

Docket No. UT-181051 - Vol. II

WUTC v. Centurylink Communications, LLC

October 26, 2022



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)
Complainant,) DOCKET UT-181051
v.)
CENTURYLINK COMMUNICATIONS,)
LLC,)
Respondent.)

VIDEOCONFERENCE MOTION TO COMPEL HEARING BEFORE ADMINISTRATIVE LAW JUDGES SAMANTHA DOYLE AND GREGORY KOPTA Volume II Pages 14 - 20 October 26, 2022 10:30 a.m.

REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR, #2121

OLYMPIA, WASHINGTON; OCTOBER 26, 2022 10:30 a.m.

-o0o-

THE COURT: Good morning. Today is Wednesday, October 26, 2022. It's approximately at 10:30 a.m., and we're here today for a hearing regarding the Motion to Compel in Docket UT-181051, which is captioned "Washington Utilities and Transportation Commission versus Centurylink Communications, LLC."

My name is Samantha Doyle and I use "she/her" or "they/them" pronouns. And with me today is Gregory Kopta who uses "he/him" pronouns.

We are administrative law judges with the Washington Utilities and Transportation Commission.

Let's begin by taking short appearances from the parties. And we'll begin with CenturyLink.

MR. STEESE: Yes. This is Chuck Steese on behalf of CenturyLink, and with me online is in-house counsel, Adam Sherr.

Good to see you this morning, Your Honor.

THE COURT: Thank you. You, as well.

Great. And for Staff?

MR. MCGINTY: William McGinty, representing Commission Staff. And in the Zoom room is also Jeff

APPEARANCES
ADMINISTRATIVE LAW JUDGES:
SAMANTHA DOYLE
GREGORY KOPTA
Utilities and Transportation Commission
621 Woodland Square Loop S.E.
Lacey, Washington 98503
(360) 664-1160
Samantha.Doyle@utc.wa.gov
Gregory.Kopta@utc.wa.gov
FOR CENTURYLINK COMMUNICATIONS LLC:
CHARLES STEESE
Armstrong Teasdale LLP
4643 S. Ulster St.
Suite 800
Denver, Colorado 80237
720.200.0677
csteese@atllp.com
FOR COMMISSION STAFF:
William McGinty
Washington State Attorney General's Office
7141 Cleanwater Drive SW
PO Box 40124
Olympia, Washington 98504-0124
william.mcginty@atg.wa.gov
FOR PUBLIC COUNSEL:
JOHN NELSON
Washington State Attorney General's Office
800 Fifth Avenue,
Suite 2000
Seattle, Washington 98104-3188
john.nelson@atg.wa.gov

Also Present:

Jeff Roberson
Adam Sherr

Roberson.

THE COURT: Okay. Did I see -- is Public Counsel with us today?

MR. NELSON: Good morning, Your Honor. John Nelson on behalf of Public Counsel.

THE COURT: Excellent. Thank you.

All right. Well, we have read the motion and Staff's response. I'll go through each of the data requests named individually avoiding confidential information and allow the company to give -- or pardon me, and -- and then I'll make a ruling.

We'll begin with Data Response 28 or "Data Request," excuse me.

Staff has already supplemented this request. I don't see a need to have them provide anything further.

Additionally, I want to speak to Data Request 35, as it was not addressed in CenturyLink's motion. It's additionally going to be denied.

Regarding the rest of the requests, to the extent that they are requesting the witness to produce further testimony to -- in order to answer new questions, I'm not going to entertain those arguments.

CenturyLink's motions then, therefore, relating to Data Request 31, 32, 37, 40, 41, and 42 are

1 denied.
 2 MR. STEESE: Can you say that again, Your
 3 Honor? I got 31, 32, 41, and 42, but you said a couple
 4 in the middle, please.
 5 THE COURT: I'm going to start over.
 6 31, 32, 37 and 40, 41, and 42.
 7 MR. STEESE: Thank you. I just didn't get
 8 them all when you were speaking.
 9 THE COURT: I understand.
 10 Data Request 34C, given the fact that Staff
 11 has stated this information is not in their possession,
 12 we will not compel them to attempt to provide it and it
 13 is denied.
 14 Data Request 34D, we agree this violates the
 15 work product and attorney-client privileges and
 16 additionally deny this motion -- deny this motion.
 17 Finally, regarding Data Request 38 and 39,
 18 Staff, in citing their testimony, has sufficiently
 19 answered the questions and is, therefore, also denied.
 20 So having spoke to all the data requests
 21 noted in the Motion to Compel on the record here today,
 22 I will not be entering an order.
 23 Does anyone have any questions before we
 24 conclude?
 25 MR. STEESE: No questions.

