

Docket Nos. UT-190262, UT-190263, UT-190264, UT-190265 and UT-190266 (Consolidated) - Vol. II

WUTC v. Qwest Corporation, d/b/a CenturyLink, et al.

July 30, 2019



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Page 33

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET NO. UT-190262
TRANSPORTATION COMMISSION,)
Complainant,)
vs.)
QWEST CORPORATION, d/b/a)
CENTURYLINK QC,)
Respondent.) *Caption Continued*

STATUS CONFERENCE, VOLUME II

Pages 33-47

ADMINISTRATIVE LAW JUDGE NELLI DOROSHKIN

July 30, 2019

9:30 a.m.

Washington Utilities and Transportation Commission
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Page 35

1 Respondent.)
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Page 34

1 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
2 Complainant,)
3) DOCKET NO. UT-190263
4 v.)
5 CENTURYTEL OF COWICHE,)
INC., d/b/a CENTURYLINK,)
6 Respondent.)
7 _____)
8 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
9) DOCKET NO. UT-190264
10 Complainant,)
11 v.)
12 CENTURYTEL OF WASHINGTON,)
INC., d/b/a CENTURYLINK,)
13 Respondent.)
14 _____)
15 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
16) DOCKET NO. UT-190265
17 Complainant,)
18 v.)
19 CENTURYTEL OF WASHINGTON,)
INC., d/b/a CENTURYLINK,)
20 Respondent.)
21 _____)
22 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
23 Complainant,) DOCKET NO. UT-190266
24 v.)
25 UNITED TELEPHONE COMPANY)
OF THE NORTHWEST d/b/a)
CENTURYLINK,)

Page 36

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Page 37

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Page 38

1 LACEY, WASHINGTON; JULY 30, 2019
2 9:30 A.M.
3 --o0o--
4 P R O C E E D I N G S
5
6 JUDGE DOROSHKIN: Let's be on the record.
7 So we're here today for a status conference in
8 consolidated Dockets UT-190262, UT-190263, UT-190264,
9 UT-190265, and UT-190266 regarding tariff filings to
10 discontinue private switch/automatic location
11 identification services. These filings were made by the
12 companies in the docket captions, which we will refer to
13 in shorthand as the CenturyLink companies.
14 My name is Nelli Doroshkin, and I am an
15 administrative law judge with the Washington Utilities
16 and Transportation Commission.
17 We will begin by taking short appearances
18 beginning with the CenturyLink companies. The light
19 should be green.
20 MS. ANDERL: It's not. Okay. For the
21 record, that's a really hard press on that button. Good
22 morning, Your Honor, and everyone else. Lisa Anderl,
23 in-house attorney representing CenturyLink.
24 JUDGE DOROSHKIN: Staff?
25 MR. CALLAGHAN: Nash Callaghan, Assistant

Page 39

1 Attorney General, on behalf of Staff.
2 JUDGE DOROSHKIN: Public Counsel?
3 MS. GAFKEN: Good morning. Lisa Gafken,
4 Assistant Attorney General, appearing on behalf of
5 Public Counsel.
6 JUDGE DOROSHKIN: And Washington State
7 Military Department?
8 MS. CORTEZ: Assistant Attorney General,
9 Dawn Cortez, representing the State Military Department.
10 JUDGE DOROSHKIN: Okay. And then
11 TeleCommunication Systems, Inc.?
12 MS. ORNSTEIN: Susan Ornstein, representing
13 TeleCommunication Systems, Inc.
14 JUDGE DOROSHKIN: So that should be
15 everyone. The prehearing conference on May 13th where
16 we discussed the process for filing an implementation
17 plan and CenturyLink agreed to share its implementation
18 plan information with other parties on May 24th, and the
19 parties were to participate in a settlement conference
20 on June 7th.
21 So could CenturyLink please start by saying
22 whether you had shared the implementation plan
23 information and whether correct notices were provided to
24 customers?
25 MS. ANDERL: We did share an implementation

