

1 P R O C E E D I N G S

2 JUDGE MACE: Let's be on the record in the
3 matter of Docket UT-011439. This is the petition of
4 Verizon Northwest, Inc., for waiver of WAC 480-120-071
5 (2)(a). The date is July 17th, 2002, and we are
6 meeting here at the offices of the WUTC in Olympia,
7 Washington.

8 My name is Theo Mace. I'm the presiding
9 administrative law judge. We are here today to
10 determine a further schedule of proceedings in light of
11 the Commission's recent order joining RCC as a party,
12 and I would also like to briefly address the Staff's
13 motion to compel discovery before we close the
14 proceedings today.

15 I would like to take the appearances of
16 counsel now and begin with Verizon, and I will then ask
17 if there is anyone on the conference bridge joining us
18 today.

19 MS. ENDEJAN: Good morning, Your Honor. I'm
20 Judith Endejan, and I'm here appearing for Verizon
21 Northwest, Inc. I believe my business address is
22 already on the record.

23 JUDGE MACE: You don't need to give your full
24 appearance if you've already done that.

25 MR. OWENS: Good morning, Your Honor.

1 Douglas Owens, counsel for Qwest Corporation. My
2 address and other information are also on the record.

3 MR. CROMWELL: Robert Cromwell on behalf of
4 Public Counsel, Your Honor.

5 MR. TRAUTMAN: Greg Trautman, assistant
6 attorney general for Commission staff.

7 MR. BUSCH: Richard Busch with Miller Nash
8 appearing on behalf of RCC.

9 JUDGE MACE: I understand that the conference
10 bridge is on. Is there anyone on the conference bridge
11 who seeks to enter an appearance today? Very well. It
12 appears there is no one on the conference bridge who
13 wants to enter an appearance.

14 Mr. Busch, before you came into the hearing
15 room, I indicated the two things that we are to address
16 today is the schedule of proceedings, but I also wanted
17 to briefly address the motion to compel the Staff had
18 filed earlier. We had a discussion about that among
19 Staff, Qwest, and Verizon on, I believe it was...

20 MR. TRAUTMAN: July 9th.

21 JUDGE MACE: Correct. First I would like to
22 ask if there is anything else that anyone wants to add
23 to our agenda today?

24 MS. ENDEJAN: Yes, Your Honor, and I'm not
25 sure how you would procedurally like to handle this,

1 but Verizon would like to figure out the appropriate
2 procedural mechanism, perhaps an oral motion, perhaps a
3 written motion, for extending the 18-month service
4 extension requirement contained in the line extension
5 rule. Because in light of the revision of the schedule
6 and in light of the construction season being shortened
7 by winter conditions, it doesn't appear likely for
8 Verizon to be ordered to do the extensions at issue it
9 could complete it within the 18-month window that is
10 set forth in the rule, so we would want to make sure
11 that that requirement is waived because we do not want
12 to be susceptible to the imposition of penalties.

13 JUDGE MACE: Does anyone here want to address
14 that before I address it?

15 MR. TRAUTMAN: In light of the extension of
16 the briefing schedule and the additional time needed to
17 file testimony and extend the hearing schedule, Staff
18 would not object to that request.

19 JUDGE MACE: Would anyone object to such an
20 extension?

21 MR. BUSCH: RCC has no objection.

22 JUDGE MACE: I'm going to suggest that you do
23 file a motion in writing. I don't believe there would
24 be any problem with the granting of that motion, but it
25 would be helpful for us to have that on the record in a

1 way that could be referred to by the Commissioners so
2 we would just have something that would memorialize our
3 discussion today. I don't foresee any problem with the
4 granting of such an extension.

5 MS. ENDEJAN: Thank you, Your Honor.

6 JUDGE MACE: Anything else of a preliminary
7 nature we need to address before we go ahead? Then I
8 would like to turn to the motion to compel. My
9 understanding from our discussion by telephone on July
10 9th was that Staff was seeking information about the
11 Verizon Sultan exchange and the line extension in that
12 exchange to serve nine customers -- I believe that took
13 place in 2001 -- and that Staff was seeking answers to
14 discovery questions, its Discovery Requests No. 89 to
15 91. I heard from the parties about that, and I ended
16 up ruling that Verizon should supply that information
17 to Staff, and I was wondering what the status of that
18 is?

