

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
2 COMMISSION

3 WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, ) Docket No. UT-960126  
4 Complainant, ) Volume I  
vs. ) Pages 1-24  
5 U S WEST COMMUNICATIONS, INC., )  
Respondent. )  
6 ----- )

7 A hearing in the above matter was held on  
8 June 18, 1996 at 9:35 a.m. at 1300 South Evergreen  
9 Park Drive Southwest, Olympia, Washington, before  
10 Review Judge C. Robert Wallis.

11 The parties were present as follows:

12 U S WEST COMMUNICATIONS, INC. by Lisa  
13 Anderl, Attorney, 1600 7th Avenue, Room 3206, Seattle,  
Washington 98191.

14 SHARED COMMUNICATIONS SERVICES by Elizabeth  
15 Thomas, Attorney, 701 Fifth Avenue, Suite 5000,  
Seattle, Washington 98104.

16 AT&T COMMUNICATIONS OF THE PACIFIC  
17 NORTHWEST, INC. by Alan G. Waldbaum, Attorney, 1501  
Fourth Avenue, Suite 2600, Seattle, Washington  
18 98101-1688.

19 MCI, MCI METRO, and METRONET by Brooks  
20 Harlow, Attorney, 601 Union Street, Suite 4400,  
Seattle, Washington 98101-2352.

21 MFS INTELENET OF WASHINGTON, INC. by Antony  
22 R. Petrilla, Attorney, 3000 K Street Northwest, Suite  
300, Washington, D.C., 20007.

23 THE PUBLIC by Donald T. Trotter, Assistant  
24 Attorney General, 900 Fourth Avenue, Suite 2000,  
Seattle, Washington 98164.

25 Lisa K. Nishikawa, CSR, RPR, Court Reporter

1 THE COMMISSION STAFF by Shannon Smith,  
Assistant Attorney General, 1400 South Evergreen Park  
2 Drive Southwest, PO Box 40128, Olympia, Washington  
98504-0128.

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FRONTIER TELEMAGEMENT, INC. by Sara  
4 Siegler Miller, Attorney, 2000 Northeast 42nd, Suite  
154, Portland, Oregon 97213.

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

2 JUDGE WALLIS: Let's be on the record,  
3 please, for a prehearing conference in the matter of  
4 Docket Number UT-960126, a proceeding involving a  
5 complaint by the Washington Utilities and  
6 Transportation Commission versus US West  
7 Communications, Inc. This prehearing conference is  
8 being held at Olympia, Washington on June 20, 1996.

9 My name is Bob Wallis. I'm presiding this  
10 morning at the prehearing conference, and certainly  
11 want to welcome everyone to Olympia, especially those  
12 who are from long distances away, and know that you'll  
13 enjoy the wonderful weather we've arranged for you for  
14 today.

15 Let's begin with appearances, and I would  
16 like to take the company first and then the Commission  
17 staff and public counsel and then the people who are  
18 seeking intervention.

19 MS. ANDERL: Thank you, your Honor. Lisa  
20 Anderl with US West, Inc. representing US West  
21 Communications, Inc. My business address is 1600 7th  
22 Avenue, Room 3206, Seattle, Washington, 98191.

23 JUDGE WALLIS: And Commission staff.

24 MS. SMITH: Shannon Smith, assistant  
25 attorney general, 1300 South Evergreen Park Drive

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1 Southwest, PO Box 40128, Olympia, Washington  
2 98504-0128. It's 1400 not 1300.

3 MR. TROTTER: Donald T. Trotter, assistant  
4 attorney general for the public counsel section of the  
5 attorney general's office. My address is 900 Fourth  
6 Avenue, Suite 2000, Seattle, Washington, 98164.

7 MR. PETRILLA: Antony Petrilla for MFS  
8 Intelenet of Washington. My business address is 3000  
9 K Street Northwest, Suite 300, Washington, D.C.,  
10 20007.

11 MFS is also represented by co-counsel  
12 Douglas Bonner. I would like to note that for the  
13 record. He cannot be here today, though, due to  
14 injury.

15 MR. HARLOW: Good morning, your Honor.  
16 Brooks Harlow. Business address 601 Union Street,  
17 Suite 4400, Seattle, Washington, 98101-2352. I'm  
18 representing MCI Telecommunications Corporation and  
19 MCI Metro Access Transmission Services, Inc. and  
20 MetroNet Services Corporation.

21 MR. WALDBAUM: Good morning. I'm Alan  
22 Waldbaum of Davis Wright Tremaine. Our business  
23 address is 1501 Fourth Avenue, Suite 2600, Seattle,  
24 Washington, 98101. And I'm here today representing  
25 AT&T Communications of the Pacific Northwest.