1
 2 CERTIFICATE
 3
 4
 5 STATE OF WASHINGTON)
) ss.
 6 COUNTY OF KITSAP)
 7
 8 I, CRYSTAL R. McAULIFFE, a Certified Court
 9 Reporter in and for the State of Washington, do hereby
 10 certify that the foregoing transcript of the
 11 videoconference Motion to Compel hearing on OCTOBER 26,
 12 2022, is true and accurate to the best of my knowledge,
 13 skill and ability.
 14 IN WITNESS WHEREOF, I have hereunto set my hand
 15 and seal this 29th day of October, 2022.
 16
 17 
 18
 19 
 20 CRYSTAL R. McAULIFFE, RPR, CCR #2121
 21
 22
 23
 24
 25

1 MR. McGINTY: No questions. Thank you, Your
 2 Honor.
 3 THE COURT: Okay. Great.
 4 Well, that concludes the hearing today.
 5 We'll adjourn and be off the record.
 6 Thank you, all.
 7 MR. STEESE: Thank you.
 8
 9
 10 (Hearing concluded at 10:35 a.m.)
 11
 12
 13 -o0o-
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

<p style="text-align: center;">A</p> <p>a.m 14:18 16:2,6 19:10 ability 20:13 accurate 20:12 Adam 15:24 16:20 additionally 17:17 17:19 18:16 addressed 17:18 adjourn 19:5 administrative 14:13 15:2 16:14 agree 18:14 allow 17:10 answer 17:22 answered 18:19 appearances 16:16 approximately 16:5 arguments 17:23 Armstrong 15:9 attempt 18:12 Attorney 15:15,19 attorney-client 18:15 Avenue 15:20 avoiding 17:9</p> <hr/> <p style="text-align: center;">B</p> <p>behalf 16:19 17:5 best 20:12 Box 15:16</p> <hr/> <p style="text-align: center;">C</p> <p>C 15:1 20:2,2 captioned 16:8 CCR 14:25 20:19 Centurylink 14:7 15:8 16:9,17,19 CenturyLink's 17:18,24 Certified 20:8 certify 20:10 CHARLES 15:9 Chuck 16:18 citing 18:18</p>	<p>Cleanwater 15:15 Colorado 15:11 Commission 14:2,4 15:4,13 16:9,15 16:25 Communications 14:7 15:8 16:10 company 17:10 compel 14:12 16:7 18:12,21 20:11 Complainant 14:5 conclude 18:24 concluded 19:10 concludes 19:4 confidential 17:9 counsel 15:18 16:20 17:3,5 COUNTY 20:6 couple 18:3 Court 16:4,22 17:2 17:6 18:5,9 19:3 20:8 CRYSTAL 14:25 20:8,19 csteese@atllp.com 15:12</p> <hr/> <p style="text-align: center;">D</p> <p>data 17:8,12,12,17 17:25 18:10,14,17 18:20 day 20:15 denied 17:19 18:1 18:13,19 Denver 15:11 deny 18:16,16 Docket 14:5 16:7 Doyle 14:14 15:3 16:11 Drive 15:15</p> <hr/> <p style="text-align: center;">E</p> <p>E 15:1,1 20:2,2 entering 18:22 entertain 17:23 Excellent 17:6</p>	<p>excuse 17:13 extent 17:21</p> <hr/> <p style="text-align: center;">F</p> <p>F 20:2 fact 18:10 Fifth 15:20 Finally 18:17 foregoing 20:10 further 17:16,22</p> <hr/> <p style="text-align: center;">G</p> <p>General's 15:15,19 give 17:10 given 18:10 go 17:8 going 17:19,23 18:5 Good 16:4,21 17:4 Great 16:23 19:3 Gregory 14:14 15:3 16:13 Gregory.Kopta... 15:6</p> <hr/> <p style="text-align: center;">H</p> <p>hand 20:14 he/him 16:13 hearing 14:12 16:6 19:4,10 20:11 hereunto 20:14 Honor 16:21 17:4 18:3 19:2</p> <hr/> <p style="text-align: center;">I</p> <p>II 14:15 in-house 16:19 individually 17:9 information 17:10 18:11</p> <hr/> <p style="text-align: center;">J</p> <p>Jeff 15:23 16:25 John 15:19 17:5 john.nelson@atg... 15:21 judges 14:13 15:2 16:14</p>	<p style="text-align: center;">K</p> <p>KITSAP 20:6 knowledge 20:12 Kopta 14:14 15:3 16:13</p> <hr/> <p style="text-align: center;">L</p> <p>Lacey 15:5 law 14:13 15:2 16:14 Let's 16:16 LLC 14:8 15:8 16:10 LLP 15:9 Loop 15:4</p> <hr/> <p style="text-align: center;">M</p> <p>McAULIFFE 14:25 20:8,19 McGinty 15:14 16:24,24 19:1 middle 18:4 morning 16:4,21 17:4 motion 14:12 16:7 17:7,19 18:16,16 18:21 20:11 motions 17:24</p> <hr/> <p style="text-align: center;">N</p> <p>N 15:1 name 16:11 named 17:9 need 17:15 Nelson 15:19 17:4 17:5 new 17:22 noted 18:21</p> <hr/> <p style="text-align: center;">O</p> <p>o0o- 16:3 19:13 October 14:17 16:1 16:5 20:11,15 Office 15:15,19 Okay 17:2 19:3 Olympia 15:16</p>	<p>16:1 online 16:19 order 17:22 18:22</p> <hr/> <p style="text-align: center;">P</p> <p>P 15:1,1 Pages 14:16 pardon 17:10 parties 16:17 please 18:4 PO 15:16 possession 18:11 Present 15:22 privileges 18:15 produce 17:21 product 18:15 pronouns 16:12,13 provide 17:15 18:12 Public 15:18 17:2,5</p> <hr/> <p style="text-align: center;">Q</p> <p>questions 17:23 18:19,23,25 19:1</p> <hr/> <p style="text-align: center;">R</p> <p>R 14:25 15:1 20:2,8 20:19 read 17:7 record 18:21 19:5 regarding 16:6 17:20 18:17 relating 17:25 REPORTED 14:25 Reporter 20:9 representing 16:24 request 17:13,14 17:18,25 18:10,14 18:17 requesting 17:21 requests 17:9,20 18:20 Respondent 14:9 response 17:8,12 rest 17:20 right 17:7</p>
---	---	---	--	---

