BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| SANDRA JUDD, et al.,  Complainants,  v.  AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC.; and  T‑NETIX, INC.,  Respondents. | DOCKET NO. UT‑042022  COMPLAINANTS’ MOTION TO FILE A REPLY IN FURTHER SUPPORT OF THEIR PETITION FOR ADMINISTRATIVE REVIEW |

1. Complainants request that they be permitted to file a reply in further support of their petition for administrative review. This reply is necessary because T-NETIX' answer to the petition raises new and unforeseen issues and because AT&T cites new authority in support of its argument for collateral estoppel that has not been previously cited by AT&T or the ALJ.
2. T-NETIX argues that the complainants’ request to overturn the order denying T-NETIX' motion for summary determination should be denied on a new theory: that only intraLATA calls were made by the complainants before 1997 and that it does not matter who the OSP was during that time because the Court of Appeals ruled that calls during that time were exempt from rate disclosure. This issue was not addressed by the ALJ in her initial order. Further, T-NETIX also argues that our petition should be denied under the doctrine of "law of the case." This argument was not made in its motions for summary determination nor was it considered by the ALJ, and we had no reason to believe that either of these arguments would be made in response to our petition. Complainants need the opportunity to respond to both of these arguments.
3. Further, AT&T has now cited new authority in support of its argument for collateral estoppel. It cites *State v. Dorsey*, 40 Wash. App. 459, 464-465, 698 P.2d 1109, 1112-1113 (Wash. Ct. App. 1985), which was not cited in prior submissions or by the ALJ. Complainants need to address this case especially given the other assertions by AT&T, including claims that it "won" a decision in Superior Court.
4. A copy of the proposed reply is attached to this motion.

DATED: June 1, 2010.

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