19 MS. ENDEJAN: Your Honor, I believe the
20 information should be provided today, which was the
21 date that it was supposed to be due, so I don't think
22 there is an outstanding issue. I believe that the
23 information was overnighted from Verizon's headquarters
24 in Texas yesterday to Mr. Trautman.

25 JUDGE MACE: If there is any problem, I'm

1 sure you will advise me.

2 MR. TRAUTMAN: Yes.

3 JUDGE MACE: Then if there is no other item,
4 we should probably turn to the question of the
5 procedural schedule. I want to advise the parties
6 because the Commission intends to preside at this
7 hearing, we have to consider the Commission's schedule,
8 the broad schedule that involves the Commissioners'
9 time, and it appears that they are really not available
10 to hear anything until possibly October 2nd to 3rd but
11 more probably October 28th and 29th and conceivably
12 later. So when you are discussing schedule, which I
13 will give you time to do, you want to bear that in
14 mind.

15 MS. ENDEJAN: What are those dates again?

16 JUDGE MACE: October 2nd to 3rd is a
17 possibility. October 28th to 29th is highly probable.
18 October 31 to November 1st would also be probable, and
19 as you get into November, it's very easy to schedule
20 something, and I don't want to assume incorrectly that
21 two days will be sufficient. Because RCC is a party
22 now, that may change the amount of time that's required
23 for hearing, so you will have to consult with each
24 other about what amount of time is actually needed.

25 Is there anything else I should talk with you

1 about before I give you some time to discuss
2 scheduling? Then I'll give you 20 minutes and come
3 back and see how you are doing. Do you think you will
4 need 20 minutes? I'll come back in 20 minutes.

5 (Discussion off the record.)

6 JUDGE MACE: The parties have discussed
7 scheduling, and they have advised me what they have
8 agreed on. It looks reasonable under the circumstance
9 that the Commission would not be able to preside at a
10 hearing during September or October of this year, also
11 because of the fact that RCC may be filing a motion to
12 join other parties to the proceeding and some time
13 would be needed to consider that if such a motion were
14 filed.

15 So the schedule that was agreed upon and that
16 I will relate now for the record is Staff response to
17 the Qwest filing is due September 20th. RCC will file
18 November 6th. Parties will respond to RCC December
19 18th. RCC will reply January 7th of 2003. Hearing
20 will be held January 21st through -- we need to decide
21 how many days. I can't give the Commission a schedule
22 that's that tentative, I think.

23 MS. ENDEJAN: Three should be enough.

24 JUDGE MACE: -- January 21st through 23rd
25 and a briefing date of February 21st. The parties have

1 further agreed that they will revert to a 10-day
2 turnaround time for discovery since the schedule has
3 been lengthened somewhat and would permit that type of
4 turnaround time.

5 Also, we discussed the question of the date
6 for oral argument that was set in the earlier schedule
7 that we have devised. I believe because the
8 Commissioners will be presiding at the hearing, we will
9 not need a date for oral argument, but we may need to
10 revisit that. Is there anything else that we need to
11 address at this point? Because Mr. Busch has not
12 entered his appearance on the record yet in this
13 proceeding, I'm going to ask him now to make a
14 long-form appearance.

15 MR. BUSCH: My name is Richard Busch with the
16 law firm of Miller Nash. The address is 601 Union
17 Street, Suite 4400, Seattle, Washington, 98101. My
18 telephone number is (206) 777-7404. The fax number is
19 (206) 622-7485. E-mail address is
20 rbusch@millernash.com.

21 My colleague, Brooks Harlow, will likely
22 handle the hearing for RCC in this matter. He has the
23 same mailing address and fax. His phone number is
24 (206) 777-7406, and his e-mail address is
25 harlow@millernash.com. Thank you.

1 JUDGE MACE: Thank you, Mr. Busch.

2 MR. CROMWELL: Your Honor, I have not done
3 the same. Robert Cromwell on behalf of Public Counsel.
4 My mailing address is 900 Fourth Avenue, Suite 2000,
5 Seattle, Washington, 98164-1012. My telephone number
6 is (206) 464-6595. My e-mail address is
7 robertcl@atg.wa.gov.

8 JUDGE MACE: Anything else before we adjourn?
9 Thank you. We are adjourned.

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11 (Prehearing conference adjourned at 10:19 a.m.)

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