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1                   BEFORE THE WASHINGTON UTILITIES AND  
2                   TRANSPORTATION COMMISSION

3   In the Matter of the                   )Docket No. UT-011219  
4   Development of Universal Terms    )Volume II  
5   and Conditions for                 )Pages 54-67  
6   Interconnection and Network       )  
7   Elements to be Provided by         )  
8   Verizon Northwest, Inc.             )  
9   \_\_\_\_\_ )

10                                   A hearing in the above matter was  
11   held on November 13, 2002, at 1:40 p.m., at 1300  
12   Evergreen Park Drive Southwest, Olympia, Washington,  
13   before Administrative Law Judge THEODORA MACE.

14                                   The parties were present as  
15   follows:

16                                   VERIZON NORTHWEST, INC., by W.  
17   Jeffery Edwards, Attorney at Law, Hunton & Williams,  
18   951 East Byrd Street, Richmond, Virginia 23219-4074.  
19   (Via teleconference bridge.)

20                                   AT&T, by Letty S.D. Friesen,  
21   Attorney at Law, 1875 Lawrence Street, Room 1575,  
22   Denver, Colorado 80202. (Via teleconference bridge.)

23                                   XO, TIME WARNER, FOX, by Gregory  
24   J. Kopta, Attorney at Law; Davis, Wright, Tremaine  
25   LLP; 1501 Fourth Avenue, Suite 2600, Seattle,  
26   Washington, 98101. (Via teleconference bridge.)

27                                   INTEGRA TELECOM OF WASHINGTON,  
28   INC., by Karen Johnson, Attorney at Law, 19545 N.W.  
29   Von Neumann, Suite 200, Beaverton, Oregon 97006.

30                                   THE COMMISSION, by Mary M.  
31   Tennyson, Assistant Attorney General, 1400 Evergreen  
32   Park Drive, S.W., P.O. Box 40128, Olympia, Washington  
33   98504-0128.  
34   Barbara L. Nelson, CCR  
35   Court Reporter

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1                           ESCHELON TELECOM OF WASHINGTON,  
2           INC., by Dennis Ahlers, Senior Attorney, 730 Second  
3           Avenue South, Suite 1200, Minneapolis, Minnesota  
4           55402. (Via teleconference bridge.)

5                           WORLDCOM, by Arthur A. Butler,  
6           Attorney at Law, Ater Wynne, 601 Union Street, Suite  
7           5450, Seattle, Washington 98101. (Via teleconference  
8           bridge.)

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1           JUDGE MACE: Let's go on the record. Let  
2 me indicate that this is a status conference in the  
3 matter of the development of universal terms and  
4 conditions for interconnection and network elements  
5 to be provided by Verizon Northwest, Inc. This is  
6 Docket Number UT-011219. I'm going to ask the  
7 reporter just to indicate which parties entered  
8 appearances. We did that off the record, but I think  
9 the reporter has the list, so that we don't have to  
10 go over that again.

11           MS. TENNYSON: Do we have anyone from AT&T?

12           MS. FRIESEN: Yes, this is Letty Friesen,  
13 from AT&T. I'm sorry, I'm having --

14           JUDGE MACE: Would you state your name  
15 again, please?

16           MS. FRIESEN: Letty Friesen, with AT&T.

17           JUDGE MACE: Can you spell your last name,  
18 please?

19           MS. FRIESEN: It's F-r-i-e-s-e-n.

20           JUDGE MACE: F-r-i --

21           MS. STRAIN: -- e-s-e-n.

22           JUDGE MACE: Thank you. Sorry, it's not --  
23 there's enough static so that it's not as clear as it  
24 could be. Thank you.

25           The purpose of this proceeding is to

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1 determine what the status of negotiations amongst the  
2 parties is at this point. Verizon has made its  
3 filing, and my understanding of our discussion at the  
4 earlier prehearing conference where the schedule was  
5 set was that the parties were going to engage in  
6 negotiations after that filing was made, and so we  
7 need to determine what has happened thus far and what  
8 the prognosis for future negotiations is.

