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3 **BEFORE THE WASHINGTON UTILITIES**
4 **AND TRANSPORTATION COMMISSION**

5 WASHINGTON EXCHANGE
6 CARRIER ASSOCIATION, et al.

7 Complainants,

8 v.

9 LOCALDIAL CORPORATION, an
10 Oregon corporation,

11 Respondent.
12

DOCKET NO. UT-031472

DECLARATION OF RICHARD A. FINNIGAN
IN SUPPORT OF COMPLAINANTS'
MOTION FOR SUMMARY DISPOSITION

13
14 I, Richard A. Finnigan, hereby declare under penalty of perjury under the laws of the State
15 of Washington that the following statements are true and correct:

- 16 1. I am the attorney of record representing the Washington Exchange Carrier
17 Association, CenturyTel of Washington, Inc., Ellensburg Telephone Company, Hood
18 Canal Telephone Company, Inland Telephone Company, Kalama Telephone
19 Company, Lewis River Telephone Company, d/b/a TDS Telecom, Mashell Telecom,
20 Inc., McDaniel Telephone Company d/b/a TDS Telecom, Tenino Telephone
21 Company, The Toledo Telephone Co., Inc. and YCOM Networks, Inc. in the above-
22 captioned matter.
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26 DECLARATION OF
RICHARD A. FINNIGAN- 1

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2405 Evergreen Park Dr. SW
Suite B-1
Olympia, WA 98502
(360) 956-7001

- 1 2. A true and correct copy of the redacted July 16, 2003 deposition of Donald E.
2 Crawford, LocalDial Corporation's ("LocalDial") Vice President of Operations and
3 Chief Operating Officer, is attached to this Declaration as Exhibit 1.
- 4 3. A true and correct copy of the redacted August 12, 2003 deposition of James T.
5 Carden, LocalDial's President and Chief Executive Officer, is attached to this
6 Declaration as Exhibit 2.
- 7 4. A true and correct redacted copy of the February 9, 2004 deposition of James T.
8 Carden is attached to this Declaration as Confidential Exhibit 3.
- 9 5. True and correct copies of various pages downloaded and printed from LocalDial's
10 web site at <http://www.888localdial.com/questions.asp> are attached to this
11 Declaration as Exhibit 4.
- 12 6. A true and correct redacted copy of the May 16, 2003 "Plaintiff's First Set of
13 Interrogatories and Defendant LocalDial's Objections and Answers Thereto" in Case
14 No. CV03-5012RBL is attached to this Declaration as Exhibit 5.
- 15 7. A true and correct copy of the August 12, 2003 deposition of Gayle Kovacs,
16 LocalDial's Chief Financial Officer, is attached to this Declaration as Confidential
17 Exhibit 6.
- 18 8. A true and correct copy of the June 3, 2003 MCI's Press Release, "MCI Joins with
19 Nortel Networks to Accelerate Convergence of Voice and Data Networks on
20 Common IP Core," is attached to this Declaration as Exhibit 7.
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26 DECLARATION OF
RICHARD A. FINNIGAN- 2

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- 1 9. True and correct copies of Complainants' estimates of access charges owed to
2 Complainants by LocalDial are attached to this Declaration as Confidential Exhibit
3 8. This estimate was provided in response to Respondents' Data Request No. 3 and
4 is contained WECA's Responses to LocalDial's First Set of Data Requests to the
5 Complainants. As noted in WECA's response, the information was labeled
6 confidential because it was generated using information that LocalDial had
7 previously marked confidential.
8
9 10. A true and correct copy of Vonage v. Minn. PUC, Civil No. 03-5287 (MJD/JGL)
10 (D.C. Minn. Oct. 16, 2003) is attached to this Declaration as Exhibit 9.
11

12 RESPECTFULLY SUBMITTED this 26th day of February, 2004.
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16 _____
17 RICHARD A. FINNIGAN, WSBA #6443
18 Attorney for Complainants
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26 DECLARATION OF
RICHARD A. FINNIGAN- 3

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