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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Joint)
Application of)
VERIZON COMMUNICATIONS, INC.) DOCKET NO. UT-090842
AND FRONTIER COMMUNICATIONS) Volume III
CORPORATION) Pages 93 - 115
For an Order Declining to Assert)
Jurisdiction Over, or, in the)
Alternative, Approving the)
Indirect Transfer of Control of)
Verizon Northwest, Inc.)

A prehearing conference in the above matter
was held on December 11, 2009, at 1:32 p.m., at 1300
South Evergreen Park Drive Southwest, Olympia,
Washington, before Administrative Law Judge PATRICIA
CLARK.

The parties were present as follows:

VERIZON NORTHWEST, INC., by GREGORY M.
ROMANO, General Counsel for Northwest Region, 1800 41st
Street, WA0105RA, Everett, Washington 98201;
telephone, (425) 261-5460.

FRONTIER COMMUNICATIONS CORPORATION, by KEVIN
SAVILLE (via bridge line), Associate General Counsel,
2378 Wilshire Boulevard, Mound, Minnesota 55364;
telephone, (952) 491-5564

FRONTIER COMMUNICATIONS CORPORATION, by
CHARLES L. BEST, Attorney at Law, 1631 Northeast
Broadway, Suite 538, Portland, Oregon 97232;
telephone, (503) 287-7160.
Kathryn T. Wilson, CCR

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1 WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION, by JONATHAN THOMPSON, Assistant Attorney
3 General, 1400 South Evergreen Park Drive Southwest,
4 Post Office Box 40128, Olympia, Washington 98504;
5 telephone, (360) 664-1225.

6 PUBLIC COUNSEL, by SARAH A. SHIFLEY,
7 Assistant Attorney General, 800 Fifth Avenue, Suite
8 2000, Seattle, Washington 98104; telephone, (206)
9 464-6595.

10 INTEGRA TELECOM OF WASHINGTON; TW TELECOM OF
11 WASHINGTON, LLC; XO COMMUNICATIONS SERVICES, INC.;
12 COVAD COMMUNICATIONS COMPANY; PAETEC BUSINESS SERVICES;
13 by MARK P. TRINCHERO (via bridge line), Attorney at
14 Law, Davis, Wright, Tremaine, 1300 Southwest Fifth
15 Avenue, Suite 2300, Portland, Oregon 97201; telephone,
16 (503) 778-5318.

17 COMCAST PHONE OF WASHINGTON, LLC, by GREGORY
18 J. KOPTA (via bridge line), Attorney at Law, Davis,
19 Wright, Tremaine, 1201 Third Avenue, Suite 2200,
20 Seattle, Washington 98101; telephone, (206) 757-8079.

21 BROADBAND COMMUNICATIONS ASSOCIATION OF
22 WASHINGTON, by DAVID L. RICE, Attorney at Law, Miller
23 Nash, 601 Union Street, Suite 4400, Seattle, Washington
24 98101; telephone, (206) 777-7424.

25 LEVEL 3 COMMUNICATIONS, LLC; 360 NETWORKS
(USA) INC., by LISA F. RACKNER (via bridge line),
Attorney at Law, McDowell & Rackner, 520 Southwest
Sixth Avenue, Suite 830, Portland, Oregon 97204;
telephone, (503) 595-3925.

US DEPARTMENT OF DEFENSE AND ALL OTHER
FEDERAL EXECUTIVE AGENCIES, by STEPHEN S. MELNIKOFF
(via bridge line), Principal Telecom Trial Counsel, 901
North Stuart Street, Suite 700, Arlington, Virginia
22203; telephone, (703) 696-1643.

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1 P R O C E E D I N G S

2 JUDGE CLARK: Good afternoon. It's
3 approximately 1:30 p.m., December 11, 2009, in the
4 Commission's hearing room in Olympia, Washington. This
5 is the time and the place set for a prehearing
6 conference in the matter of the joint application of
7 Verizon Communications, Incorporated, and Frontier
8 Communications Corporation for an order declining to
9 assert jurisdiction over, or, in the alternative,
10 approving the indirect transfer of control of Verizon
11 Northwest, Incorporated, given Docket UT-090842,
12 Patricia Clark, administrative law judge for the
13 Commission presiding.

