

From: Harlow, Brooks [mailto:Brooks.Harlow@MillerNash.com]

Sent: Wednesday, January 27, 2010 1:23 PM

To: Clark, Patricia (UTC)

Cc: Shifley, Sarah (ATG); Kopta, Greg; Harper, Mary (ATG); UTC DL Records Center; Johnson, Stefanie (ATG); Williams, Carol (ATG); Andrew Fisher; Charles Best; Rice, David L.; DeMarco, Betsy (UTC); Dennis Ahlers; Gregory Rogers; Gregory Romano; Harry Gildea; Katherine K Mudge; Ken Mason; Kevin Saville; Lisa Rackner; Lyndall Nipps; Trincherro, Mark; Michel L. Singer Nelson; Milt Doumit; Rex Knowles; Robert Spangler; Ron Main; Scott Rubin; Stephen S. Melnikoff; Terrance A. Spann; Thompson, Jonathan (UTC); William A. Haas

Subject: RE: WA UT-090842 PC Jan 26 10 Cover Letter, COS, and Exhibit List of Exhibits of Public Counsel

Judge Clark, and interested parties, on behalf of BCAW I respectfully request a similar opportunity to that of the CLECs for BCAW and its witness, Ron Main. Although BCAW is not a settling party, its prefiled testimony in this matter was very narrow and was made all the narrower by the Staff's settlement. Mr. Main has about 1 to 2 minutes of oral testimony on the settlements and we expect very little if any cross examination by the parties, given how narrow his testimony is. Mr. Main is a state lobbyist and his schedule--which was largely open in December--is now extremely crowded with the Legislature in session. The end of next week is particularly problematic for him.

Thank you all for considering this and doing your best to accommodate BCAW's request.

Brooks Harlow, P.C.
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From: Clark, Patricia (UTC) [mailto:Pclark@utc.wa.gov]

Sent: Wednesday, January 27, 2010 10:50 AM

To: Kopta, Greg; Shifley, Sarah (ATG)

Cc: Harper, Mary (ATG); UTC DL Records Center; Johnson, Stefanie (ATG); Williams, Carol (ATG); Andrew Fisher; Harlow, Brooks; Charles Best; Rice, David L.; DeMarco, Betsy (UTC); Dennis Ahlers; Gregory Rogers; Gregory Romano; Harry Gildea; Katherine K Mudge; Ken Mason; Kevin Saville; Lisa Rackner; Lyndall Nipps; Trincherro, Mark; Michel L. Singer Nelson; Milt Doumit; Rex Knowles; Robert Spangler; Ron Main; Scott Rubin; Stephen S. Melnikoff; Terrance A. Spann; Thompson, Jonathan (UTC); William A. Haas

Subject: RE: WA UT-090842 PC Jan 26 10 Cover Letter, COS, and Exhibit List of Exhibits of Public Counsel

Good morning Mr. Kopta,

As I indicated in my email January 12, 2010, if counsel and witnesses for the CLECs would like to be given the opportunity to request to be excused after presentation of their settlements, then oral rebuttal and surrebuttal on those settlements will be presented immediately after the settlements. You responded, on behalf of Comcast, and Mr. Trincherro responded, on behalf of the Joint CLECs, that you would like that opportunity.

Therefore, at the hearing commencing Tuesday, the settlements involving the CLECS will be presented first. At the conclusion of that presentation (including oral rebuttal and oral surrebuttal and associated cross-examination and Commissioner inquiry), I will afford the CLECs, including Level 3, the opportunity to request to be excused. There was no objection to this process in earlier emails, so I anticipate excusing all requesting CLECs' witnesses and counsel at that time.

This email is a good opportunity to remind all parties that time estimates and witness lists (for direct and cross-examination), notice of telephonic appearance, and objections to the admission of any exhibits need to be emailed to me by Friday, January 28, 2010. I would appreciate this information as soon as possible on Friday, but it must be submitted no later than 2 p.m.

Please let me know if you have any questions. Thank you.

Patricia Clark
Administrative Law Judge
Phone: (360) 664-1136

From: Kopta, Greg [mailto:GregKopta@DWT.COM]

Sent: Wednesday, January 27, 2010 10:38 AM

To: Clark, Patricia (UTC); Shifley, Sarah (ATG)

Cc: Harper, Mary (ATG); UTC DL Records Center; Johnson, Stefanie (ATG); Williams, Carol (ATG); Andrew Fisher; brooks.Harlow@millernash.com; Charles Best; David L. Rice; DeMarco, Betsy (UTC); Dennis Ahlers; Gregory Rogers; Gregory Romano; Harry Gildea; Katherine K Mudge; Ken Mason; Kevin Saville; Lisa Rackner; Lyndall Nipps; Trincherro, Mark; Michel L. Singer Nelson; Milt Doumit; Rex Knowles; Robert Spangler; Ron Main; Scott Rubin; Stephen S. Melnikoff; Terrance A. Spann; Thompson, Jonathan (UTC); William A. Haas

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Your Honor, having heard no objections to our request to conclude all proceedings with respect to the settlement agreement between the Joint Applicants and Comcast at one time, may we safely assume that will be the procedure at the hearings next week?