9           And let me indicate, also, that I have  
10 received from Staff today a copy of an e-mail that  
11 appears to propose a change in the schedule. We'll  
12 address that as we proceed. First, let me, I  
13 suppose, turn to Staff for a report on the status of  
14 negotiations.

15           MS. TENNYSON: Okay. This is Mary  
16 Tennyson, and although I was ill last week and not  
17 able to participate in the conference call the  
18 parties had, Paula Strain, of the Commission Staff,  
19 did participate and provided me with a summary of the  
20 discussions. And actually, the conference call was  
21 initiated by Mr. Edwards, who had suggested that the  
22 parties didn't really need the long gap in time that  
23 we had in the current schedule between the end of  
24 negotiations and hearing, and yet we probably needed  
25 more time for negotiations.

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1           So during the conference call, the parties  
2 discussed how we would go about doing the  
3 negotiations and a schedule for in what order  
4 particular issues in the model agreement would be  
5 discussed. Verizon has asked the parties to present  
6 Verizon with a single unified version of a red-line  
7 document so that we take the model agreement, we talk  
8 and decide what changes all the parties can agree  
9 that they would like made, present that to Verizon,  
10 and then we would negotiate with Verizon from that  
11 point, rather than giving six different documents to  
12 Verizon and working from that.

13           That schedule at this point would call for  
14 the last bit of negotiations to conclude on May 23rd  
15 of 2003. The document that I provided to Judge Mace  
16 was the schedule of the dates that the parties  
17 discussed in the conference call of filing the  
18 disputed issues matrix, which Commission Staff has  
19 agreed to maintain, that that matrix would be filed  
20 on June 6th; the parties would file initial testimony  
21 on July 11th; rebuttal testimony on August 15th.  
22 Then we would have a prehearing conference on  
23 September 5th, with hearings being held September  
24 18th through the 19th -- or, I'm sorry, 8th through  
25 the 19th, sorry. I added another ten on there.

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1                   JUDGE MACE:  So it is the 8th through the  
2  19th?

3                   MS. TENNYSON:  That's correct.  And it's my  
4  understanding that the parties are in agreement with  
5  this schedule, of course subject to the Judge's  
6  schedule on hearing dates and those sort of things.

7                   JUDGE MACE:  Let me just go through the  
8  list of parties and make sure everybody's on board.  
9  Mr. Edwards?

10                  MR. EDWARDS:  Yes, Your Honor.

11                  JUDGE MACE:  Do you have any problems with  
12  what Staff has just outlined?

13                  MR. EDWARDS:  No, that's an accurate  
14  description of what's occurred there.  I might add  
15  there was a schedule that was -- that preceded the  
16  one you have and, at the conference call we had,  
17  there was some give and take about the order we would  
18  take certain subjects, and that's reflected in the  
19  current schedule that the Staff has given to you.

20                  And then Verizon, in the current schedule,  
21  I think trying to reflect the substance of the  
22  conference call we had, had sent out this revised  
23  schedule, and sent that out late on Monday.  I  
24  haven't heard any comments back on that, so I don't  
25  know whether everybody's in agreement with it or not.

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1 I figured we'd find that out today.

2 JUDGE MACE: Let me make sure that I'm  
3 clear here. This schedule for hearings would be the  
4 hearings on all the issues. You simply would  
5 determine which issues in that set of days you would  
6 hear first or would be heard first?

7 MS. TENNYSON: Yes. What Mr. Edwards is  
8 referring to, I haven't provided this to the ALJ, and  
9 I will provide that to her at this point, because I  
10 didn't have a copy with me, of a schedule when we  
11 would negotiate on particular items.

