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December 15, 2010

VIA E-MAIL

Gregory J. Kopta
Director, Administrative Law Division
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Re: **UT-042022 - Judd, et al. v. AT&T and T-Netix**

Dear Mr. Kopta:

AT&T recently became aware of your work on *Judd, et al. v. AT&T and T-Netix*, Docket No. UT-042022 (“*Judd*”). AT&T is concerned that your involvement in *Judd* constitutes a conflict of interest under Rule 1.9 of the Washington Rules of Professional Conduct as a result of your representation of AT&T in connection with a prior Commission investigation, Docket No. UT-060962.

The Washington Rules of Professional Conduct state:

A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

Wash. Rules of Prof'l Conduct, Rule 1.9(a); *see also* Wash. Rules of Prof'l Conduct, Rule 1.11(d) (“a lawyer currently serving as a public officer or employee is subject to Rule[] . . . 1.9”).

AT&T believes that these two matters are “substantially related” for purposes of Rule 1.9 because the facts probed by the Commission in both proceedings significantly overlap. Accordingly, in order to avoid any continuing conflict under Rule 1.9, AT&T respectfully requests that you recuse yourself from any further involvement in *Judd* and that the Commission take the necessary steps to insulate you and anyone with whom you have communicated about



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Judd from any further involvement and to undo any harm caused by the conflict under Rule 1.9.

I look forward to your response.

Sincerely,

SCHIFF HARDIN LLP

A handwritten signature in black ink, appearing to read 'CHARPETERS'.

Charles H.R. Peters

cc: Washington Utilities and Transportation Commission
Stephanie A. Joyce
Chris R. Youtz
Arthur A. Butler
Letty S.D. Friesen