

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

**Sent:** Thursday, January 28, 2010 2:36 PM

**To:** Clark, Patricia (UTC)

**Cc:** Shifley, Sarah (ATG); Harper, Mary (ATG); UTC DL Records Center; Johnson, Stefanie (ATG); Williams, Carol (ATG); Andrew Fisher; Charles Best; Rice, David L.; DeMarco, Betsy (UTC); Kopta, Greg; 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

Per your request, BCAW provides the following procedural information:

#### Witnesses

Mr. Ron Main expects to attend in person to sponsor his prefiled direct and brief oral settlement rebuttal testimony. He will be available for cross examination or Commissioner questions, if any.

#### Time Estimates

BCAW estimates oral settlement rebuttal testimony by Mr. Main will take one or two minutes.

BCAW does not anticipate any cross examination questions based on pre-filed testimony, but reserves the right to conduct cross based on any oral testimony at the hearing.

#### Exhibits

BCAW has no cross exhibits.

#### Objections

BCAW has no objections to testimony or exhibits previously filed or circulated.

**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