

1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION
3 In the Matter of the Continued)
4 Costing and Pricing of) Docket No. UT-003013
5 Unbundled Network Elements and) Volume XLIII
6 Transport and Termination.) Pages 5158 to 5181
7 _____)

8 A hearing in the above matter was held on
9 September 9, 2002, from 1:30 p.m. to 4:00 p.m., at 1300
10 South Evergreen Park Drive Southwest, Room 206, Olympia,
11 Washington, before Administrative Law Judge LAWRENCE
12 BERG, and DR. DAVID GABEL via bridge line.

13 The parties were present as follows:
14 THE WASHINGTON UTILITIES AND TRANSPORTATION
15 COMMISSION, by MARY TENNYSON, Assistant Attorney
16 General, 1400 South Evergreen Park Drive Southwest, Post
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18 Telephone (360) 664-1187, Fax (360) 586-5522, E-Mail
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20 VERIZON NORTHWEST, INC., by JENNIFER L.
21 MCCLELLAN and MEREDITH MILES, Attorneys at Law, Hunton
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23 23219, Telephone (804) 788-8200, Fax (804) 788-8218,
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25 QWEST CORPORATION, by LISA ANDERL, Attorney
26 at Law, and via bridge line by ADAM SHERR, Attorney at
27 Law, 1600 Seventh Avenue, Suite 3206, Seattle,
28 Washington 98191, Telephone (206) 345-1574, Fax (206)
29 343-4040, E-mail landerl@qwest.com.

30 AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST,
31 INC., and XO WASHINGTON, INC., by GREGORY J. KOPTA,
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36 Joan E. Kinn, CCR, RPR
37 Court Reporter

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1 TRACER, via bridge line by LISA F. RACKNER,
2 Attorney at Law, Ater Wynne LLP, 222 Southwest Columbia,
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1 P R O C E E D I N G S

2 JUDGE BERG: This is a proceeding before the
3 Washington Utilities and Transportation Commission.
4 Today's date is September 9th, 2002. The matter in
5 which we are appearing is stylized as in the Matter of
6 the Continued Costing and Pricing of Unbundled Network
7 Elements and Transport and Termination. This is Docket
8 Number UT-003013, Part B. My name is Larry Berg. I am
9 the Administrative Law Judge appointed to preside at
10 today's hearing.

11 Let me just indicate to the parties that the
12 conference was noticed on a service date of August 20,
13 2002, and was styled as an order conference consistent
14 with the Commission's rule WAC 480-09-460(5). As I will
15 address in comments, the actual nature of the conference
16 is as much what has previously been stylized as a
17 technical conference or a compliance conference as much
18 as the traditional order conference as addressed in the
19 Commission's rule.

20 This conference is being conducted in the
21 Commission's main hearing room at the Commission's
22 headquarters in Olympia, Washington. At this time, we
23 will proceed to take appearances from counsel who are
24 either present in the hearing room or who are appearing
25 via the conference bridge, and we will start with

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1 counsel in the hearing room beginning with Verizon and
2 then moving to my left.

3 MS. MCCLELLAN: Okay, this is Jennifer
4 McClellan representing Verizon, and with me is Meredith
5 Miles. Do you want us to give the full --

6 JUDGE BERG: To the extent that it's been a
7 while since Ms. Miles appeared before the Commission, I
8 think I will have her repeat her contact information,
9 state your affiliation, client, who you represent,
10 address, phone number, fax number, and E-mail. All
11 other counsel who have more recently appeared before the
12 Commission need not repeat all of that information.
13 Just indicate the party who you represent.

14 MS. MILES: Okay, Meredith Miles with Hunton
15 and Williams representing Verizon. The address is 951
16 East Byrd Street, Richmond, Virginia 23219. My
17 telephone number is (804) 788-7365, fax is (804)
18 788-8218, E-mail is mmiles@hunton.com.

19 JUDGE BERG: Thank you very much.

20 MS. ANDERL: Lisa Anderl representing Qwest.

21 MS. TENNYSON: Mary Tennyson, Senior
22 Assistant Attorney General representing Commission
23 Staff.

24 MR. KOPTA: Gregory Kopta of the law firm
25 Davis Wright Tremaine, LLP on behalf of AT&T and XO.

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1 JUDGE BERG: Ms. Anderl, do you also have
2 co-counsel appearing on the conference bridge?

