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January 11, 2005

By E-Mail and Federal Express

Ms. Carole J. Washburn  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504

Re: Generic Cost Proceeding, Docket No. UT-023003; Response to Verizon letter

Dear Ms. Washburn:

Verizon Northwest Inc. (“Verizon”) submitted a letter dated January 7, 2005, in the above-referenced docket purporting to respond to Staff’s response to Commission Bench Request No. 26. Verizon’s letter is procedurally improper, substantively without value, and inappropriately argumentative. The Commission accordingly should refuse to accept or consider that letter.

The Commission has not authorized any party to respond to another party’s response to a Commission bench request in this proceeding. Nor do the Commission’s rules contemplate, much less permit, any such response. Verizon thus lacked any authority to file its letter, and the Commission should reject it as unauthorized and procedurally improper.

Substantively, the letter contains extensive statements of fact from counsel for Verizon. Mr. Huther did not testify in this proceeding, nor is there any demonstration that he has personal knowledge of any of the facts contained in his letter. The Commission cannot rely on statements of fact from counsel or anyone else without personal knowledge of the subject matter of such statements. The letter thus lacks any evidentiary value and should not be included in the factual record of this proceeding.

Finally, the Commission has not requested or otherwise authorized any additional briefing in this case. The Commission thus should reject Verizon’s unsolicited and unauthorized arguments with respect to the HM 5.3 Model. Verizon, moreover, incorrectly states that “the Commission is left with a once proposed, but now unsupported, cost model.” Verizon Letter at 3. Both

Ms. Carole J. Washburn  
January 11, 2005  
Page 2

AT&T and Commission Staff submitted voluminous testimony and exhibits that fully support the HM 5.3 Model. AT&T's inability to provide additional information about the Model has no bearing whatsoever on the full factual support for HM 5.3 contained in the record. Commission Staff, moreover, has provided additional information about the Model and its inputs in response to the latest Commission bench requests and is available to assist the Commission as necessary "to ensure that [the Model] runs correctly either when necessary to make further changes to it or to perform any required compliance runs." *Id.*

The Commission, therefore, should refuse to accept and should completely disregard Verizon's January 7, 2005 letter.

Very truly yours,

Davis Wright Tremaine LLP

Gregory J. Kopta

cc: Service List