1 MS. THOMAS: Good morning. My name is  
2 Elizabeth Thomas of Preston Gates & Ellis, 701 Fifth  
3 Avenue, Suite 5000, Seattle, Washington, 98104. I'm  
4 here representing Shared Communications Services, Inc.

5 MS. MILLER: Good morning. I'm Sara  
6 Siegler Miller, and I'm here on behalf of Frontier  
7 Telemanagement, Inc., previously entered in the case  
8 above as Enhanced Telemanagement, Inc. My address is  
9 2000 Northeast 42nd, Suite 154, Portland, Oregon,  
10 97213.

11 JUDGE WALLIS: Are there any further  
12 interventions? Let the record show that there's no  
13 response.

14 Let's take up the petitions for  
15 intervention at this time, and just for convenience  
16 sake, let's follow the order in which counsel stated  
17 appearance. What I would like you to do is state the  
18 nature of your client's interest and why you think you  
19 should be able to participate in the proceeding. Mr.  
20 Petrilla.

21 MR. PETRILLA: My client is a reseller of  
22 Centrex Plus service, and as such, the grandfathering  
23 of Centrex Plus will affect its ability to resell it  
24 in the future. It will limit its growth. Since  
25 there's no replacement product available currently, it

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1 will force its customers either to leave our company  
2 and buy services directly from US West, which harms us  
3 obviously financially.

4 JUDGE WALLIS: Is there objection to the  
5 petition?

6 MR. PETRILLA: I should also note, your  
7 Honor, that the business address of my client is 185  
8 Berry Street, Suite 5100, San Francisco, California,  
9 94107.

10 JUDGE WALLIS: Do you know if the  
11 Commission has that address at present for purposes of  
12 service?

13 MR. PETRILLA: I am uncertain.

14 JUDGE WALLIS: Could you check with our  
15 records center before you leave the building today and  
16 make sure that it does have the accurate address.

17 MR. PETRILLA: Sure.

18 JUDGE WALLIS: Thank you.

19 MS. ANDERL: No objection, your Honor, to  
20 the intervention. I was just curious if there was a  
21 Washington address for the intervenor, Washington  
22 state.

23 MR. PETRILLA: We have an address in  
24 Washington, but it's really for network management.  
25 It's not for legal affairs. We try to consolidate our

1 legal affairs.

2 MS. SMITH: No objection.

3 MR. TROTTER: No objection.

4 JUDGE WALLIS: Mr. Trotter indicates --

5 MR. TROTTER: No objection.

6 JUDGE WALLIS: -- no objection. Very well.

7 Mr. Harlow.

8 MR. HARLOW: No objection.

9 MS. THOMAS: No objection.

10 JUDGE WALLIS: As to your clients, Mr.

11 Harlow.

12 MR. HARLOW: Thank you, your Honor. Let me  
13 start, I guess, with MetroNet Services Corporation  
14 since their written petition is on top. As reflected  
15 by that petition, MetroNet is a rebiller currently of  
16 Centrex Plus service provided by US West. And for the  
17 same reasons stated by MFS, the tariff proposed price  
18 list and tariff revisions by US West will  
19 substantially affect MetroNet's interest. The other  
20 requirements in the petition are stated in the written  
21 petition.

22 Wish me to continue with the MCI petition?

23 JUDGE WALLIS: No. Let's hear responses.

24 MS. ANDERL: No objection.

25 MS. SMITH: No objection.



1 JUDGE WALLIS: Staff, public counsel?

2 MR. TROTTER: No objection.

3 JUDGE WALLIS: Very well. Mr. Harlow.

4 MR. HARLOW: Thank you, your Honor. Next I

5 wish to present the petition to intervene of MCI and  
6 MCI Metro. MCI is an interexchange carrier which can,  
7 by filing a tariff or a price list, be a potential  
8 reseller of US West Centrex service.

9 MCI Metro is a registered  
10 telecommunications company authorized to provide  
11 switched and non-switched intraexchange and  
12 interexchange services within the state of Washington.  
13 MCI Metro is also a potential reseller of US West  
14 Centrex Plus services, and as such, the revisions  
15 proposed by US West will substantially affect their  
16 interest.

17 MS. ANDERL: Well, your Honor, I would just  
18 question whether potential intervenors who are not  
19 current customers do demonstrate the substantial  
20 interest required by the rule, but we're not going to  
21 raise a formal objection to the petition to intervene.

22 JUDGE WALLIS: Commission staff?

23 MS. SMITH: No objection.

24 JUDGE WALLIS: Public counsel?

25 MR. TROTTER: If the company is not going

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1 to, I won't either.

