIGLER: Well, maybe the way that Ms. Anderl wrote her issue and the way I wrote my issue, maybe both the issues are appropriate to be placed on Exhibit 1. I think that they are kind of exclusive issues, so perhaps that would be the proper solution.
JUDGE CAILLE: Okay, then I'm going to need -- well, we can probably -- we can do this off the record.
Is there anything else that needs to come before the Commission today?
MS. ANDERL: Not from Qwest, Your Honor.
MR. WEIGLER: No, Your Honor, thank you.
JUDGE CAILLE: All right, thank you, then we are off the record.
(Discussion off the record.)
JUDGE CAILLE: Mr. Weigler, I believe that we need to have you offer your exhibit, and I need to admit it.
MR. WEIGLER: Sure. As I indicated before, Exhibit 1 is the issues that AT&T believes are still

relevant in the complaint in this matter, and it identifies issues that are being handled in the 3022/3040 docket, which is the 271 SGAT docket, and also issues being handled in the UT-003013 cost docket, and I offer this into evidence.

JUDGE CAILLE: Is there any objection to the admission of Exhibit Number 1.

MS. ANDERL: No, Your Honor.

JUDGE CAILLE: Then it is admitted.

Thank you, and we are now off the record.

(Hearing adjourned at 2:25 p.m.)