

[Service Date October 17, 2002]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

RITZVILLE WAREHOUSE COMPANY,	)	
	)	
Complainant,	)	DOCKET NO. UT-021053
v.	)	
	)	PREHEARING CONFERENCE
SPRINT COMMUNICATIONS	)	ORDER
COMPANY, L.P.,	)	
Respondent.	)	
.....)	)	

1 **Proceeding:** Docket No. UT-021053 is a complaint brought by Ritzville Warehouse Company (Ritzville) against Sprint Communications Company, L.P. (Sprint) alleging that Sprint billed Ritzville for T1 data circuit service that was never functional.

2 **Conference:** The Commission convened a prehearing conference in this docket at Olympia, Washington on October 10, 2002, before Administrative Law Judge Karen M. Caillé.

3 **Appearances.** Howard D. Bourne, Practical Solutions, Coeur d’Alene, Idaho represents Ritzville Warehouse Company; William E. Hendricks, III, attorney Hood River, Oregon, represents Sprint Communications Company, L.P.; and Jonathan Thompson, Assistant Attorney General, Olympia, Washington, represents Commission Staff. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.

4 **Motion to Dismiss.** On September 10, 2002, Sprint filed a Motion to Dismiss, or in the Alternative, Answer. Sprint requests that the Commission dismiss Ritzville Warehouse’s complaint under WAC 480-09-710 because Mr. Bourne, who filed the complaint, is not an attorney, nor an officer or employee of Ritzville. Mr. Bourne filed a response to the motion to dismiss on September 20, 2002. Mr. Bourne explained in his response that he is the owner of Practical Solutions and is under contract to Ritzville to manage their internet services business, Agritel. Mr. Bourne provided a letter with his response that states that the Ritzville Board of Directors has designated Mr. Bourne to represent Ritzville in this complaint proceeding.

5 During the prehearing conference, Sprint acknowledged that it recently learned that Mr. Bourne is the only qualified representative affiliated with Agritel. Based on the letter from the Ritzville Board of Directors naming Mr. Bourne as their representative, I denied the motion to dismiss.

6 **Discovery.** The parties do not anticipate a need to invoke the discovery rule, WAC 480-09-480.

7 **Settlement.** The parties represented that they would like to attempt to settle their dispute. The following procedural schedule will govern this proceeding in the event settlement negotiations are unsuccessful.

8 **Hearing schedule.** The parties agreed upon the following schedule for the proceeding:

Simultaneous prefiled direct testimony and exhibits	October 31, 2002
Simultaneous prefiled responsive testimony and exhibits	November 8, 2002
Evidentiary Hearing (9:30 a.m.)	November 14, 2002
Simultaneous Briefs	To be determined

9 **Document preparation and process issues.** Parties must file an original plus 11 copies of each document filed with the Commission. All filings must be made through the Commission Secretary either by mail to the Secretary, WUTC, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, WA 98504-7250, or by other means of delivery to the Commission's offices at the street address provided above. All filings of substance (e.g., testimony, briefs, motions, answers) must include an electronic copy on a 3.5" IBM-formatted, high density disc in your choice of Word 97 or later, or WordPerfect 6.0 or later. Service on all parties must be simultaneous with filing. The Commission does not accept filings by facsimile without prior permission from the presiding judge.

10 Appendix B states relevant Commission rules and other directions for the preparation and submission of evidence and for other process in this docket. Parties will be expected to comply with these provisions.

Dated at Olympia, Washington, and effective this \_\_\_\_\_ day of October, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

**NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.**

## **Appendix A**

### **DOCKET NO. UT-021053 PARTIES' REPRESENTATIVES**

#### **For Ritzville Warehouse Company**

Howard D. Bourne  
Practical Solutions  
3515 21<sup>st</sup> Place  
Coeur d'Alene, ID 83815  
Phone: (509) 659-0130  
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#### **For Sprint Communications Company, L.P.**

William E. Hendricks, III  
Sprint Communications Company, L.P.  
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#### **For Commission Staff**

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Assistant Attorney General  
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## Appendix B

### I. Requirements for ALL paper copies of testimony, exhibits, and briefs

The following requirements are restated from and clarify the Commission's rules relating to adjudications.

A. All paper copies of briefs, prefiled testimony, and original text in exhibits must be

- On 8-1/2x11 paper, punched for insertion in a 3-ring binder,
- Punched with **OVERSIZED HOLES** to allow easy handling.
- Double-spaced
- 12-point or larger text and footnotes, Times New Roman or equivalent serif font.
- Minimum one-inch margins from all edges.

Other exhibit materials need not be double-spaced or 12-point type, but must be printed or copied for optimum legibility.

B. All electronic and paper copies must be

- **SEQUENTIALLY NUMBERED** (all pages). **THIS INCLUDES EXHIBITS.** It is not reasonable to expect other counsel or the bench to keep track of where we are among several hundred (or sometimes even just several) unnumbered pages.
- **DATED ON THE FIRST PAGE OF EACH ITEM** and on the label of every diskette. Electronic files must be designated R for revision with an ordinal number showing the revision number. If the item is a revision of a document previously submitted, it must be clearly labeled "REVISED", with the same title, and with the date it is filed clearly shown.

**II. Identifying exhibit numbers; Exhibits on cross examination.**

A. **Identifying exhibits.** It is essential to mark documents so you, opposing counsel, and the Commission can find them. We ask you to comply with this clarification of prior practice, based on recent experience:

- **Use the witness's initials and add an ordinal number for each exhibit.** Identify testimony with a T and confidential exhibits with a C. Example: Witness Jane Quintessentia Public. Her original testimony would be JQP-1T or JQP-1TC, her first attached exhibit would be JQP-2, etc. NEVER identify the attachments merely with a single ordinal number, as that will provide the maximum confusion to everyone, including your witness.

B. Prepare a list of your exhibits with their title and "JQP" designation in digital form and in a format specified by the Commission. Send it to the presiding officer before the appropriate prehearing conference. That will simplify identification and ease administrative burdens.

**NOTE: Be prepared to submit all of your possible exhibits on cross examination several days prior to the hearing.** We will attempt to schedule a prehearing conference to deal with the exhibits as close as possible to the hearing itself, but we have administrative needs that require pre-filing.