Page 40

1 plan, a proposed implementation plan, and we spoke with
2 the parties during at least one formal settlement
3 conversation and then a -- some phone calls and some
4 emails. We were able to resolve the final form of a
5 corrected customer notice just last week or perhaps
6 maybe ten days ago, and I have the wheels turning within
7 the Company to have that sent out both via email and
8 U.S. mail to our customers, remaining PS/ALI customers.
9 JUDGE DOROSHKIN: Okay. And when would that
10 happen?
11 MS. ANDERL: I don't know yet.
12 JUDGE DOROSHKIN: Okay.
13 MS. ANDERL: We've -- we've requested that
14 it happen, but it has to go through, you know, certain
15 other legal review other than me and then get into queue
16 to be sent out, you know, in -- with multiple other
17 notices that we either have to or want to send. So I
18 have asked for that information, what the ETA mailing
19 date is, but haven't received any information back yet.
20 JUDGE DOROSHKIN: Okay. Maybe we can
21 discuss that when we discuss the proposed procedural
22 schedule.
23 So I did receive a copy of a proposed
24 procedural schedule from Commission Staff yesterday,
25 which Staff conveys is jointly proposed by all of the

Page 41	Page 43
<p>1 parties. My first question is whether this applies to 2 all the consolidated dockets labeled UT-190262. 3 MR. CALLAGHAN: All the consolidated 4 dockets, Your Honor. 5 JUDGE DOROSHKIN: Okay. And then second, as 6 we discussed at the prehearing conference, the 7 Commission has not intended on holding a hearing in 8 these dockets, and had instead anticipated that the 9 parties would file an implementation plan. 10 So I'll ask Staff to address the need for a 11 hearing including whether there's consensus for proposed 12 topics for a hearing and what those topics would be if 13 so. 14 MR. CALLAGHAN: Thank you, Your Honor. We 15 believe that it was necessary to include a hearing given 16 that, if the parties could not come to an agreement in 17 this case, that we would need an evidentiary hearing to 18 determine whether the proposed tariff change was in the 19 public interest. That being said, the parties are 20 working towards a settlement, and I believe we're making 21 good progress. 22 JUDGE DOROSHKIN: Okay. So then what -- do 23 you anticipate that settlement would result in an 24 implementation plan or how does an implementation plan 25 fit into this proposed procedural schedule?</p>	<p>1 days to give basically some more flexibility in terms of 2 finding a hearing date if one were necessary. I will 3 tell you that the customer notice that we're going to 4 send, that includes all of -- you know, that all the 5 parties have agreed upon, says that CenturyLink is 6 recommending to the UTC to allow us to discontinue the 7 service effective May 31st, 2020. So the March 8th 8 date, while it is a real one because it is a statutory 9 suspension date for the tariff, we've already 10 effectively waived that out. 11 JUDGE DOROSHKIN: Okay. 12 MS. ANDERL: And so we're hopeful that, you 13 know, whatever sort of a settlement agreement the 14 parties can reach would include that -- that 15 May 31st, 2020 date as a hard stop. 16 JUDGE DOROSHKIN: Okay. 17 MS. ANDERL: But that gives us more time in 18 the first quarter or, you know, early second quarter of 19 2020 in the unlikely event that we need a hearing to 20 pick a date. 21 JUDGE DOROSHKIN: Okay. I see. So what we 22 could do is take this proposed procedural schedule as-is 23 and maybe leave the evidentiary hearing date to be 24 determined. However, I do like the -- the fact that 25 there is a hard stop here. There is a deadline in place</p>
Page 42	Page 44
<p>1 MR. CALLAGHAN: Yes, Your Honor. I believe 2 that the settlement would necessarily include an 3 implementation plan. 4 JUDGE DOROSHKIN: Okay. And then when would 5 the anticipated filing day for an implementation plan be 6 in case a hearing is held? I just don't see that in 7 the procedural schedule. 8 MR. CALLAGHAN: Well, Your Honor, in the 9 event that the parties would be unable to reach an 10 agreement, I think that the -- the course of action 11 would be that the Commission would make an order that 12 might direct the parties toward an implementation plan. 13 JUDGE DOROSHKIN: Okay. So an order on the 14 tariff filing? 15 MR. CALLAGHAN: Yes. 16 JUDGE DOROSHKIN: I see. All right. Well, 17 then, taking a look at the proposed procedural schedule, 18 are there any other dates available for a hearing, 19 whether or not a hearing is held? But right now, as 20 currently proposed, that date does not work very well 21 for me. Are there any other dates that would be 22 suitable? 23 MS. ANDERL: Your Honor, we talked a little 24 bit about this, and I think we had preliminarily raised 25 the possibility of extending the suspension date for 30</p>	<p>1 with a hearing as proposed. 2 So what I will do is I will discuss the 3 proposed procedural schedule with Commissioners prior to 4 issuing any document after this status conference, and 5 then I will issue an order on the procedural schedule, 6 not necessarily modifying the current procedural 7 schedule in the docket. But should there be a 8 settlement that results in the filing of an 9 implementation plan, then upon filing, the Commission 10 will review the implementation plan and issue -- we 11 would issue an order on that. 12 So and the public comment hearing date does 13 not need to be determined at this point I don't think, 14 so I think that's fine. 15 Is there anything else that anyone would 16 like to discuss? 17 MR. CALLAGHAN: Thank you, Your Honor. 18 Staff would just encourage CenturyLink to send out the 19 customer notice as soon as possible. We have received 20 reports that there's some confusion with these customers 21 about what's going on with the transition, so we would 22 just encourage them to file the customer notice as soon 23 as possible. 24 MS. ANDERL: Right, and we will, and I 25 appreciate that and I appreciate the action by the other</p>

