

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

QWEST CORPORATION,	)	DOCKET UT-063038
	)	
Complainant,	)	ORDER 01
	)	
v.	)	
	)	PREHEARING CONFERENCE
LEVEL 3 COMMUNICATIONS, LLC,	)	ORDER
PAC-WEST TELECOMM, INC.,	)	
NORTHWEST TELEPHONE INC.,	)	
TCG SEATTLE, ELECTRIC	)	NOTICE OF HEARING
LIGHTWAVE, INC., ADVANCED	)	<b>(Week of March 12, 2007)</b>
TELCOM, INC. D/B/A ESCHELON	)	
TELECOM, INC., FOCAL	)	
COMMUNICATIONS	)	
CORPORATION, GLOBAL	)	
CROSSING LOCAL SERVICES INC.,	)	
AND, MCI WORLDCOM	)	
COMMUNICATIONS, INC.,	)	
	)	
Respondents.	)	
	)	
.....	)	

**1 NATURE OF PROCEEDING.** Qwest Corporation (Qwest) filed a complaint in this docket, Docket UT-063038, against nine competitive local exchange carriers or CLECs, alleging that the companies’ use of virtual NXX or VNXX numbering arrangements violates Qwest’s access tariffs, prescribed exchange areas and state law, and is contrary to public policy.

**2 CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on July 19, 2006, before Administrative Law Judge Ann E. Rendahl.

**3 APPEARANCES.** Lisa A. Anderl, Associate General Counsel, and Adam Sherr, Senior Counsel, Seattle, Washington, represent Qwest. Greg Rogers and Gregg Strumberger, Regulatory Counsel, Broomfield, Colorado, and Rogelio E. Peña, Peña & Associates, LLC, Boulder, Colorado, represent Level 3 Communications, LLC

(Level 3). Gregory J. Kopta, Davis Wright Tremaine, LLP, Seattle, Washington, represents Pac-West Telecomm, Inc. (Pac-West), Northwest Telephone, Inc. (NTI), Focal Communications Corporation, n/k/a Broadwing Communications, LLC (Broadwing), and Global Crossing Local Services, Inc. (Global Crossing). Tamar E. King and Edward W. Kirsch, Bingham McCutchen, LLP, Washington, D.C., represent Broadwing. Gregory L. Castle, Senior Counsel, AT&T Services, Inc., San Francisco, California, represents TCG Seattle. Charles L. Best, Associate General Counsel, Vancouver, Washington, represents Electric Lightwave, LLC (ELI). Dennis D. Ahlers, Associate General Counsel, Minneapolis, Minnesota, represents Advanced Telecom Group, Inc., d/b/a Eschelon Telecom, Inc. Gregory M. Romano, General Counsel – Northwest Region, Everett, Washington, represents MCI Metro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services (Verizon Access). Richard A. Finnigan, attorney, Olympia, Washington, represents the Washington Independent Telephone Association (WITA). Calvin K. Simshaw, Associate General Counsel, Vancouver, Washington, represents CenturyTel. Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).<sup>1</sup> Updated contact information for the parties’ representatives is attached as Appendix A to this Order.

4 **PETITIONS FOR INTERVENTION.** CenturyTel and WITA petitioned in writing to intervene in the docket. No party objected to the petitions to intervene. The Commission finds each of the petitioners has established a substantial interest in this proceeding and that their participation will be in the public interest. These petitions to intervene are granted.

5 **PROTECTIVE ORDER.** The parties asked that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted, and a protective order will be entered in this docket.

6 **DISCOVERY.** Discovery will be conducted pursuant to the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work

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<sup>1</sup> In formal proceedings, such as this case, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an

cooperatively together to avoid having to bring discovery matters forward for formal resolution.

- 7 **AMENDING THE COMPLAINT.** Qwest agreed to submit a letter asking the Commission to allow it to amend its complaint to properly identify MCI WorldCom Communications, Inc., as MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, Focal Communications Corporation as Broadwing Communications, LLC, and Electric Lightwave, Inc., as Electric Lightwave, LLC. The Commission will then enter an order modifying the caption to reflect the proper parties.
- 8 **WAIVER OF POSSIBLE EX PARTE CONCERNS.** During the conference, the administrative law judge notified the parties of a possible conflict involving Bob Williamson of Commission Staff. Mr. Williamson will be advising Judge Rendahl on technical issues in Docket UT-063006, an arbitration proceeding between Level 3 and Qwest. Mr. Williamson is also likely to appear as a Staff witness in this proceeding. Judge Rendahl advised the parties that, after discussions with Level 3 and Qwest, the parties to the arbitration proceeding have agreed to waive any objections to possible ex parte communications resulting from Mr. Williamson's efforts in the two proceedings. After discussion, the parties in this proceeding also agreed to waive any objections to possible ex parte communications and will submit letters to the Commission waiving any objections.
- 9 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B.
- 10 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter during the week of March 12, 2007, beginning **on Monday, March 12, 2007 at 9:30 a.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**

- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **three** 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 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.
- 12 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.
- 13 An electronic copy of all filings must be submitted either through the Commission's Records Center Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or via e-mail delivery to [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Alternatively, Parties may furnish an electronic copy by delivering with each filing a CD or 3.5-inch IBM-formatted high-density diskette 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.
- 14 **ELECTRONIC SUBMISSION.** As allowed under WAC 480-07-145(6), the presiding officer granted a one-day extension of the paper-filing requirement, allowing parties to submit documents to the Commission electronically on the filing deadline. Parties may submit the document electronically either through the Commission's Records Center Web Portal ([www.wutc.wa.gov/e-filing](http://www.wutc.wa.gov/e-filing)) or via e-mail to [records@wutc.wa.gov](mailto:records@wutc.wa.gov), and must file an original, plus **three** paper copies, of the document with the Commission by the following business day. Finally, to perfect filing, parties must provide courtesy copies to the presiding administrative law judge and advisory staff as well as the parties to the proceeding.
- 15 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. While the parties declined to include a date for a settlement conference in the procedural schedule, the parties are encouraged to consider means of resolving disputes informally. The Commission does have limited

ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

- 16 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the Order in the upper right hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective July 20, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge

<b>APPENDIX A</b>				
<b>PARTIES' REPRESENTATIVES</b>				
<b>DOCKET UT-063038</b>				
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**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UT-063038**

<b>EVENT</b>	<b>DATE</b>	<b>INTERVAL</b>
<b>Qwest Answer</b> to Broadwing, Global Crossing Counterclaims	<b>July 28, 2006</b>	
<b>Prefiled Direct Testimony</b> (Qwest, WITA, CenturyTel and Staff if aligned with Qwest, WITA, and CenturyTel; Broadwing and Global Crossing re: counterclaims)	<b>October 27, 2006</b>	
<b>Prefiled Response Testimony</b> (Respondents and Staff, if aligned with Respondents; Qwest, WITA and CenturyTel re: Broadwing and Global Crossing counterclaims)	<b>January 12, 2007</b>	
<b>Prefiled Rebuttal Testimony</b> (Qwest, WITA, CenturyTel and Staff if aligned with Qwest, WITA and CenturyTel; Broadwing and Global Crossing re: counterclaims)	<b>February 23, 2007</b>	
<b>Evidentiary Hearings</b>	<b>Week of March 12, 2007</b>	
<b>Simultaneous Initial Briefs</b>	<b>April 20, 2007</b>	
<b>Simultaneous Responsive Briefs</b>	<b>May 11, 2007</b>	