Roberson 15:23 17:1 room 16:25 RPR 14:25 20:19 ruling 17:11	Teasdale 15:9 testimony 17:22 18:18 Thank 16:22 17:6 18:7 19:1,6,7 they/them 16:12 today 16:4,6,12 17:3 18:21 19:4 transcript 20:10 Transportation 14:2,4 15:4 16:9 16:15 true 20:12	witness 17:21 20:14 Woodland 15:4 work 18:15	5
<hr/> S <hr/> S 15:1,10 S.E 15:4 Samantha 14:14 15:3 16:11 Samantha.Doyle... 15:6 seal 20:15 Seattle 15:21 see 16:21 17:2,15 set 20:14 she/her 16:12 Sherr 15:24 16:20 short 16:16 skill 20:13 speak 17:17 speaking 18:8 spoke 18:20 Square 15:4 ss 20:5 St 15:10 Staff 15:13 16:23 16:25 17:14 18:10 18:18 Staff's 17:8 start 18:5 State 15:15,19 20:5 20:9 stated 18:11 Steese 15:9 16:18 16:18 18:2,7,25 19:7 sufficiently 18:18 Suite 15:10,20 supplemented 17:14 SW 15:15	<hr/> U <hr/> Ulster 15:10 understand 18:9 use 16:11 uses 16:13 UT-181051 14:5 16:7 Utilities 14:2,4 15:4 16:8,15	<hr/> X <hr/> <hr/> Y <hr/> <hr/> Z <hr/> Zoom 16:25	<hr/> 6 <hr/> 621 15:4 664-1160 15:5
<hr/> T <hr/> T 20:2,2	<hr/> V <hr/> v 14:6 versus 16:9 videoconference 14:12 20:11 violates 18:14 Volume 14:15	<hr/> 0 <hr/> <hr/> 1 <hr/> 10:30 14:18 16:2,6 10:35 19:10 14 14:16	<hr/> 7 <hr/> 7141 15:15 720.200.0677 15:11
	<hr/> W <hr/> want 17:17 Washington 14:1,4 15:5,15,16,19,21 16:1,8,15 20:5,9 we'll 16:17 17:12 19:5 we're 16:6 Wednesday 16:5 WHEREOF 20:14 William 15:14 16:24 william.mcgin... 15:17	<hr/> 2 <hr/> 20 14:16 2000 15:20 2022 14:17 16:1,5 20:12,15 2121 14:25 20:19 26 14:17 16:1,5 20:11 28 17:12 29th 20:15	<hr/> 8 <hr/> 800 15:10,20 80237 15:11
		<hr/> 3 <hr/> 31 17:25 18:3,6 32 17:25 18:3,6 34C 18:10 34D 18:14 35 17:18 360 15:5 37 17:25 18:6 38 18:17 39 18:17	<hr/> 9 <hr/> 98104-3188 15:21 98503 15:5 98504-0124 15:16
		<hr/> 4 <hr/> 40 17:25 18:6 40124 15:16 41 17:25 18:3,6 42 17:25 18:3,6 4643 15:10	