14 The purpose of this afternoon's prehearing
15 conference has changed dramatically during the last
16 week, so rather than discuss the former agenda, I'm
17 going to move directly into the appearances for the
18 parties. I would remind everyone that we do have a
19 number of people on the bridge line, so if you would
20 please pull the microphones rather close to you, make
21 sure they are turned on. I know it's counterintuitive,
22 but if the red light is on, the microphone is actually
23 functioning, and you need to speak a little more loudly
24 and perhaps slowly than you would ordinarily speak.

25 For those individuals appearing on the bridge

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1 line, it's necessary for you to identify yourselves
2 before you speak so that the court reporter can make an
3 accurate transcript. With all those housekeeping
4 measures out of the way, I'll now turn to appearances.
5 Appearing on behalf of Verizon.

6 MR. ROMANO: Thank you, Your Honor. Gregory
7 Romano appearing on behalf of Verizon, general counsel
8 of the Northwest region.

9 JUDGE CLARK: Thank you. Appearing on behalf
10 of Frontier, I'm first going to turn to the appearance
11 in the hearing room.

12 MR. BEST: Thank you, Your Honor. Charles L.
13 Best, B-e-s-t, 1631 Northeast Broadway, No. 538,
14 Portland, Oregon, 97232. Telephone is (503) 287-7160.
15 Fax number is the same, and the e-mail is
16 chuck@charleslbest.com.

17 JUDGE CLARK: I'm going to turn now to an
18 appearance for Frontier on the bridge line.

19 MR. SAVILLE: Good afternoon, Your Honor.
20 This is Kevin Saville, S-a-v-i-l-l-e --

21 JUDGE CLARK: Let me interrupt you. We
22 already have complete appearances from everyone so it's
23 not necessary for you to make a full appearance, but
24 thank you. Appearing on behalf of the Commission
25 staff?

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1 MR. THOMPSON: Jonathan Thompson, assistant
2 attorney general, on behalf of Commission staff.

3 JUDGE CLARK: Thank you, Mr. Thompson.
4 Appearing on behalf of the Public Counsel section of
5 the office of the attorney general?

6 MS. SHIFLEY: Sarah Shifley for Public
7 Counsel, assistant attorney general.

8 JUDGE CLARK: Thank you. Appearing on behalf
9 of BCAW?

10 MR. RICE: David Rice with Miller Nash.

11 JUDGE CLARK: Thank you. Now we have a
12 number of appearances telephonically, and I'm going to
13 turn first to the appearance on behalf of Comcast.

14 MR. KOPTA: Gregory J. Kopta of the law firm
15 Davis, Wright, Tremaine, LLC, on behalf of Comcast
16 Phone of Washington, LLC.

17 JUDGE CLARK: Thank you, Mr. Kopta.
18 Appearing on behalf of the joint CLEC's?

19 MR. TRINCHERO: Thank you, Your Honor. Mark
20 Trincherro appearing on behalf of the joint CLEC's,
21 which include XO Communication Services, Integra
22 Telecom of Washington, Inc., TW Telecom of Washington,
23 LLC, Covad Communications Company and PAETEC, Inc.

24 JUDGE CLARK: Thank you. Appearing on behalf
25 of Level 3 and 360 Networks?

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1 MS. RACKNER: Lisa Rackner with the law firm
2 of McDowell and Rackner.

3 JUDGE CLARK: Thank you. The record should
4 reflect that yesterday I received an e-mail from IBEW
5 indicating they would not be participating in the
6 hearing next week, so I'm presuming they are not
7 participating in this afternoon's prehearing conference
8 either. Is there anyone else who wishes to be
9 identified on the record for this afternoon's
10 prehearing?

11 MR. MELNIKOFF: Yes, Your Honor. This is
12 Steve Melnikoff appearing on behalf of the consumer
13 interests of the United States Department of Defense
14 and all other Federal Executive Agencies.

15 JUDGE CLARK: Thank you. What we have
16 transpired in the last week are a number of
17 settlements. I would like to start off by letting the
18 parties know that I do appreciate you extending the
19 courtesy of letting us know that you were able to reach
20 an agreement in principle and generally what your
21 intent was regarding the hearing scheduled for next
22 week.

23 What I have electronically is at least three,
24 possibly four settlements, and I'm going to call on you
25 individually regarding these, but it appears that an

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1 agreement has been reached between the joint applicants
2 and Comcast, the joint applicants and the joint CLEC's,
3 and one of Ms. Rackner's clients, I believe Level 3,
4 has a separate agreement with the joint applicants, and
5 one of her clients has joined in one of the other
6 settlement agreements, and that the Commission staff
7 and the joint applicants have reached an agreement.