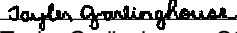
Page 45


1 parties to help us with drafting this. I think it took
 2 a little while, but I think it is a better product than
 3 it would have been otherwise so --
 4 JUDGE DOROSHKIN: Okay. So the delay was
 5 due to working with other parties to draft the...
 6 MS. ANDERL: I'm not saying they were the
 7 cause of any delay. I'm just saying that it --
 8 JUDGE DOROSHKIN: No, I'm just trying to
 9 understand --
 10 MS. ANDERL: Yeah, we kept talking about
 11 like what's this notice going to look like. And finally
 12 we just sat down and pulled all the edits together and,
 13 you know, I think -- I think it was a conference call a
 14 week ago Friday where we, you know, finally got a draft
 15 that everybody agreed on so -- but it's a -- it's a good
 16 notice.
 17 JUDGE DOROSHKIN: Okay. All right. Well,
 18 if everyone agrees on the notice, if we can get that
 19 sent out as quickly as possible and we'll take a look at
 20 the proposed procedural schedule.
 21 MS. ANDERL: And, Your Honor, I would
 22 propose that when we -- when we send it to the
 23 customers, I will file a copy of it in the docket with
 24 an indication of the date that it was actually sent out.
 25 JUDGE DOROSHKIN: All right. Okay.

Page 46

1 All right, then. Is there anything else
 2 that we need to address? Well, then, I will issue an
 3 order shortly, which may or may not modify the
 4 procedural schedule once we review this with the
 5 Commissioners. But other than that, we are adjourned.
 6 Thank you.
 7 (Adjourned at 9:41 a.m.)
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Page 47