3 MS. ANDERL: Yes, I thought you would go
4 through the bridge, but Mr. Adam Sherr is on the bridge.

5 JUDGE BERG: All right.

6 Mr. Sherr, are you on the bridge?

7 MR. SHERR: I am indeed.

8 JUDGE BERG: Thank you, sir.

9 For Tracer.

10 MS. RACKNER: Yes, Lisa Rackner with Ater
11 Wynne.

12 JUDGE BERG: Ms. Rackner, I will need you to
13 speak up just a little bit louder.

14 MS. RACKNER: Yes, Lisa Rackner with Ater
15 Wynne. Do you need contact information?

16 JUDGE BERG: Yes, please.

17 MS. RACKNER: The phone number is (503)
18 226-8693, fax number is (503) 226-0079, address is 222
19 Southwest Columbia, Portland Oregon 97201.

20 JUDGE BERG: And E-mail address, Ms. Rackner,
21 if you haven't already provided it.

22 MS. RACKNER: Yes, lfr@aterwynne.com.

23 JUDGE BERG: Thank you, Ms. Rackner.

24 For WorldCom.

25 MS. SINGER NELSON: Michel Singer Nelson on

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1 behalf of WorldCom.

2 JUDGE BERG: Thank you, Ms. Singer Nelson.

3 Are there any other counsel either present in
4 the room or on the bridge line who wish to enter an
5 appearance at this time?

6 All right, let the record reflect that there
7 was no response.

8 As a formal matter, I will let parties know
9 that in future proceedings in UT-003013 I will have the
10 benefit of a co-judge, and that will be Ms. Theodora
11 Mace. Judge Mace is also present here today. I will be
12 presiding myself at this compliance conference, but in
13 future proceedings you will be able to look to her the
14 same as you look to me in terms of managing the
15 proceedings and presiding for parties.

16 There are a few comments that I would like to
17 make at the outset of this proceeding. The purpose of
18 the conference is to ask questions regarding Verizon's
19 technical ability to comply with the Commission's Part B
20 order entered June 21, 2002. The Part B order required
21 Verizon to make numerous changes to the company's
22 integrative cost model, also known as ICM.

23 Verizon's obligation to make compliance
24 filings in Part B has been suspended at the company's
25 request until further order of the Commission. Verizon

1 has also filed a petition for reconsideration of
2 decisions in the Part B order, including a requirement
3 that the company make certain revisions to the ICM. The
4 Commission has issued a notice extending the date for
5 resolving petitions for reconsideration to no later than
6 September 23, 2002. That notice was served today.

7 The stay granted to Verizon for making
8 compliance filings is not tied to resolution of issues
9 raised in those petitions. The Commission acknowledges
10 that resolution of the issues on reconsideration may
11 make moot issues regarding Verizon's technical ability
12 to comply with the Part B order, but it must be made
13 clear that the Commission may enter an order clarifying
14 Verizon's obligation to comply with the Part B order
15 either before or after entry of an order on
16 reconsideration.

17 The Commission understands that Verizon comes
18 to this conference with a planned presentation. We want
19 to provide an opportunity for Verizon to clarify its
20 technical ability to make compliance filings pursuant to
21 the Part B order, but we also observe that some of the
22 predistributed materials reflect testimony and evidence
23 that have already been made part of the record. I
24 believe that the Commission's Part B order reflects an
25 understanding of the evidence in the record, and I hope

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1 that we won't spend an inordinate amount of time
2 reviewing Verizon's evidence. The Commission's
3 objective is to clarify Verizon's approach to
4 compliance, to propose alternative approaches, and to
5 discuss how those alternatives may expedite compliance
6 and impact the reliability of outcomes produced by ICM.

7 The substance of this conference does not
8 constitute part of the record, and the Commission does
9 not regard any statements that are made here today as
10 evidence. Accordingly, statements are not to be made
11 under oath, and a transcript of statements will not be
12 produced. After addressing any questions from parties
13 regarding these procedures, we will go off the record
14 for Verizon's presentation and responses to clarifying
15 questions from the Bench and other parties. At the
16 conclusion of the conference, we will go back on the
17 record, and counsel will be given an opportunity to make
18 a statement regarding the Commission's prospective
19 clarification of the Part B order pertaining to
20 Verizon's obligation to make compliance filings.