8 Given the number of settlement agreements
9 that have been reached, it will be necessary to vacate
10 next week's hearing. What the Commission would like to
11 do is have the settlements, as well as the testimony in
12 support thereof, so that when we go to hearing on these
13 multiparty settlements that everyone has all of the
14 information they need, including the information
15 necessary for the nonsignatories to cross-examine on
16 the basis of those settlement agreements as well as for
17 the commissioners to ask any clarifying questions they
18 might have. I'm sure that was probably the information
19 you were most interested in and that we were going to
20 do this afternoon, and that having been said, maybe we
21 are not done, but anyway, the hearing next week will be
22 vacated. We will discuss a little bit later in the
23 prehearing conference the date to which we can move
24 that.

25 Are there any questions about that particular

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1 piece of the procedural schedule? Ms. Shifley?

2 MS. SHIFLEY: Your Honor, Public Counsel is
3 one of the nonsettling parties and will be opposing the
4 settlement. We have discussed with Commission staff
5 and with the joint applicants the possibility of going
6 forward with the hearing on the settlements next week.
7 I understand that the Commission needs appropriate
8 amounts of time to prepare and review the settlement
9 agreement and the narratives, but Public Counsel at
10 this point would actually request that we retain the
11 current dates for the hearing.

12 Even though it does shorten the amount of
13 time for our own preparations, we would certainly want
14 an opportunity to present some oral rebuttal testimony
15 if that's available for us, but given our resources at
16 this time and the schedules and availability of our
17 consultants and what we have left just practically to
18 work with the case, our clients, the consumers, will be
19 greatly prejudiced if we were having to actually push
20 the date back.

21 JUDGE CLARK: I'm sorry, but I'm not going to
22 be able to accommodate that request. When we
23 ordinarily have a settlement agreement, they have the
24 settlement agreement; they have the narrative and
25 support thereof, and typically testimony also in

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1 support of the settlement. They have that well enough
2 in advance of the hearing to have an adequate
3 opportunity to review it and to ask any questions they
4 might have regarding that among their policy or
5 advisory staff, and then when we go to hearing, the
6 settlement participants present a panel, and the
7 Commission has absolutely no details of any of, as I
8 probably inartfully summarized, the quantity of
9 settlements that we have in this case, and so the
10 decision-makers in this case simply have to have
11 sufficient information in front of them before we can
12 go forward with the hearing.

13 I certainly regret that that will present
14 difficulties for Public Counsel, but I can't
15 accommodate that request and the hearing will be
16 vacated next week. When we go to hearing, and we can
17 talk about the order of presentation, but generally
18 speaking what will happen is the settlements will be
19 presented first, typically in the form of a panel. We
20 can talk about the order of that, but generally, that's
21 what will happen.

22 I want to remind everyone that the
23 nonsignatories to the settlement not only have the
24 opportunity to cross-examine the settling parties, but
25 they also have the opportunity to present their own

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1 case, and after they have had the opportunity to review
2 the settlement, there may also be the possibility for
3 oral rebuttal of the terms and conditions in the
4 settlement itself.

5 So what I would like to do next, unless
6 someone else has another matter they would like to
7 address, is sort of walk through the settlements that
8 we have to date and get some information, and I
9 understand these are settlements in principle. What
10 I'm interested in is getting information regarding when
11 the signatories to those settlements intend to file not
12 only the settlement but the testimony in support
13 thereof, and Mr. Kopta, you were the first individual
14 who informed me that you had reached agreement, so I'm
15 going to turn first to your representation on behalf of
16 Comcast.

17 MR. KOPTA: Thank you, Your Honor. Yes, we
18 actually do have a signed multistate settlement
19 agreement between Comcast and the joint applicants. We
20 have not filed that yet because under our understanding
21 of the Commission's rules, we need to accompany that
22 with a settlement or narrative of some form, and we are
23 in the middle of preparing that in conjunction with the
24 joint applicants. I'm not sure when we will be able to
25 file that, but our hope is to file it early next week.

1 If Your Honor requires that we also accompany
2 that with testimony, it may be a little later in the
3 week, but we have to file testimony supporting the same
4 settlement in Oregon toward the end of next week, so
5 our anticipation is that we will have a filing in
6 Washington at least by the end of next week.

