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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3 GTE NORTHWEST INCORPORATED,)
4)
5 Complainant,) DOCKET NO. UT-950277
6 vs.) VOLUME 1
7 WHIDBEY TELEPHONE COMPANY,) PAGES 1 - 11
8 Respondent.)
9 -----)

9 A pre-hearing conference in the above matter
10 was held on August 1, 1995, 9:30 a.m., at 1300 South
11 Evergreen Park Drive Southwest, Olympia, Washington
12 before Hearing Examiner JOHN PRUSIA and Review Judge
13 MARJORIE SCHAER.

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15 The parties were present as follows:

16 GTE NORTHWEST, INC., by RICHARD E.
17 POTTER, Attorney at Law, 1800 41st Street (5LE),
18 Everett, Washington 98201.

18 WASHINGTON UTILITIES AND TRANSPORTATION
19 COMMISSION STAFF, by JEFFREY D. GOLTZ and SHANNON
20 SMITH, Assistant Attorneys General, 1400 South
21 Evergreen Park Drive Southwest, Olympia, Washington
22 98504.

21 WHIDBEY TELEPHONE COMPANY, by ROBERT SNYDER,
22 Attorney at Law, 30th Floor Key Tower, 1000 Second
23 Avenue, Seattle, Washington 98104.

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25 Cheryl Macdonald, CSR
Court Reporter

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I N D E X

WITNESS: DIRECT CROSS REDIRECT RECROSS EXAM
(None)

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EXHIBIT	MARKED	ADMITTED
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1 P R O C E E D I N G S

2 EXAMINER PRUSIA: Let's be on the record.
3 The pre-hearing conference will please come to order.
4 This is docket No. UT-950277. This is GTE Northwest,
5 Incorporated, complainant, versus Whidbey Telephone
6 Company, respondent. The Commission entered its
7 notice of pre-hearing conference on July 11, 1995
8 setting the pre-hearing conference for today which is
9 August 1, 1995. The pre-hearing conference is being
10 held by John Prusia, hearings examiner, with the
11 Commission. The notice of pre-hearing conference
12 indicated that an administrative law judge from the
13 Office of Administrative Hearings would be presiding.
14 Since the date of that notice, the Office of
15 Administrative Hearings has ceased to handle hearings
16 for the Commission and I have been designated to
17 preside at this pre-hearing conference as of
18 yesterday.

19 As indicated in the notice of today's
20 pre-hearing conference, we'll be setting hearing
21 schedules, formulating issues, considering any
22 petitions to intervene, and marking and distributing
23 complainant's direct testimony and exhibits. We would
24 also be dealing with discovery and other preliminary
25 matters. I will begin by taking appearances. We'll

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1 begin with the complainant, please, Mr. Potter.

2 MR. POTTER: Richard E. Potter for GTE
3 Northwest, Incorporated.

4 EXAMINER PRUSIA: Your mailing address.

5 MR. POTTER: 1800 41st Street, Everett,
6 Washington 98201.

7 EXAMINER PRUSIA: For respondent, Mr.
8 Snyder.

9 MR. SNYDER: Robert S. Snyder for Whidbey
10 Telephone Company, 30th floor Key Tower, 1000 Second
11 Avenue, Seattle, Washington 98104.

12 EXAMINER PRUSIA: For public counsel, Mr.
13 Trotter.

14 MR. TROTTER: Donald T. Trotter, assistant
15 attorney general. My address is 900 Fourth Avenue,
16 Suite 2000, Seattle, Washington 98164.

17 EXAMINER PRUSIA: For Commission staff, Mr.
18 Goltz.

19 MR. GOLTZ: Jeffrey D. Goltz, assistant
20 attorney general and with me in the case will be
21 Shannon Smith assistant attorney general, 1400 South
22 Evergreen Park Drive, Olympia.

23 EXAMINER PRUSIA: Thank you. Is there
24 anyone else present in the hearing room who intends to
25 file a petition or to make a motion to intervene in

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1 this matter?

2 Let the record reflect that there is no
3 response.

4 Let's now set the discovery rules. We can
5 set the discovery schedule later. First, do any of
6 the parties want the Commission's rule relating to
7 methods for obtaining data and adjudicative
8 proceedings invoked in this proceeding? That is WAC
9 480-09-080. Does anyone so move?

10 MR. POTTER: Yes. And I think it probably
11 would also be appropriate in this case if we had a
12 protective order issued.

13 EXAMINER PRUSIA: Are there any comments on
14 the request for invoking the discovery rule and for
15 the protective order?

16 MR. SNYDER: We do not oppose the
17 invocation of the discovery rule and we support the
18 request for the protective order.

19 EXAMINER PRUSIA: Are there any comments
20 from other parties?

21 Let the record reflect that there is no
22 additional response. Very well. The motions will be
23 granted. The methods for obtaining data provided in
24 WAC 480-09-080 will be available in this proceeding.
25 The parties are also encouraged to use any informal

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1 methods that they may wish.

2 I need to advise you the responses to
3 discovery requests need to be sent directly to counsel
4 for Commission staff. That would be Mr. Goltz and
5 those materials should not be sent through the
6 Commission's secretary.

7 I will grant the request for a protective
8 order. It will be patterned after the order in docket
9 UT-901029. That's the Electric Lightwave matter.
10 I believe everyone is familiar with that order. The
11 Commission will enter that order as soon as possible.
12 I will also remind you that protected materials need
13 to be kept segregated upon receipt and you should not
14 distribute anything that is protected material to
15 anyone who has not signed the protective order.

16 Let's go off the record to discuss
17 scheduling and narrowing of issues.

18 (Recess.)