21 Are there any questions before we go off the
22 record?

23 Ms. Anderl, I noticed your brows knitting.

24 MS. ANDERL: Well, Your Honor, since this is
25 Verizon's proceeding, as it were, for at least this part

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1 today, I was going to defer to Ms. McClellan and see if
2 she had any comment, but there were a couple of things
3 that -- issues that your comments raise that I guess I
4 would want to comment on.

5 JUDGE BERG: This is about the procedures
6 that we're going to follow?

7 MS. ANDERL: Yes, Your Honor. I guess I have
8 an open question in my mind how the Commission could
9 rely on anything that is presented today in a subsequent
10 order if it's not on the record. And if the Commission
11 is not to rely on it, then why, what value the
12 proceeding today would add. And so I have questions
13 about the decision which I was unaware of until right
14 now to not do this on the record or under oath. And
15 it's only kind of a hypothetical concern for me,
16 wondering whether that would be a procedure followed in
17 the future, but I think it is something that, whether a
18 party is directly impacted by it or not for this
19 proceeding today, is an issue that might be worth
20 exploring.

21 JUDGE BERG: All right. Let me go ahead and
22 let other counsel comment if they would like to at this
23 time, or I will go ahead and address Ms. Anderl's points
24 to the best of my ability and then take further comment.

25 MS. TENNYSON: This is Mary Tennyson, and I

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1 did have the same reaction as Ms. Anderl, that if the
2 presentation and any questions or responses that may be
3 elicited by questions of counsel or Dr. Gabel in this
4 matter are not made part of the record and are not
5 transcribed, then I would have concern about the
6 Commission relying on them in making its determination
7 on reconsideration. I guess my preference would be that
8 they be made part of the record.

9 JUDGE BERG: I think the contemplated action
10 for the Commission is not to materially change its
11 fundamental decisions in the Part B order in any way but
12 to provide additional guidance to Verizon as to how it
13 can meet its obligation to comply with the Commission's
14 decisions.

15 We wanted, in talking about procedures to
16 follow in this conference, we first took note that this
17 is not a pure order conference where normally the
18 Commission would be present for parties to come to the
19 Commission and ask questions clarifying the Commission's
20 order to better enable the parties to make a compliance
21 filing. In that instance, the WAC does provide for the
22 Commission's discretion whether or not to make a record
23 of the proceeding. It's slightly different to the
24 extent that it's the Commission initiating the
25 conference, and it's the Commission asking some

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1 questions for purposes of clarifying one party's ability
2 to comply with the Commission's order. And certainly
3 this has been initiated because of Verizon's disclosure
4 of the challenges the company faces in making those
5 revisions to its cost studies in what I think in any
6 other context would be considered a reasonable time.

7 Our concerns, and when I say plural it's
8 meant plural, there was some discussion about how to
9 structure the proceeding, our concerns were that, number
10 one, it would be improper to take additional evidence of
11 record without reopening the record, and that was not a
12 formal step that's been taken or for which parties have
13 been noticed. Also, to do so then puts the proceeding
14 in more of a litigation context where, in fact, there
15 would be cross-examination as opposed to clarification
16 of statements and representations made by in this
17 instance Verizon and its personnel.

18 We were concerned that if we retained a
19 record of the proceeding, even though parties are on
20 notice that this is not to be considered as part of the
21 record, that is if we were to produce a transcript even
22 though it was not considered to be part of the record,
23 that that likewise would color the proceeding in such a
24 way that it would be difficult to distinguish between
25 the record transcript and the non-record transcript.

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1 MS. TENNYSON: And I think that makes some --
2 it does make sense, and I can understand that reasoning,
3 and it also resolves one aspect of my concern. I mean
4 if we put the matter on the record and have it
5 transcribed, then do we have due process concerns by
6 other parties that they might want to submit rebuttal or
7 reply or whatever other testimony. So with your
8 clarification of the Commission's intent in setting up
9 this conference, I'm much more comfortable with not
10 including it as part of the record.

11 JUDGE BERG: I don't think that certainly we
12 don't want to include it as part of the record. Whether
13 we produce a transcript is another issue.

14 And, Ms. Anderl, to address your point as to
15 how could the Commission further clarify its order
16 without relying on representations that are made or
17 statements that are made during this conference, I would
18 say that certainly any clarification that the Commission
19 makes would be made with and in light of the statements
20 and the clarifications that we hear today but that it
21 would not be relied upon in the same way that the
22 Commission would be relying upon a record. The purpose
23 is not to consider changing any of the Commission's
24 substantive decisions but possibly to clarify what the
25 Commission is directing Verizon to do in the way of

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1 compliance.