7 JUDGE CLARK: It certainly would be the
8 Commission's preference to have testimony filed in
9 support. Our rules do allow you either to present a
10 witness orally or to submit prefiled testimony. Given
11 the fact that the hearing will be vacated for next week
12 anyway, we might as well take advantage of having
13 prefiled testimony in that regard.

14 If I can go off on one brief tangent, the
15 parties may recall from the Commission's last Bench Bar
16 that one area of concern was the substance of testimony
17 that is presented in support of settlement agreements,
18 and the commissioners did express an interest in having
19 more comprehensive testimony explaining the settlements
20 for an example of testimony that seem to have worked
21 well for the commissioners. I refer you to docket
22 UE-090205, which is PacifiCorp's general rate case in
23 which the parties reached an all-party settlement, and
24 there is some good examples in there of testimony in
25 support of a settlement.

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1 I'm going to turn next to Mr. Trincherro on
2 behalf of the joint CLEC's to see if you can give me an
3 estimate of when you will be able to memorialize your
4 agreement.

5 MR. TRINCHERO: Thank you, Your Honor.
6 Please let me know if you can't hear me. We are in a
7 similar situation to that of Comcast. We already have
8 a multistate settlement agreement signed with the joint
9 applicants and are in the middle of preparing the
10 explanatory statements and supporting testimony for
11 that. And as with Comcast, we were hoping to have at a
12 minimum the explanatory statements and settlement ready
13 to file early next week, and as with Comcast, we have
14 testimony in support of that same settlement agreement
15 due in Oregon the end of next week, so we should be in
16 a position to get everything filed no later than the
17 end of next week.

18 JUDGE CLARK: Thank you. Ms. Rackner?

19 MS. RACKNER: Yes. Level 3 does have a
20 signed multistate agreement with the applicants and
21 also are prepared to file testimony both in Oregon and
22 Washington along with the settlement agreement by late
23 next week.

24 360 Networks is signing on the joint CLEC
25 agreement in Washington, so Mr. Trincherro's

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1 representation as to when testimony would be prepared
2 supporting that agreement works for 360.

3 JUDGE CLARK: The record will reflect that
4 the joint CLEC groups signing off on that settlement
5 will include 360 Networks but that Level 3 has a
6 separate settlement agreement with the joint
7 applicants.

8 I'm going to turn now to you, Mr. Thompson,
9 regarding the settlement that the Commission was
10 advised of with the Commission staff.

11 MR. THOMPSON: Yes, Your Honor. We have
12 reached a settlement on all issues with the joint
13 applicants in principle. We are sort of working on the
14 finer details in drafting at this point. Sort of a
15 moving target here, you are looking for testimony in
16 support of the settlement. I think that's something
17 that we could use the time scheduled for hearing next
18 week to put together, and similar to what the CLEC
19 parties have said, I think we can commit to next Friday
20 to have that filed with the Commission.

21 JUDGE CLARK: Thank you. Is there anyone
22 else who has anything they would like to add on any of
23 those settlement agreements that we've briefly
24 discussed? I understand that Public Counsel, BCAW, and
25 DODFEA are not signatories to any of these agreements;

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1 is that correct? Mr. Melnikoff?

2 MR. MELNIKOFF: DOD is not a signatory to any
3 of those agreements, but there are negotiations,
4 discussions ongoing, but I have nothing to report at
5 the moment.

6 JUDGE CLARK: Thank you, and Mr. Rice?

7 MR. RICE: BCAW is not a party to the
8 negotiations.

9 JUDGE CLARK: Ms. Shifley?

10 MS. SHIFLEY: Public Counsel is not a
11 signatory to any settlement agreement.

12 JUDGE CLARK: I think the next most
13 productive thing for us to discuss with great
14 trepidation is rescheduling the hearing. I say with
15 great trepidation because the Commission is looking at
16 hearing time the first week of February.

17 MR. ROMANO: Your Honor, is there any time
18 available prior to that?

19 JUDGE CLARK: Regrettably, there are a number
20 of proceedings in the intervening time frame, not the
21 least of which is the PSE general rate case, and the
22 Commission is willing to commence this hearing within
23 four days of recessing that hearing, which is pretty
24 short time frame for convening another hearing, but it
25 does not appear that there is a tremendous amount of

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1 flexibility on the Commission's calendar.