1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF THURSTON
 5
 6 I, Tayler Garlinghouse, a Certified Shorthand
 7 Reporter in and for the State of Washington, do hereby
 8 certify that the foregoing transcript is true and
 9 accurate to the best of my knowledge, skill and ability.
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 15 Tayler Garlinghouse, CCR 3358
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<p style="text-align: center;">A</p> <p>a.m 33:16 38:2 46:7 ability 47:9 able 40:4 accurate 47:9 action 42:10 44:25 address 41:10 46:2 adjourned 46:5,7 administrative 33:13 36:2 38:15 Affairs 37:5 ago 40:6 45:14 agreed 39:17 43:5 45:15 agreement 41:16 42:10 43:13 agrees 45:18 allow 43:6 Anderl 36:19 38:20 38:22 39:25 40:11 40:13 42:23 43:12 43:17 44:24 45:6 45:10,21 ANDREW 37:17 Annapolis 37:6 anticipate 41:23 anticipated 41:8 42:5 appearances 38:17 appearing 39:4 applies 41:1 appreciate 44:25 44:25 as-is 43:22 asked 40:18 Assistant 36:9,14 37:11 38:25 39:4 39:8 attorney 36:9,9,14 36:15 37:11,11 38:23 39:1,4,8 available 42:18 Avenue 33:22 36:15,20</p> <hr/> <p style="text-align: center;">B</p>	<p>back 40:19 basically 43:1 beginning 38:18 behalf 39:1,4 believe 41:15,20 42:1 best 47:9 better 45:2 bit 42:24 Box 37:13 Buell 33:22 button 38:21</p> <hr/> <p style="text-align: center;">C</p> <p>C 36:1 37:1 38:4 47:1,1 call 45:13 Callaghan 36:8 38:25,25 41:3,14 42:1,8,15 44:17 calls 40:3 Caption 33:9 captions 38:12 CARLA 37:17 case 41:17 42:6 cause 45:7 CCR 33:21 47:14 CenturyLink 33:8 34:5,11,18,25 36:18 38:13,18,23 39:17,21 43:5 44:18 CENTURYTEL 34:4,11,17 certain 40:14 Certified 47:6 certify 47:8 change 41:18 COLAMONICI 37:17 come 41:16 comment 44:12 Commission 33:2,4 33:18 34:1,8,14 34:21 36:4,7 38:16 40:24 41:7</p>	<p>42:11 44:9 Commissioners 44:3 46:5 companies 38:12 38:13,18 Company 34:24 40:7 Complainant 33:5 34:2,9,15,22 Comtech 37:4 conference 33:11 38:7 39:15,19 41:6 44:4 45:13 confusion 44:20 consensus 41:11 consolidated 38:8 41:2,3 Construction 37:12 Cont 37:1 Continued 33:9 conversation 40:3 conveys 40:25 copy 40:23 45:23 Corp 37:4 Corporation 33:7 36:20 correct 39:23 corrected 40:5 Cortez 37:10 39:8,9 Counsel 36:13 39:2 39:5 COUNTY 47:4 course 42:10 COWICHE 34:4 current 44:6 currently 42:20 customer 40:5 43:3 44:19,22 customers 39:24 40:8,8 44:20 45:23</p> <hr/> <p style="text-align: center;">D</p> <p>D 38:4 d/b/a 33:7 34:5,11 34:18,24</p>	<p>date 40:19 42:20,25 43:2,8,9,15,20,23 44:12 45:24 dates 42:18,21 Dawn 37:10 39:9 dawn.cortez@at... 37:14 day 42:5 days 40:6 43:1 deadline 43:25 delay 45:4,7 Department 37:9 39:7,9 determine 41:18 determined 43:24 44:13 direct 42:12 Director 37:5 discontinue 38:10 43:6 discuss 40:21,21 44:2,16 discussed 39:16 41:6 Division 37:12 docket 33:4 34:3,8 34:15,22 38:12 44:7 45:23 dockets 38:8 41:2,4 41:8 document 44:4 Doroshkin 33:13 36:3 38:6,14,24 39:2,6,10,14 40:9 40:12,20 41:5,22 42:4,13,16 43:11 43:16,21 45:4,8 45:17,25 draft 45:5,14 drafting 45:1 due 45:5</p> <hr/> <p style="text-align: center;">E</p> <p>E 36:1,1 37:1,1 38:4,4 47:1,1 early 43:18</p>	<p>edits 45:12 effective 43:7 effectively 43:10 either 40:17 email 40:7 emails 40:4 encourage 44:18,22 ETA 40:18 event 42:9 43:19 everybody 45:15 evidentiary 41:17 43:23 extending 42:25</p> <hr/> <p style="text-align: center;">F</p> <p>F 47:1 fact 43:24 file 41:9 44:22 45:23 filing 39:16 42:5,14 44:8,9 filings 38:9,11 final 40:4 finally 45:11,14 finding 43:2 fine 44:14 first 41:1 43:18 fit 41:25 flexibility 43:1 foregoing 47:8 form 40:4 formal 40:2 Fourth 33:22 Friday 45:14</p> <hr/> <p style="text-align: center;">G</p> <p>G 38:4 Gafken 36:14 39:3 39:3 Garlinghouse 33:21 47:6,14 General 36:9,14 37:11,11 39:1,4,8 General's 36:9,15 give 43:1 given 41:15</p>