19 EXAMINER PRUSIA: Let's be back on the
20 record. During the time we were off the record the
21 parties spent considerable amount of time discussing
22 the schedule and possible narrowing of issues. I'm
23 going to attempt to summarize the schedule that has
24 been agreed upon. If I leave anything out, please
25 indicate to me that I'm overlooking something and you

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1 can fill in the gaps. This is the schedule as I
2 understand it. Today GTE prefiled its testimony. Any
3 dispositive motions on Whidbey's affirmative defenses
4 are to be filed by September 11th. Replies to those
5 motions, if there are motions, are to be filed by
6 September 25.

7 MR. SNYDER: Do I understand that that's
8 dispositive motions by any party?

9 MR. TROTTER: It should be.

10 EXAMINER PRUSIA: All right. Then
11 dispositive motions by any party are to be filed by
12 September 11th.

13 MR. POTTER: And we would request that in
14 view of the response date that you mentioned that the
15 11th be a delivery date to us.

16 MR. SNYDER: What day is that?

17 MR. POTTER: Or next day delivery.

18 MR. SNYDER: Next day delivery will be
19 fine. Delivery by 12.

20 EXAMINER PRUSIA: Replies to dispositive
21 motions are to be filed by September 25th. Cross of
22 GTE is scheduled for one day, October 12th, 1995.
23 Whidbey is to prefile all of its testimony by October
24 27th. Staff and public counsel are to prefile all of
25 their testimony and exhibits by November 21st. GTE is

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1 to prefile any -- is it reply or rebuttal -- by
2 December 12th. Whidbey is to prefile reply or
3 rebuttal by January 19th, 1996. There will be cross
4 of all testimony, all the remaining testimony -- since
5 we've already had the cross of the company -- cross of
6 remaining testimony the week of February 5th through
7 9th, 1996. Simultaneous briefs will be due on March
8 11th, 1996. The initial order is targeted to be out
9 by April 12th, 1996, and the deadline for final order
10 is July 12th, 1996.

11 It's my understanding that Mr. Potter on
12 behalf of the complainant has agreed to waive the
13 current 10-month date to July 12, 1996; is that
14 correct?

15 MR. POTTER: That's correct.

16 EXAMINER PRUSIA: And there was also an
17 additional agreement beyond that if you could read
18 that into the record.

19 MR. POTTER: Staff had requested that if
20 they demonstrated to the satisfaction of presiding
21 officer that additional time for preparing their
22 testimony of up to two weeks was needed that the
23 company would agree to further extension in that
24 regard, and since any such extension might justify an
25 extension of time to file responsive testimony, the

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1 company can state that in those circumstances it would
2 be agreeable to additional extension of up to 30 days.

3 EXAMINER PRUSIA: Is there anything else we
4 need to cover?

5 MR. TROTTER: The only thing I would add is
6 that with respect to dispositive motions we all know
7 there is going to be -- is now and will be additional
8 legislative initiatives that may moot this case and we
9 want to make clear that dispositive motions due to
10 legislative change would be filed a date in time, not
11 be covered by the September 11 cutoff, and in addition
12 the Commission may be issuing some orders itself in
13 other dockets that may eliminate many of the issues in
14 this docket.

15 MR. SNYDER: It's dispositive motions
16 essentially addressed to the pleadings that we're --

17 MR. GOLTZ: Yes.

18 MR. SNYDER: If we could clarify, the
19 replies to those dispositive motions are due September
20 25, 1995.

21 EXAMINER PRUSIA: Right.

22 MR. POTTER: Then we would decide at that
23 time whether they would be replies or oral arguments.

24 EXAMINER PRUSIA: The other item was Mr.
25 Trotter had mentioned public hearings, and I wasn't

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1 quite clear on --

2 MR. TROTTER: Ratepayer hearings. I am not
3 asking for them at this time -- I am not asking that
4 they be scheduled at this time. We ask that that
5 subject be available to be reopened as the case
6 develops. If this case ends up affecting every GTE
7 residential customer or substantial number of them
8 other than just in this particular focused geographic
9 area subject to this complaint, that's a serious
10 concern of ours.

11 EXAMINER PRUSIA: Are there any other
12 matters we need to cover on the schedule?

13 MR. POTTER: One thing we did not talk
14 about is whether we need to set schedules for
15 a specific discovery cutoff date. My own view is that
16 it's satisfactory just to be disciplined by the reply
17 period that's allowed in the rules, gets your
18 discovery out accordingly.

19 MR. GOLTZ: That's fine. I think if that
20 turns out to be a problem then I think either a
21 stipulation or an appropriate motion to take that up
22 would be fine with me.

23 MR. PRUSIA: Let's go off the record again
24 for a couple of minutes to mark the exhibits.

25 (Discussion off the record.)

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1 MR. PRUSIA: Back on the record. We're
2 back on the record after a short recess during which
3 we marked the exhibits. I will briefly run through
4 them. Exhibit LCT-T, which is the prefiled testimony
5 of Lyda C. Tong is marked T-1. Exhibit LCT-1 is a
6 two-page exhibit is marked Exhibit No. 2. LCT-2 is
7 marked Exhibit 3, and LCT-3 is marked Exhibit 4. I
8 will ask the parties if there's anything else we need
9 to address that we haven't touched upon in today's
10 session.

11 (Marked Exhibits T-1, 2 - 4.)

12 EXAMINER PRUSIA: Let the record reflect
13 that there is no response. I will issue a pre-hearing
14 conference order after today's pre-hearing conference.
15 The pre-hearing conference rule states that if you do
16 not object to a portion of the pre-hearing conference
17 order within ten days then those are the rules we will
18 proceed by under the case. Is there anything further?

19 MR. POTTER: No.

20 MR. PRUSIA: There being nothing further I
21 will adjourn today's pre-hearing conference. Thank
22 you.

23 (Hearing adjourned at 11:32 a.m.)

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