

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUEST

DATE PREPARED: January 7, 2010  
DOCKET: UT-090842  
REQUESTER: Public Counsel

WITNESS: William H. Weinman  
RESPONDER: William H. Weinman  
TELEPHONE: (360) 664-1109

**REQUEST NO. 5: Please reference the Testimony in Support of Settlement Agreement of William H. Weinman, Exhibit No. \_\_\_\_ (WHW-6T), p. 4, ll. 3 to 11.**

- a. Please explain whether Mr. Weinman, prior to filing his direct testimony, Exhibit No. \_\_\_\_ (WHW-1T), on November 3, 2009, reviewed the following documents that were produced during the discovery process by Frontier and Verizon:
- Project North Presentation to the Board of Directors, May 12, 2009. Provided with Joint Applicants' Response to Public Counsel Data Request No. 35.
  - Project North Presentation to the Board of Directors, May 1, 2009. Provided with Joint Applicants' Response to Public Counsel Data Request No. 35.
  - Project North Presentation to the Board of Directors, April 16, 2009. Provided with Joint Applicants' Response to Public Counsel Data Request No. 35.
  - "Welcome to the New Frontier," Frontier Communications, May 13, 2008, p. 22, available at:  
<http://www.sec.gov/Archives/edgar/data/20520/000095015709000249/form425.htm>.
- b. If Mr. Weinman did review the documents referenced in part (a), please explain which portions of the information he describes on page 4, lines 3-11 of Exhibit No. \_\_\_\_ (WHW-6T) were not available to Mr. Weinman prior to his filing of his November 3, 2009 direct testimony.
- c. If Mr. Weinman did not review the documents in part (a) prior to filing his November 3, 2009 direct testimony, please explain why not.

**RESPONSE:**

- a. Mr. Weinman did review the documents listed in part a.
- b. These documents were available to Mr. Weinman prior to filing his direct testimony. **Objection: Vague and ambiguous; argumentative.** It is unclear to Staff what point Public Counsel intends to make with the question "which portions of the information . . . were not available." The point seems to be a rhetorical one, specifically to suggest that the financial analysis presented by Mr. Whitehouse and Mr. McCarthy on rebuttal was already available to Staff in the form of these various Power Point presentations obtained from the companies through a very general data request from Public Counsel. If that is Public Counsel's point, then Staff asserts there is a difference between various charts and graphs that are largely without

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narrative explanation and which had not been offered as part of the Applicant's evidence in the case, on the one hand, and coherent written rebuttal testimony that is directly responsive to concerns raised by Staff and Public Counsel, on the other. Mr. Weinman's testimony was primarily responding to the pre-filed written testimony of the Joint Applicants because it was the Applicants, not Staff, who carried the burden of proof. Although Mr. Weinman did not believe the Applicants' had met their burden following the filing of their direct testimony, Staff believes that the Applicants' rebuttal testimony, plus the conditions in the settlement, satisfy the burden of demonstrating that the transaction is in the public interest.

c. **Objection: Argumentative.** See answer to b.