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<p>gives 43:17 go 40:14 going 43:3 44:21 45:11 good 38:21 39:3 41:21 45:15 green 38:19</p> <hr/> <p style="text-align: center;">H</p> <p>happen 40:10,14 hard 38:21 43:15 43:25 hearing 41:7,11,12 41:15,17 42:6,18 42:19 43:2,19,23 44:1,12 held 42:6,19 HELME 37:18 help 45:1 holding 41:7 Honor 38:22 41:4 41:14 42:1,8,23 44:17 45:21 hopeful 43:12</p> <hr/> <p style="text-align: center;">I</p> <p>identification 38:11 II 33:11 implementation 39:16,17,22,25 40:1 41:9,24,24 42:3,5,12 44:9,10 in-house 38:23 include 41:15 42:2 43:14 includes 43:4 including 41:11 indication 45:24 information 39:18 39:23 40:18,19 intended 41:7 interest 41:19 issue 44:5,10,11 46:2 issuing 44:4</p>	<p style="text-align: center;">J</p> <p>jointly 40:25 judge 33:13 36:2 38:6,15,24 39:2,6 39:10,14 40:9,12 40:20 41:5,22 42:4,13,16 43:11 43:16,21 45:4,8 45:17,25 July 33:15 38:1 June 39:20</p> <hr/> <p style="text-align: center;">K</p> <p>kept 45:10 know 40:11,14,16 43:4,13,18 45:13 45:14 knowledge 47:9</p> <hr/> <p style="text-align: center;">L</p> <p>labeled 41:2 Lacey 33:19 36:5 36:10 38:1 law 33:13 36:2 38:15 leave 43:23 legal 37:5 40:15 Let's 38:6 light 38:18 Lisa 36:14,19 38:22 39:3 lisa.anderl@cent... 36:22 lisa.gafken@atg.... 36:17 little 42:23 45:2 LLC 33:22 location 38:10 look 42:17 45:11,19 Loop 33:18 36:4,10</p> <hr/> <p style="text-align: center;">M</p> <p>mail 40:8 mailing 40:18 making 41:20 March 43:7</p>	<p>Maryland 37:6 Military 37:9 39:7 39:9 modify 46:3 modifying 44:6 morning 38:22 39:3 multiple 40:16</p> <hr/> <p style="text-align: center;">N</p> <p>N 36:1 37:1 38:4 name 38:14 Nash 36:8 38:25 nash.callaghan@... 36:11 National 33:24 necessarily 42:2 44:6 necessary 41:15 43:2 need 41:10,17 43:19 44:13 46:2 Nelli 33:13 36:3 38:14 nelly.doroshkin@... 36:6 NORTHWEST 34:24 notice 40:5 43:3 44:19,22 45:11,16 45:18 notices 39:23 40:17</p> <hr/> <p style="text-align: center;">O</p> <p>O 38:4 o0o-- 38:3 Office 36:9,15 37:11 Okay 38:20 39:10 40:9,12,20 41:5 41:22 42:4,13 43:11,16,21 45:4 45:17,25 Olympia 33:24 37:13 once 46:4</p>	<p>order 42:11,13 44:5 44:11 46:3 Ornstein 37:4 39:12,12</p> <hr/> <p style="text-align: center;">P</p> <p>P 36:1,1 37:1,1 38:4 P.O 37:13 Pages 33:12 participate 39:19 parties 39:18,19 40:2 41:1,9,16,19 42:9,12 43:5,14 45:1,5 phone 37:10 40:3 pick 43:20 place 43:25 plan 39:17,18,22 40:1,1 41:9,24,24 42:3,5,12 44:9,10 please 39:21 point 44:13 possibility 42:25 possible 44:19,23 45:19 prehearing 39:15 41:6 preliminarily 42:24 PRESENT 37:16 press 38:21 prior 44:3 private 38:10 procedural 40:21 40:24 41:25 42:7 42:17 43:22 44:3 44:5,6 45:20 46:4 process 39:16 product 45:2 progress 41:21 propose 45:22 proposed 40:1,21 40:23,25 41:11,18 41:25 42:17,20 43:22 44:1,3 45:20</p>	<p>provided 39:23 PS/ALI 40:8 public 36:13 37:12 39:2,5 41:19 44:12 pulled 45:12</p> <hr/> <p style="text-align: center;">Q</p> <p>QC 33:8 quarter 43:18,18 question 41:1 queue 40:15 quickly 45:19 Qwest 33:7 36:20</p> <hr/> <p style="text-align: center;">R</p> <p>R 36:1 37:1 38:4 47:1 raised 42:24 reach 42:9 43:14 real 43:8 really 38:21 Realtime 33:22 receive 40:23 received 40:19 44:19 recommending 43:6 record 38:6,21 refer 38:12 regarding 38:9 Regulatory 37:5 remaining 40:8 REPORTED 33:21 Reporter 47:7 Reporting 33:22 reports 44:20 representing 38:23 39:9,12 requested 40:13 resolve 40:4 Respondent 33:9 34:6,12,19 35:1 result 41:23 results 44:8 review 40:15 44:10</p>