2 How does that influence your thoughts on the
3 matter?

4 MS. ANDERL: I think your explanation
5 clarifies things for me, and since we're not directly
6 impacted by the proceeding here today, I'm satisfied.

7 JUDGE BERG: All right.

8 Ms. McClellan.

9 MS. MCCLELLAN: I would just like to make one
10 comment, that to a certain extent the presentation that
11 Verizon is going to make today, even though it would be
12 in the context of receiving clarification from the
13 Commission, it is virtually identical to the rationale
14 that we filed in our petition for reconsideration as to
15 why we wanted the Commission to, in fact, change its
16 mind. And that reason is, we can't do what you have
17 ordered us to do, so don't make us do it, is the same as
18 saying we can't do what you ordered us to do, so give us
19 guidance.

20 So the reason I say that is because there is
21 some concern now listening to the comments of Ms. Anderl
22 and Ms. Tennyson that if in considering our petition for
23 reconsideration the Commission were to decide that
24 Verizon is right, it might be unclear to parties to what
25 extent the Commission reaches that conclusion based on

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1 our petition for reconsideration and the evidence that's
2 already in the record and to what extent that decision
3 was made based on something that was said today. I must
4 confess I didn't think that was going to be a problem,
5 because as you have already noticed, everything that
6 Verizon's presentation, prepared presentation, excuse
7 me, everything in Verizon's prepared presentation is
8 something that's already in the record.

9 Upon further reflection, listening to
10 Ms. Anderl's comments, the Commission could ask
11 Mr. Tucek a question that prompts an answer that is not
12 on the record, and then we get into that gray area of to
13 what extent is the Commission making decisions based on
14 the record, and to what extent are they making decisions
15 based on this order conference. And so that does raise
16 some concern to me, because it gives other parties, you
17 know, some due process concerns themselves that could
18 come back to haunt us if there is ever an appeal filed.

19 JUDGE BERG: The Commission understands that
20 it may create some confusion, and it may also place some
21 burdon on Verizon to step forward and to participate in
22 a conference prior to entry of an order on
23 reconsideration. One of the Commission's other concerns
24 is the disclosure that Verizon intends to rely on the
25 ICM in the Commission's next cost docket, UT-023003.

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1 And so to some extent, it's not just a matter of getting
2 closure in Part B, but it's resolution of these issues
3 as to Verizon's compliance with the Part B order. Also
4 it's impacting the Commission's ability to establish a
5 procedural schedule in that next proceeding.

6 The Commission decided that even though it
7 may create some confusion and that it may be some burden
8 on the company to step forward if the company were
9 subsequently relieved of the obligation to make
10 revisions, that just in light of the pending proceeding
11 and the need to establish a procedural schedule, thought
12 it best to go forward, to gather the information
13 regarding Verizon's approach to making compliance and
14 further understanding what is involved in that process
15 in order to assess the reasonableness of Verizon's
16 representation that it can't make these sorts of
17 revisions in what otherwise might be considered a timely
18 manner.

19 I certainly understand your concerns, and
20 this process is fraught with, you know, some potential
21 for difficulty down the road. We're just going to try
22 and avoid that as much as possible. You know, I don't
23 mean to throw Mr. Tucek off his rhythm with his
24 presentation, in looking at the materials that have been
25 distributed, in fact, I do see other information that

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1 has previously not been available to the Commission
2 about Verizon's approach to compliance as well as to the
3 way the cost model operates that I think is important
4 for the Commission to understand in order to assess
5 Verizon's representation about how readily those changes
6 can be made as well as to consider some other
7 alternatives that would still achieve the implementation
8 of the Commission's decision but yet be less of a burden
9 on the company. And the Commission would not want to
10 make those clarifications without first giving the
11 company some opportunity to give us feedback as to
12 whether or not those -- how those -- what the impacts of
13 those clarifications might be. So I hope that's
14 helpful.

15 MS. MCCLELLAN: Yes, Your Honor, it is.

16 JUDGE BERG: All right.

17 Any other parties wish to comment or ask
18 other questions along these lines?

19 All right, hearing nothing, let's -- if
20 parties do have some concern about the procedures that
21 we're following here today at any point and wish to make
22 a statement for the record, please feel free to speak up
23 and let me know. Otherwise then at this point in time
24 we will be off the record.