2 MR. HARLOW: Thank you, Don.

3 JUDGE WALLIS: Mr. Waldbaum?

4 MR. WALDBAUM: Yes. AT&T Communications of  
5 Pacific Northwest -- and I'll refer to them as AT&T --  
6 both competes with US West as far as intraLATA toll  
7 and other interexchange services, and is also  
8 currently becoming a customer of US West and a  
9 potential customer of Centrex Plus. As such, we have  
10 a substantial interest in US West's filing seeking to  
11 withdraw and grandfather Centrex Plus, and we ask to  
12 intervene today.

13 MS. ANDERL: No objection.

14 MR. HARLOW: Address?

15 MR. WALDBAUM: The address that I have is  
16 2601 Fourth Avenue, Sixth Floor, Seattle, Washington,  
17 98164. If for any reason that is not the correct  
18 address to send or serve, I will notify all the  
19 parties.

20 JUDGE WALLIS: Would you also make sure to  
21 notify the Commission's record center by sending a  
22 letter to the secretary of the Commission, please.

23 MR. WALDBAUM: Yes. Thank you.

24 JUDGE WALLIS: It's been indicated that  
25 there are no objections to the request to intervene.

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1 Ms. Thomas?

2 MS. THOMAS: Thank you. SCS is a reseller  
3 of the Centrex Plus service and has interest in this  
4 proceeding similar to those already articulated by MFS  
5 Intelenet and MetroNet Services, and accordingly  
6 request permission to intervene.

7 JUDGE WALLIS: Is there objection?

8 MS. ANDERL: No.

9 JUDGE WALLIS: Let the record show there is  
10 no objection.

11 Ms. Miller?

12 MS. MILLER: Yes. Thank you, your Honor.  
13 Frontier Telemanagement, Inc. is in the same position  
14 as many of the other parties here in that it is a  
15 reseller of, among other services, the Centrex  
16 services provided by US West. For those reasons, we  
17 would like to intervene. I do not have at this moment  
18 a written petition to intervene but will submit such  
19 this afternoon upon return to my office.

20 JUDGE WALLIS: Very well. Is there  
21 objection to the petition from Frontier?

22 MS. ANDERL: Just for clarification. Is  
23 your client the same party who has pending a complaint  
24 with the FCC on this same issue?

25 MS. MILLER: You know, I honestly don't

1 know the answer to that question.

2 MS. ANDERL: We do have a complaint pending  
3 with the FCC against US West filed by ETI.

4 MS. MILLER: Okay. Then it's probably the  
5 same company.

6 MS. ANDERL: No objection.

7 JUDGE WALLIS: Any other party indicate an  
8 objection? Let the record show there is no response.

9 Mr. Harlow?

10 MR. HARLOW: We want to be sure Frontier  
11 does provide a service address for the client Frontier  
12 itself for purposes of --

13 MS. MILLER: Both Gina Doyscher the  
14 corporate representative and myself will be on the  
15 service list.

16 MR. HARLOW: Thank you.

17 JUDGE WALLIS: Very well. I see nothing  
18 that would indicate any of the petitions for  
19 intervention would be denied at this point, so that  
20 would be undertaken by order. The parties will have  
21 an opportunity to object to it.

22 Now we have some various procedural  
23 matters. There's been a request for a protective  
24 order in this proceeding. And the parties believe  
25 that is appropriate?

1 MS. THOMAS: Yes, your Honor.

2 MS. ANDERL: If the discovery rule is going  
3 to be invoked.

4 JUDGE WALLIS: Do the parties wish the  
5 discovery rule to be invoked?

6 MS. SMITH: Yes.

7 MR. HARLOW: Yes, your Honor.

8 MS. THOMAS: Yes.

9 JUDGE WALLIS: Yes, very well. And a  
10 protective order will be entered and a discovery order  
11 will be entered as well.

12 In other matters, it's been indicated that  
13 there may be an appearance of fairness issue. Ms.  
14 Thomas.

15 MS. THOMAS: Thank you, your Honor. I want  
16 to disclose to all the parties, and I've discussed it  
17 with many of them already, one of my law partners is.  
18 Tom Allison. Tom Allison is married to the chairman  
19 of the Commission, Sharon Nelson.

20 This conceivably could raise an appearance  
21 of fairness issue. It's conceivable that one could  
22 argue that Chairman Nelson should recuse herself from  
23 hearing the case because one of my law partners is her  
24 husband.