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<p>46:4 right 42:16,19 44:24 45:17,25 46:1 Room 36:20</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 36:1 37:1 38:4 sat 45:12 saying 39:21 45:6,7 says 43:5 schedule 40:22,24 41:25 42:7,17 43:22 44:3,5,7 45:20 46:4 Seattle 33:23,23 36:16,21 second 41:5 43:18 see 42:6,16 43:21 send 40:17 43:4 44:18 45:22 Senior 37:5 sent 40:7,16 45:19 45:24 service 43:7 services 38:11 settlement 39:19 40:2 41:20,23 42:2 43:13 44:8 share 39:17,25 shared 39:22 short 38:17 shorthand 38:13 47:6 shortly 46:3 SINGER 37:17 skill 47:9 soon 44:19,22 sort 43:13 Southeast 33:18 36:4,10 spoke 40:1 Square 33:18 36:4 36:10 Staff 36:7 38:24 39:1 40:24,25</p>	<p>41:10 44:18 start 39:21 State 39:6,9 47:3,7 status 33:11 38:7 44:4 statutory 43:8 STEVE 37:18 stop 43:15,25 Street 37:6 suitable 42:22 Suite 33:22 36:15 37:6 Susan 37:4 39:12 susan.ornstein@... 37:7 suspension 42:25 43:9 switch/automatic 38:10 Systems 37:3 39:11 39:13</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 47:1,1 take 43:22 45:19 talked 42:23 talking 45:10 tariff 38:9 41:18 42:14 43:9 Taylor 33:21 47:6 47:14 TeleCommunicat... 37:2 39:11,13 Telecommunicati... 37:4 TELEPHONE 34:24 tell 43:3 ten 40:6 terms 43:1 Thank 41:14 44:17 46:6 think 42:10,24 44:13,14 45:1,2 45:13,13 THURSTON 47:4</p>	<p>time 43:17 today 38:7 topics 41:12,12 transcript 47:8 transition 44:21 Transportation 33:2,4,18 34:1,8 34:14,21 36:3 37:12 38:16 true 47:8 trying 45:8 turning 40:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S 40:8 unable 42:9 understand 45:9 UNITED 34:24 UT-190262 33:4 38:8 41:2 UT-190263 34:3 38:8 UT-190264 34:8 38:8 UT-190265 34:15 38:9 UT-190266 34:22 38:9 UTC 43:6 Utilities 33:2,4,18 34:1,7,14,20 36:3 38:15</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>v 34:3,10,16,23 VOLUME 33:11 vs 33:6</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waived 43:10 want 40:17 Washington 33:1,4 33:18,19,23 34:1 34:7,11,14,17,20 36:5,10,16,21 37:13 38:1,15</p>	<p>39:6 47:3,7 we'll 45:19 we're 38:7 41:20 43:3,12 we've 40:13,13 43:9 week 40:5 45:14 West 37:6 wheels 40:6 Woodland 33:18 36:4,10 work 42:20 working 41:20 45:5 www.buellrealti... 33:25</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 45:10 yesterday 40:24</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1325 33:22 13th 39:15 1506 36:20 1600 36:20 1840 33:22</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>200 37:6 2000 36:15 2019 33:15 38:1 202 37:7 2020 43:7,15,19 206 33:23 36:16,21 21401 37:6 24th 39:18 275 37:6 287-9066 33:23</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 33:15 38:1 42:25</p>	<p>31st 43:7,15 33-47 33:12 3358 33:21 47:14 345-1574 36:21 360 33:24 36:5,11 37:14</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>40113 37:13 464-6595 36:16</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>534-9066 33:24 586-2436 37:14 5th 36:15</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>621 33:18 36:4,10 664-1160 36:5 664-1187 36:11</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>794-4102 37:7 7th 36:20 39:20</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p>800 33:24 36:15 846-6989 33:24 8th 43:7</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>9:30 33:16 38:2 9:41 46:7 98101 33:23 98104 36:16 98191 36:21 98503 33:19 36:5 36:10 98504 37:13</p>
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