

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Review of
Unbundled Loop and Switching Rates and
Review of the Deaveraged Zone Rate
Structure.

DOCKET NO. UT-023003

COMMISSION STAFF'S
RESPONSE OPPOSING
VERIZON'S REQUEST TO
EXTEND THE PAGE LIMIT
FOR ITS INITIAL POST-
HEARING BRIEF TO 125
PAGES

1 Verizon Northwest, Inc. ("Verizon") has filed a motion requesting that the Commission more than double the page limitation set forth in WAC 480-07-395(1)(b) for its initial post-hearing brief in this case, from 60 pages to 125 pages. While Commission Staff would not oppose a modest increase in the usual page limit for initial briefs, Verizon's request is excessive and should be denied. An increase in the page limit to 75 pages is sufficient for each party to adequately address the issues.¹

2 WAC 480-07-395(1)(b) permits the presiding officer to alter the briefing page limit, "considering the number and complexity of the issues." In the past, the

¹ Verizon's motion, at page 1, says, that the "other parties" in this proceeding oppose Verizon's motion and have stated that they intend to seek a page limit extension of 100 pages. Commission Staff cannot speak as to all of the "other parties'" intentions. However, Staff wants to make clear that it informed Verizon of the usual 60-page limit, and simply said that "Staff would not oppose somewhat longer briefs in this docket, but Staff cannot support Verizon's page limit proposal." As noted above, Staff believes that 75 pages is sufficient for each party to address the issue in this case.

Commission has granted reasonable page limit increases, in cases similar in scope and complexity to the present one. These cases include three phases of the prior generic costing and pricing docket. Docket No. UT-003013, *In the Matter of the Continued Costing and Pricing of Unbundled Network Elements, Transport, Termination, and Resale*, Part A (65-page limit allowed per Commission notice of 10/9/2000), Part B (75-page limit allowed per Commission notice of 5/24/01), and Part D (85-page limit allowed per Commission notice of 7/17/02). Significantly, in all three of those dockets, the costs of both Qwest and Verizon were at issue, whereas here, only Verizon's are involved. Another notable recent case concerned the sale of the Qwest Dex yellow pages, which involved several complex legal, policy, and factual issues. Docket UT-021120, *In the Matter of the Application of Qwest Corporation Regarding the Sale and Transfer of Qwest Dex to Dex Holdings, LLC* (70-page limit allowed per Commission notice of 6/30/03). In none of these cases did the parties seek, or did the Commission grant, anything approaching Verizon's 125-page limit request.

3 Verizon contends that the "large amount of testimony [1750 pages] and exhibits [115] at issue" in this case justifies a doubling of the usual briefing limit. Staff submits that the Commission should reserve such action for the truly exceptional case, such as the 1995-97 US West Rate Case. There, as the State Supreme Court noted, the Commission heard from 52 expert witnesses, received nearly 800 exhibits, and compiled a record of over 14,000 pages in written testimony,

documentation, and transcripts. *US West v. Washington Util. & Transp. Comm'n*, 134 Wn.2d 74, 80, 949 P.2d 1337 (1997). The record in the present case is not of the same complexity, and Verizon has not demonstrated that it cannot address the issues in this case in 75 pages.

4 Finally, granting Verizon's request will adversely impact the workload of other parties, including Staff. Other parties should not be required to respond to a lengthy, 125-page brief within the short timeframe allowed for reply briefs, where Verizon's request has not been adequately supported, and where its request is not consistent with prior Commission decisions.

5 For the above reasons, Staff requests that the Commission deny Verizon's motion to increase the page limit for its initial brief to 125 pages.

DATED this 2nd day of July, 2004.

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