Gregory J. Kopta | Davis Wright Tremaine LLP

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From: Clark, Patricia (UTC) [<mailto:Pclark@utc.wa.gov>]

Sent: Wednesday, January 27, 2010 10:35 AM

To: Shifley, Sarah (ATG)

Cc: Harper, Mary (ATG); UTC DL Records Center; Johnson, Stefanie (ATG); Williams, Carol (ATG); Andrew Fisher; brooks.Harlow@millernash.com; Charles Best; David L. Rice; DeMarco, Betsy (UTC); Dennis Ahlers; Kopta, Greg; Gregory Rogers; Gregory Romano; Harry Gildea; Katherine K Mudge; Ken Mason; Kevin Saville; Lisa Rackner; Lyndall Nipps; Trincherro, Mark; Michel L. Singer Nelson; Milt Doumit; Rex Knowles; Robert Spangler; Ron Main; Scott Rubin; Stephen S. Melnikoff; Terrance A. Spann; Thompson, Jonathan (UTC); William A. Haas

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Ms. Shifley,

Thank you. The correction is noted.

Patricia Clark

Administrative Law Judge

Phone: (360) 664-1136

From: Shifley, Sarah (ATG)

Sent: Wednesday, January 27, 2010 10:14 AM

To: Clark, Patricia (UTC)

Cc: Harper, Mary (ATG); UTC DL Records Center; Johnson, Stefanie (ATG); Williams, Carol (ATG); 'Andrew Fisher'; 'Brooks Harlow (brooks.Harlow@millernash.com)'; 'Charles Best'; 'David L. Rice'; DeMarco, Betsy (UTC); 'Dennis Ahlers'; 'gregkopta@dwt.com'; 'Gregory Rogers'; 'Gregory Romano';

'Harry Gildea'; 'Katherine K Mudge'; 'Ken Mason'; 'Kevin Saville'; 'Lisa Rackner'; 'Lyndall Nipps'; 'Mark P Trinchero (marktrinchero@dwt.com)'; 'Michel L. Singer Nelson'; 'Milt Doumit'; 'Rex Knowles'; 'Robert Spangler'; 'Ron Main'; 'Scott Rubin'; 'Stephen S. Melnikoff'; 'Terrance A. Spann'; Thompson, Jonathan (UTC); 'William A. Haas'

Subject: RE: WA UT-090842 PC Jan 26 10 Cover Letter, COS, and Exhibit List of Exhibits of Public Counsel

Dear Judge Clark and parties,

One of the proposed additional exhibits Public Counsel sent out was incorrectly listed as an exhibit to the direct rebuttal testimony of Mr. Stephen Hill. This exhibit should have been listed as a cross-examination exhibit for Staff witness, Mr. William Weinman. I have attached a copy of this exhibit, a copy of the incorrect exhibit list with the exhibit, as it previously appear, highlighted. I have also included a copy of the CORRECTED exhibit list wherein this exhibit correctly appears as a proposed cross-examination exhibit for Mr. Weinman.

Please let me know if you have any questions or concerns.

Regards,

Sarah

<< File: SGH- Oregon PUC Docket No UM 1431 .pdf >> << File: 090842 PC Exhibit List 1 26 10.doc >>

<< File: CORRECTED PC Exhibit List 01 27 10.doc >>

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From: Harper, Mary (ATG)

Sent: Tuesday, January 26, 2010 2:17 PM

To: UTC DL Records Center; Clark, Patricia (UTC)

Cc: Shifley, Sarah (ATG); Johnson, Stefanie (ATG); Williams, Carol (ATG); Andrew Fisher; Brooks Harlow (brooks.Harlow@millernash.com); Charles Best; David L. Rice; DeMarco, Betsy (UTC); Dennis Ahlers; gregkopta@dwt.com; Gregory Rogers; Gregory Romano; Harry Gildea; Katherine K Mudge; Ken Mason; Kevin Saville; Lisa Rackner; Lyndall Nipps; Mark P Trincherro (marktrincherro@dwt.com); Michel L. Singer Nelson; Milt Doumit; Rex Knowles; Robert Spangler; Ron Main; Scott Rubin; Stephen S. Melnikoff; Terrance A. Spann; Thompson, Jonathan (UTC); William A. Haas

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<< File: Public Counsel RevisedCorrectedEXH-LIST UT090842Jan26-2010.doc >> <<
File: UT-090842-CvrLtrAdditional Exhibits 1-26-2010.pdf >> << File: UT-090842-CvrLtr
Additional Cross exhibits 1-26-10.doc >> << File: UT-090842 COS 1-26-2010.pdf
>> << File: COS 1-26-2010.doc >>

Attached please find a cover letter to the Records Center, Certificate of Service, and the exhibit list in the above mentioned docket on behalf of Public Counsel.

HIGHLY CONFIDENTIAL and CONFIDENTIAL exhibits will be sent to those parties who have signed the appropriate Protective Orders.

Mary Harper

Legal Assistant

Public Counsel

(206) 389-2766