25 (Discussion off the record.)

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1 JUDGE BERG: Let me check with counsel in the
2 room to see if counsel present would like to make any
3 closing comment or statement, and let me check first
4 with you, Ms. McClellan.

5 MS. MCCLELLAN: Yes, I would, Your Honor.
6 Verizon's participation in this conference today, as we
7 understand the purpose of this conference to be totally
8 independent of our petition for reconsideration, I would
9 just like to start by saying that any statement I'm
10 about to make does not waive Verizon's arguments in its
11 petition for reconsideration. It is our hope that the
12 Commission would enter an order that would make the
13 comments I'm about to say moot, but in case it does not,
14 Verizon has attempted today to show the Commission why
15 it is impossible to make all the changes ordered by the
16 Commission, and there are fundamentally two reasons.

17 The number one constraint is that the
18 Commission ordered that after all changes were made to
19 ICM and to Verizon's costs that the resulting costs
20 still tie back to the \$20.30 TELRIC that was ordered in
21 UT-960369. As filed, ICM developed a cost that was very
22 close, within about 10 cents of that cost, and with one
23 change relating to the depreciation laws, the ICM
24 resulting cost would actually be only 2 cents lower than
25 that rate. We can meet that constraint. However, each

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1 change the Commission has ordered to ICM takes us
2 farther and farther away from that \$20.30, and today we
3 don't know whether it takes us above that number, below
4 that number, or how far. But those two goals are
5 fundamentally inconsistent, and it's impossible to meet
6 both.

7 In addition, we have attempted to explain why
8 several of the changes having to do with the loop
9 lengths, the distribution and feeder mix, the drop
10 lengths, and the sharing inputs, if the Commission
11 requires changes to ICM's coding to meet those
12 requirements, it could be impossible and very, very
13 difficult for Verizon to make those changes. We have
14 attempted to show why that is and have offered some
15 alternatives outside of changing the code to the model
16 where we could address the Commission's underlying
17 concerns without having to change the model code. And
18 if the Commission were to adopt one of those
19 alternatives, then a compliance filing could be filed in
20 six to eight weeks. However, if the Commission still
21 wants Verizon to change the code for ICM to make the
22 changes ordered by the Commission, it could take nine
23 months, and some of them could never be made, and
24 Verizon would be in a position where it could never file
25 a compliance filing.

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1 We have also shown that some of the changes
2 are relatively easy to make and have shown our
3 understanding of what would be required and would seek
4 some clarification from the Commission as to whether we
5 are understanding them correctly.

6 And with that, I would like to thank the
7 Commission for giving Verizon this opportunity to make
8 its presentation and explain our reaction to the
9 Commission's order and to seek clarification on how we
10 can best satisfy the Commission's ultimate goal in Part
11 B proceeding.

12 JUDGE BERG: We appreciate Verizon for
13 putting the presentation together, and when you first
14 raised the possibility of making a presentation like
15 this, it struck a real harmonious chord with something
16 that we recognized the merit in doing it, and we
17 recognize also that there's a lot of backup preparation
18 and other people that were contributing in addition to
19 Mr. Tucek's personal presentation, and we thank the
20 company for that.

21 Any comments, Ms. Tennyson?

22 MS. TENNYSON: Yes. From the Staff's
23 perspective, one of the things that we were most
24 interested in in the presentation was the recommendation
25 or the order of the Commission and the changes that are

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1 addressed by the Staff's proposed feeder and
2 distribution ratios. And my reading of the order is
3 that, and Mr. Tucek's presentation, is that they can do
4 that, it's done. I think there's been a -- it seems as
5 if Verizon may have misread the language of the order
6 and used that to say it's too hard, we can't do it, it's
7 impossible.

8 Likewise, number 5 on page 7 of Mr. Tucek's
9 presentation, the modifying the ICM to match the drop
10 lengths, if you look at Paragraph 353 of the order, it
11 doesn't say that. It says adjust, Verizon has to adjust
12 its drop lengths to match the values. It doesn't say
13 you have to modify the model. The Commission didn't
14 sponsor this model, Staff didn't sponsor this model,
15 Verizon did. I don't think there's any -- I guess what
16 I'm seeing is a presentation that the model is somehow
17 sacrosanct and we have to keep it at all costs. I think
18 the alternative, and Mr. Kopta will address this
19 somewhat, I think there are modifications, changes that
20 the order can be complied with without nine months to go
21 in the model. If the model is the thing that's holding
22 things up, then let's not use it, so.

