

[Service Date September 30,2003]

September 30, 2003

**NOTICE OF OPPORTUNITY TO FILE COMMENTS CONCERNING
DISCOVERY QUESTIONS AND FORM OF PROTECTIVE ORDER
(Due on Friday, October 3, 2003)**

**NOTICE OF PREHEARING CONFERENCE ADDRESSING ENTERPRISE
SWITCHING PETITIONS AND DISCOVERY/PROTECTIVE ORDER ISSUES
(To be held at 9:30 a.m. on Thursday, October 9, 2003)**

RE: In the Matter of the Implementation of the Federal Communications
Commission's Triennial Review Order, Docket No. UT-033025.

The Washington Utilities and Transportation Commission (Commission) initiated this docket on August 22, 2003, by issuing a notice requesting comments concerning the Federal Communications Commission's (FCC) Triennial Review Order which was released on August 21, 2003. On September 19, 2003, the Commission issued a notice establishing a deadline of October 3, 2003, for any interested person to file a petition requesting that the Commission review the FCC's national finding of no impairment for enterprise switching.

By notice dated September 5, 2003, the Commission scheduled a prehearing conference in this docket for Friday, September 26, 2003. During the prehearing conference, the Commission established a deadline of October 10, 2003, for any interested person to file a petition requesting that the Commission review the FCC's national findings concerning DS1, DS3, and dark fiber loops and transport, and mass-market switching. The Commission will issue a separate notice establishing the requirements for filing a petition concerning loops, transport and mass-market switching.

Given the filing deadlines of October 3 and 10, 2003, and the short timeframe in which the Commission must complete its evaluations of impairment in the enterprise switching market, and the loop, transport and mass-market switching markets, the parties discussed at the prehearing conference the need to initiate discovery quickly and to coordinate discovery efforts. Parties were encouraged to distribute electronically to each other any available draft discovery questions and template protective orders to try to reach consensus on discovery questions and a protective order. For example, paper copies of template discovery questions and a template protective order prepared by the NARUC Triennial Review Implementation Project (TRIP) task force were made available at the prehearing conference and sent via e-mail to all providing e-mail addresses at the prehearing conference. Parties are encouraged to focus their efforts on discovery questions concerning the enterprise switching issue.

Parties may file comments with the Commission by 5 p.m. PST on Friday, October 3, 2003, concerning the form of discovery and the questions to be used in the 90-day and nine-month proceedings, as well as preferences for the form of a protective order.

Pursuant to WAC 480-09-120(1)(a) and (b), parties filing comments may do so electronically by submitting comments to records@wutc.wa.gov, or via facsimile by faxing the comments to (360) 586-1150. To ensure that electronic or fax filing is complete, parties must file an original, plus six copies of the comments, with the Commission by the next business day, Monday, October 6, 2003. Interested persons filing comments only by a paper copy must file an original and 12 copies with the Commission by Friday, October 3, 2003.

NOTICE IS HEREBY GIVEN THAT a prehearing conference will be held on Thursday, October 9, 2003, at 9:30 a.m., in Room 206, the main hearing room of the Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington.

The purpose of the prehearing conference is two-fold: First, the Commission will take appearances of parties and consider petitions to intervene, should any person file a petition on October 3, 2003, requesting that the Commission review the FCC's findings concerning enterprise switching. The Commission will also discuss procedural and scheduling issues, identify issues presented by the petitions, and any other matters arising from the filing of such a petition. Second, the Commission will discuss the issue of the form and process of discovery for 90-day and nine-month proceedings, as well as the form of a protective order, and any comments concerning discovery and protective orders filed by October 3, 2003.

Persons who cannot attend in person may participate via the Commission's teleconference bridge line, **360-664-3846**. Persons desiring to participate via the bridge line must make advance reservations, by calling Kippi Walker at 360-664-1139, no later than Thursday, October 2, 2003.

Sincerely,

ANN E. RENDAHL
Administrative Law Judge