12 JUDGE MACE: That would be helpful.

13 MR. EDWARDS: Okay. That's fine. Then,  
14 with respect to the hearing dates that Ms. Tennyson  
15 talked about, those are acceptable to Verizon -- or  
16 not the hearing dates, but the milestone dates for  
17 the filing of the testimony, those are fine and  
18 acceptable to Verizon.

19 The other -- the other discussion point we  
20 had during the conference call with respect to the  
21 schedule that was in the third supplemental order was  
22 there was a milestone that called for the parties to  
23 file comments regarding issues in dispute. We  
24 discussed that and I think the consensus on the call  
25 was that was a step in the process that probably we

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1 did not need, and so we actually have proposed to  
2 delete that.

3 JUDGE MACE: Very well. Thank you. Thank  
4 you, Mr. Edwards. Mr. Kopta?

5 MR. KOPTA: Yes, Your Honor. I agree with  
6 everything that has been said up to date. That's  
7 what we discussed last week and we are in agreement  
8 with the schedule that's being proposed right now.

9 JUDGE MACE: Thank you. Mr. Ahlers?

10 MR. AHLERS: Yes, Eschelon is also in  
11 agreement.

12 JUDGE MACE: Mr. Butler?

13 MR. BUTLER: Yes, WorldCom is in agreement.

14 JUDGE MACE: Ms. Johnson?

15 MS. JOHNSON: Integra is in agreement, Your  
16 Honor.

17 JUDGE MACE: Ms. Friesen?

18 MS. FRIESEN: AT&T is in agreement with the  
19 proposed schedule for testimony, hearing, and what  
20 have you. There was some adjustments we were hoping  
21 to make in the negotiation schedule, but that is not  
22 before you, as I understand what's being discussed.

23 JUDGE MACE: I think we had a lot of  
24 trouble understanding you, Ms. Friesen. Your voice  
25 breaks up. Do you have your speakerphone on?

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1 MS. FRIESEN: Yes, I have my speakerphone  
2 on because my headset wasn't working as well. I  
3 wasn't able to hear you at all.

4 JUDGE MACE: I think the problem is we need  
5 to have you not have your speakerphone on and just  
6 use your headset, if that's possible.

7 MS. FRIESEN: Okay. Let me try. Is this  
8 any better?

9 JUDGE MACE: I need to have you actually  
10 repeat what you said as far as your agreement with  
11 the schedule. It appeared to me, although I couldn't  
12 fully understand you, that you had some problem with  
13 the proposed negotiation schedule. Could you simply  
14 repeat what you said in response to my request about  
15 your status, your position on the schedule?

16 MS. FRIESEN: Yes, AT&T is in concurrence  
17 with the schedule as proposed for concluding the  
18 negotiations, the filing of testimony, the prehearing  
19 schedule and the hearing schedule.

20 We wanted to make one minor adjustment to  
21 the negotiation schedule, which I don't believe is  
22 before you at this point, from what I've been able to  
23 hear.

24 JUDGE MACE: My understanding is that the  
25 parties have negotiated that schedule, and my main

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1 concern is the milestones related to the evidentiary  
2 hearing. And I'm not sure whether the parties will  
3 be able to further negotiate this schedule for  
4 negotiations, but to that extent, you would be able  
5 to address that amongst the parties at some point.

6 MS. TENNYSON: The intent was Mr. Edwards  
7 would send out a summary of what the parties had  
8 discussed on the conference call and the parties  
9 would get back and comment if they had any changes.  
10 So that certainly isn't something we've adopted in  
11 any formal form; it's just Mr. Edwards waiting for  
12 feedback.

13 JUDGE MACE: Well, certainly, if the  
14 parties have any problem with the negotiation  
15 schedule or the schedule of proceedings as things  
16 evolve, they can call those problems to my attention  
17 and we can address them at that point. Is that  
18 satisfactory, Ms. Friesen?