2 MR. ROMANO: I think this would take less
3 time since there would be less cross-examination, so
4 perhaps there is a smaller window available. Our
5 concern from the Verizon and Frontier perspective is
6 this transaction is set to close next year. We've
7 worked out the settlement with the Staff, which in
8 particular deals with some things with the
9 preproduction environment, and it's very important for
10 you to try to get it expedited in consideration of
11 this.

12 We were on board with Public Counsel and
13 Staff in terms of trying to go ahead next week. I
14 understand from you that's not going to happen, so I
15 guess I would just urge you if there is any way we
16 could find some time earlier than that week in
17 February.

18 JUDGE CLARK: I guess a picture is worth a
19 thousand words, and I can surely show you the
20 Commission's calendar. It's full, and so I think the
21 Commission is looking at fewer days for hearing, and
22 that's offering you that week or even moving two things
23 around to give you the first week of February, and the
24 Commission could start as early as the 2nd of February,
25 but does have time available on the 2nd, 3rd, 4th and

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1 5th, and I'm anticipating you are probably looking at
2 two days, maybe as many as three of hearing, depending
3 on the level of cross-examination from the
4 nonsignatories, and you are looking at presenting four
5 panelists with four separate settlements for the
6 Commission to consider.

7 MR. ROMANO: That is correct, Your Honor, but
8 the CLEC settlements you will see are very similar, and
9 they are not particularly complicated.

10 JUDGE CLARK: Would it be fair for you to
11 characterize them as comparable to the one reached in
12 agreement in Oregon and filed as a cross-examination
13 exhibit?

14 MR. ROMANO: Yes, Your Honor.

15 JUDGE CLARK: Then we could probably
16 anticipate hearing somewhere, I'm guessing, in two days
17 rather than three. Ms. Shifley?

18 MS. SHIFLEY: Your Honor, we've walked
19 through our time estimates for cross-examination of the
20 Company and settling parties, and we will definitely be
21 requesting at least two days for the nonsettlement
22 portion -- or excuse me, the non CLEC settling portion
23 of the hearing.

24 JUDGE CLARK: So you think it's more
25 realistic to schedule three.

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1 MS. SHIFLEY: Yes, Your Honor.

2 JUDGE CLARK: Thank you. I appreciate that.

3 There is not much I can do in terms of flexibility on
4 the schedule other than offer you the days that week.

5 If circumstances do change and further availability
6 becomes open on the Commission's calendar once it has
7 the settlement and the prefiled testimony in support of
8 the settlement, I don't think the commissioners would
9 be adverse to moving the hearing forward, but something
10 will have to give in the schedule before I can give you
11 that option.

12 MR. MELNIKOFF: I would just bring to your
13 attention that Illinois is, I believe that hearing
14 starts the 19th, 20th, and the 21st of January, and
15 West Virginia is the 12th of January, I believe it's
16 the 12th, 13th, and 14th.

17 JUDGE CLARK: Thank you. So the Commission
18 is looking at the first week of February. If you would
19 like a few minutes to confer about when you would like
20 to start during that week, I'm happy to give you that
21 option, or I'm happy to simply tell you when it will
22 start.

23 MS. SHIFLEY: Your Honor, could you just let
24 us know what other days in February are available on
25 the Commission's calendar?

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1 JUDGE CLARK: Yes. The first two weeks of
2 February there is Commission availability. There is
3 Commission availability on the 2nd, 3rd, 4th, 5th, 8th,
4 9th, 10th and 12th.

5 MS. SHIFLEY: And that's all of the available
6 dates for February?

7 JUDGE CLARK: I think that's pretty much the
8 available dates for February.

9 MS. SHIFLEY: Thank you, Your Honor.

10 JUDGE CLARK: Would you like to take a few
11 moments off record to confer?

12 MR. BEST: Actually, that would be very
13 helpful.

14 JUDGE CLARK: We will be at recess until
15 further call.

16 (Recess.)

17 JUDGE CLARK: Would someone like to summarize
18 the parties' discussion that was conducted off record?

19 MR. ROMANO: I don't know that there is much
20 to summarize. Obviously, Verizon's position is if
21 there is any time that opens up between now and
22 February, we would greatly appreciate if the Commission
23 would consider having an earlier hearing date, and as
24 far as the dates that have been thrown out there, our
25 preference would be to do it as soon as possible, so if

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1 it's that first week in February, that's what Verizon
2 would push for.

3 JUDGE CLARK: Starting on the 2nd.

4 MR. ROMANO: Yes.

5 MR. BEST: We really echo Mr. Romano's
6 comments that the sooner is better. I understand the
7 Commission's dilemmas and understand your problems as
8 well, but any time we can get it done, we would like to
9 do that, and if we can't before February, the 2nd is
10 preferable.