23 JUDGE BERG: Thank you, Ms. Tennyson.

24 Mr. Kopta.

25 MR. KOPTA: Thank you, Your Honor. I think

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1 just to sort of follow up on Ms. Tennyson's comments, a
2 model is a tool, and what the Commission is trying to do
3 is estimate the costs for the unbundled network elements
4 that were at issue in Phase B of this proceeding, and
5 Verizon chose to try and do that by introducing a new
6 cost study. The Commission in its order required that
7 Verizon make that model consistent with other
8 determinations that the Commission had made before,
9 because that model was being used as the basis for these
10 additional elements, and the Commission has already
11 established unbundled network element rates for loops,
12 for example, and the ICM was what Verizon proposed to
13 use to model high capacity loop rates. And so I agree
14 with Staff's concern that the Commission didn't simply
15 accept the model, didn't endorse the model, it allowed
16 Verizon to use that model but then conditioned
17 essentially that use some ability to comply with what
18 the Commission had ordered previously.

19 If Verizon cannot do that, then I don't
20 think that the Commission should be in a position of
21 saying, well, we're going to relax our requirements
22 because somehow or other the model that you used in this
23 proceeding is not susceptible to being changed, can not
24 do what we require you to do. That should not be an
25 acceptable alternative. The alternative ought to be, if

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1 you can not make the changes, we can not accept the
2 model. And I don't think that the Commission would be
3 at all out of bounds in posing that kind of requirement.

4 I'm not sure that that's really necessary.
5 It sounded to me as though there were ways in which
6 Verizon could make adjustments. Not being a modeling
7 person myself, I don't know how accurate those would be.
8 Certainly that would be something that would be subject
9 to comment by parties, as any compliance filing is, but
10 there do seem to be fixes. I mean commissions, this one
11 included, make requirements of parties all the time in
12 their orders, and I know that it's happened with respect
13 to the HAI model, it's happened with respect to Qwest's
14 model, and the parties make those changes as best they
15 can. They don't take nine months to do it though.

16 And so I think that we're in a situation
17 where there are fixes that seem like could be made, and
18 if there are not, then the Commission I think should
19 establish interim rates based on the best available
20 evidence. And because many of these same elements are
21 going to be at issue in the new cost docket, 023003,
22 then once again revisit the ICM if that's what Verizon
23 wants to introduce in that case as well as other cost
24 models and establish new rates, different rates, or
25 reaffirm the existing rates based on the evidence that's

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1 presented in that proceeding.

2 JUDGE BERG: Ms. Rackner, are you on the
3 line?

4 MS. RACKNER: Yes, I am.

5 JUDGE BERG: Any comments?

6 MS. RACKNER: Well, I guess I would just like
7 to concur with Mr. Kopta's comments, but I don't think I
8 have anything else to add.

9 JUDGE BERG: All right, thank you.

10 And Ms. Singer Nelson?

11 I think we have lost Ms. Singer Nelson.

12 All right, then I think with that, rather
13 than treating this as a motion with responses and
14 rebuttals, I would just like to thank everyone, all
15 counsel for participating and contributing to today's
16 conference.

17 Are there any other matters that parties want
18 to raise before we adjourn?

19 MS. MCCLELLAN: Your Honor, I just want -- I
20 will be sending a formal letter to this effect, I would
21 like to take this opportunity while we're on the record
22 to request that the parties remove my name from the
23 service list for UT-003013 and replace it with Meredith
24 Miles and Jeff Edwards as this will be my last
25 appearance before this Commission. I would like to

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1 thank the Commission and the parties for the kindness
2 that has been shown to me over the past year as I
3 appeared before this Commission.

4 JUDGE BERG: If you, in that letter, if you
5 would designate which counsel should be considered as
6 lead counsel in the proceeding so that parties would not
7 have to make multiple service, I would appreciate that.

8 And I will just indicate to parties in
9 general, I noticed that even on the E-mail list there
10 are a couple counsel, and the fax list, a couple of
11 counsel that are no longer active in this proceeding, a
12 couple parties that are no longer active that should be
13 removed, and I will take a look at that and give the
14 parties some guidance on streamlining both their E-mail
15 and their fax lists in order to make an effective
16 service.

17 All right, we're adjourned.

18 (Proceedings adjourned at 4:00 p.m.)

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