

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SANDRA JUDD, et al.,

Complainants,

v.

AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC.; and
T-NETIX, INC.,

Respondents.

DOCKET NO. UT-042022

COMPLAINANTS' RESPONSE TO
T-NETIX'S MOTION FOR LEAVE TO
REPLY TO COMPLAINANTS'
RESPONSE TO AT&T AND T-NETIX
BENCH REQUESTS 7 THROUGH 10

A. T-Netix seeks leave to file a reply brief on standing, an issue that it lost and which is not at issue in this proceeding.

1. T-Netix seeks leave to file a brief addressing issues relating to standing. It wishes to file a brief to address (1) the time period in which Ms. Judd received calls from Clallam Bay and (2) the time period in which Ms. Herivel received a call from Airway Heights. These issues have nothing to do with the Bench Requests, nor are they relevant on any issue pending before the Commission.

2. The Washington State Court of Appeals concluded that Ms. Herivel provided specific and detailed information concerning an interLATA call she received from Airway Heights. *Judd v. Am. Tel. & Tel. Co.*, 136 Wn. App. 1022, *3 (Wash. Ct. App. 2006), *rev. denied*, 162 Wn.2d 1002. In contrast, the Court noted that T-Netix's claim that its "records search" turned up no calls was easily explained because its "record search" inexplicitly omitted ten months of relevant records. *Id.* ("respondents' evidence leaves


10 months unaccounted for"). It instructed the trial court to "reinstate the primary jurisdiction referral to the WUTC to determine the issues originally before it: (1) whether AT & T or T-Netix were OSPs and (2) whether they violated the WUTC disclosure regulations." *Id.*

3. T-Netix's proposed reply brief is nothing but another attempt to litigate an issue that it raised, and lost, before the Court of Appeals. Standing is not at issue in this venue. The only issues are those related to primary jurisdiction referral, and T-Netix's proposed reply brief has nothing to do with those key issues.

4. T-Netix's motion for leave to file a reply brief should be denied.

DATED: November 10, 2010.

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SERVICE LIST

Pursuant to WAC 480-07-150, I certify that on November 10, 2010, I served a copy of the foregoing on all counsel of record by e-mail and U.S. Mail at the below addresses:

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Pursuant to WAC 480-07-145, I further certify that on November 10, 2010, I filed MS Word and PDF versions of the listed documents by e-mail, and the original and 12 copies of the listed documents by overnight delivery (Federal Express or UPS), with the WUTC at the below address:

David Danner
Secretary and Executive Director
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Pursuant to the Prehearing Conference Order 08, I further certify that on November 10, 2010, I provided a courtesy copy of the listed documents, in MS Word, to Administrative Law Judge Marguerite E. Friedlander by e-mail to mfriedla@utc.wa.gov.

DATED: November 10, 2010, at Seattle, Washington.