11 JUDGE CLARK: Mr. Thompson?

12 MR. THOMPSON: I think Staff could be
13 available any of those days in February. We do have a
14 provision in our settlement of principle that does
15 provide for certain activities to take place prior to a
16 cutover or a operating systems transition that occurs,
17 I think, in April, so I suppose based on that, we
18 probably would prefer the earlier date.

19 JUDGE CLARK: Ms. Shifley?

20 MS. SHIFLEY: Thank you, Your Honor. Our
21 experts, we checked with them on their availability,
22 and we have one expert witness who is not available any
23 time in January so that we wouldn't be available for a
24 hearing in January, and we are available any of the
25 days that you previously suggested; although for our

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1 internal schedule, the 8th through the 10th are much
2 preferable due to other case schedules.

3 JUDGE CLARK: Mr. Rice?

4 MR. RICE: Your Honor, BCAW is available any
5 of those days in the first or second week of February.

6 JUDGE CLARK: Thank you. Mr. Kopta?

7 MR. KOPTA: Thank you, Your Honor. We are
8 available during the dates you specified in February.

9 JUDGE CLARK: Mr. Trincherero?

10 MR. TRINCHERO: Thank you, Your Honor. We
11 are also available on those dates; although we would
12 prefer the first week of February. Second week I'm in
13 trial on the 8th, 9th and 10th.

14 JUDGE CLARK: Ms. Rackner?

15 MS. RACKNER: We are also available on all of
16 those dates.

17 JUDGE CLARK: Mr. Melnikoff?

18 MR. MELNIKOFF: Your Honor, we are available
19 any of those days.

20 JUDGE CLARK: All right. Then I'm going to
21 schedule the hearing in this matter to convene
22 commencing on February 2nd and continuing through the
23 4th as necessary, and I do recognize that I'm unable to
24 take into account everyone's preference for hearing
25 days, and I'm trying to take into account as well the

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1 preference that was expressed to me by the
2 commissioners prior to going on the record this
3 afternoon.

4 We've discussed briefly when the settlements
5 and the testimony will be filed. Are there other
6 matters that the parties would like to discuss at this
7 juncture? Ms. Shifley.

8 MS. SHIFLEY: Yes, Your Honor, one small
9 matter. We did actually send out an e-mail on this
10 previously today. When we sent the hard copies of our
11 exhibits, one page was missing from one of the
12 exhibits, one of our cross-examination exhibits, and it
13 was just a mistake with double-siding a copy that
14 wasn't supposed to be double-sided, so we did e-mail
15 all parties. It's a highly confidential exhibit, so we
16 e-mailed all parties who had signed the highly
17 confidential agreement the replacement page.

18 In the electronic versions of our
19 cross-exhibits, the mistake has been corrected, so this
20 replacement page only refers to the hard copies that
21 have been circulated to the parties and filed with the
22 Commission and the Bench, so I have additional copies
23 here of that replacement page, which I can certainly
24 make available if that's preferable to just holding on
25 to the electronic, which has been circulated.

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1 JUDGE CLARK: That's with respect to the
2 cross-examination exhibits you filed for Mr. Gregg?

3 MS. SHIFLEY: That's correct, Your Honor.

4 JUDGE CLARK: The most important thing is we
5 get those into the records center reflecting those were
6 appropriately filed, and then if you wish to distribute
7 to the parties rather than serve them by mail, I'll
8 leave that to each party's discretion how they want to
9 handle that. Are there other matters that we should
10 discuss this afternoon?

11 MR. MELNIKOFF: I would just -- if people
12 haven't seen it already, we have now filed our highly
13 and regularly confidential nondisclosure agreements
14 that we have signed awhile ago, but we officially have
15 filed them now.

16 JUDGE CLARK: Thank you. The remaining
17 procedural matters that we normally address at a
18 prehearing conference, like discussing
19 cross-examination exhibits, order of presentation,
20 those sorts of things, would be premature to address at
21 this juncture and would probably be better addressed
22 closer to hearing, and there is, of course, even the
23 possibility that we can resolve those via e-mail rather
24 than convening another prehearing conference.

25 If there is nothing further to be heard on

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1 this afternoon's record, we are adjourned.

2 (Prehearing conference adjourned at 2:28 p.m.)

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