19 MS. FRIESEN: That is. Thank you.

20 JUDGE MACE: All right. Having said all  
21 this, I have to check to see whether or not I would  
22 be able to conduct an evidentiary proceeding on the  
23 dates that you have suggested in this schedule. Ms.  
24 Tennyson, I was wondering if you had an opportunity  
25 to check the Commission's overall schedule before you

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2 MS. TENNYSON: I did not.

3 MR. EDWARDS: Judge Mace?

4 JUDGE MACE: Yes.

5 MR. EDWARDS: This is Jeff Edwards.

6 JUDGE MACE: Thank you.

7 MR. EDWARDS: The prehearing conference  
8 date and the hearing dates are the dates -- we did  
9 not change those. Those are the dates that are  
10 reflected in the third supplemental order. The only  
11 modifications that we made were to the dates for  
12 filing the disputed issues matrix and the testimony.

13 MS. TENNYSON: That is correct, as I look  
14 at my calendar.

15 MR. EDWARDS: Because as I understand  
16 paragraph 18 of the third supplemental order, those  
17 dates had already been reserved for evidentiary  
18 hearings.

19 MS. TENNYSON: Yes, the prior schedule  
20 called for the rebuttal testimony to be due on July  
21 1st, and this just moves that schedule back about 45  
22 days.

23 JUDGE MACE: Thank you. I had forgotten  
24 that there was a change made in the schedule based on  
25 the Commission's overall scheduling process.

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1           MR. EDWARDS: Right. And when the parties  
2 talked, because of that change in the hearing  
3 schedule, we ended up with a gap from July until  
4 September 8th, and so we thought we could make good  
5 use of that time by modifying the testimony dates.

6           JUDGE MACE: It seems reasonable to me, and  
7 so I will make the appropriate change in the schedule  
8 for this case. Is there anything else that we need  
9 to discuss?

10          MS. TENNYSON: I don't believe there is.

11          JUDGE MACE: Any issues the parties feel  
12 need to be raised at this point?

13          MS. TENNYSON: One point that we might want  
14 to discuss while we do have the Judge here is whether  
15 we -- whether the parties want to agree to electronic  
16 service of documents on the due date, so that we  
17 don't have to get it in hand in May on the due date  
18 to expedite exchange of information. Staff is  
19 willing to agree to that, but --

20          JUDGE MACE: Any other parties have any  
21 problem with that?

22          MS. FRIESEN: AT&T agrees.

23          MS. TENNYSON: Did you say AT&T agreed?

24          MS. FRIESEN: Yes.

25          JUDGE MACE: I don't hear any dissent, so

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1 we'll use that as our practice. I believe it still  
2 requires a hard copy to be filed, though, by the next  
3 --

4 MS. TENNYSON: Yes.

5 JUDGE MACE: Yes. So long as the parties  
6 are aware that a hard copy does still need to be  
7 filed with the Commission. If there's nothing else,  
8 then let me just conclude this by saying I'll be  
9 sending out some further instructions regarding our  
10 agenda for the prehearing conference on September  
11 5th. It will be much closer to the time of the  
12 prehearing conference.

13 Let me also indicate, again, that if there  
14 is any concern that a party needs to raise, please  
15 contact me. If we need to, we seem to have ample  
16 time here to have another prehearing conference if  
17 it's appropriate to do that.

18 MR. BUTLER: Your Honor, this is Art  
19 Butler. Just one question, clarification. Is the  
20 hard copy to the Commission to be filed on the due  
21 date or the following day?

22 JUDGE MACE: I think it needs to be made  
23 the following day.

24 MR. BUTLER: Okay.

25 JUDGE MACE: It appears there is nothing

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1 further in the way of business with regard to this  
2 proceeding at this time, so the status conference is  
3 concluded. Thank you very much for your patience  
4 with the technological difficulties.

5 MR. KOPTA: Thank you, Your Honor.

6 MR. BUTLER: Thank you, Your Honor.

7 MR. EDWARDS: Thank you.

8 MS. FRIESEN: Thank you.

9 (Proceedings adjourned at 1:56 p.m.)

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