25 Tom Allison will have no involvement in

1 this case at Preston Gates & Ellis. I will not  
2 discuss it with him, neither will anyone else. He  
3 will not see any of the pleadings. He will not have  
4 any input as to how the case is handled. The client  
5 will not speak to him. So he will be completely  
6 segregated from the handling of this case.

7           And in order to avoid any procedural  
8 confusion later on or later requests that Chairman  
9 Nelson recuse herself from hearing this matter, I  
10 would request that the parties waive any objection  
11 they might otherwise have to Chairman Nelson hearing  
12 the case.

13           JUDGE WALLIS: Very well.

14           MS. ANDERL: We would be willing to do  
15 that.

16           JUDGE WALLIS: Ms. Anderl?

17           MS. ANDERL: Yes.

18           MS. SMITH: Staff would waive that.

19           MR. TROTTER: We would waive any objection  
20 to that issue.

21           MR. PETRILLA: MFS has no objection.

22           MR. HARLOW: I have no objection, but I  
23 can't affirmatively waive until I consult my client,  
24 so I will have to do that and get back to Ms. Thomas  
25 on that.

1 JUDGE WALLIS: Very well. Would you  
2 indicate that to the Commission as well, please.

3 MR. HARLOW: Yes, I will.

4 JUDGE WALLIS: Within what time period will  
5 you be able to do that?

6 MR. HARLOW: A few days, I would expect.

7 JUDGE WALLIS: May we have that in-house by  
8 Monday?

9 MR. HARLOW: Yes.

10 MR. PETRILLA: Your Honor, I would also  
11 request to be able to do that.

12 JUDGE WALLIS: Very well.

13 MR. PETRILLA: Thank you.

14 MR. WALDBAUM: I foresee no objection, but  
15 I would also like to confer with our client, your  
16 Honor.

17 JUDGE WALLIS: Ms. Miller?

18 MS. MILLER: I think I can waive an  
19 objection at this point.

20 JUDGE WALLIS: All right. Very well. As  
21 to the three parties who have indicated that they need  
22 to consult with their client, please do so and get  
23 your response filed with the Commission no later than  
24 Monday, and we will accept a fax filing on that.

25 In another matter, I understand that the

1 company has an objection to the proceeding and wants  
2 to raise that at this point.

3 MS. ANDERL: Thank you, your Honor. We  
4 would just like it clear on the record that we do  
5 continue to believe that the Commission was without  
6 statutory authority to issue the order suspending the  
7 tariff filings in this matter and would, therefore,  
8 object to this proceeding. However, understand that  
9 I am just making that for the record at this point.

10 JUDGE WALLIS: Very well.

11 MS. ANDERL: Don't expect a ruling on it.

12 JUDGE WALLIS: Very well.

13 MR. TROTTER: On that subject, if the  
14 record could reflect the superior court rejected the  
15 company's arguments on that issue.

16 JUDGE WALLIS: I believe that document is  
17 in our file.

18 MS. ANDERL: Order speaks for itself.

19 JUDGE WALLIS: Very well. Other procedural  
20 matters, Commission staff has indicated that it would  
21 be requesting an extension of the suspension period.  
22 Ms. Smith.

23 MS. SMITH: Yes, staff requests an  
24 extension of the suspension period in this case for  
25 the amount of time that the matter was pending in



1 superior court. At that point in time it would have  
2 been impossible, considering the circumstances, for  
3 the Commission and superior court to have concurrent  
4 jurisdiction over this matter. As such, the  
5 Commission could not have continued with this  
6 proceeding until the court ruled on the issue before  
7 it. Once the court ruled on that issue, then the  
8 Commission once again had jurisdiction to continue  
9 with this proceeding.

10           There is a case on point on this issue,  
11 Martin versus Dayton School District, 85 Wn.2d 411.  
12 It states the general rule that the jurisdiction of an  
13 administrative agency over a particular matter ends  
14 when its decision is appealed to the court. The  
15 reason is that the court's jurisdiction must be  
16 complete and not subject to being interfered with or  
17 frustrated by concurrent actions by the administrative  
18 body.

19           Given that general rule, you know, of  
20 fairness, the Commission should have an additional, I  
21 calculate, 68 days to make a decision on this  
22 complaint and order suspending the filing.

23           And I did call the company and the company  
24 and Lisa Anderl indicated that she could not waive the  
25 10-month suspension period at the time I talked to

1 her.

2 JUDGE WALLIS: Ms. Anderl.

3 MS. ANDERL: That's still true. And we  
4 would object to any mandated or Commission-imposed  
5 extension of the 10-month time period. We believe  
6 that the statute is very, very clear and that in this  
7 case the tariffs, to the extent that the Commission  
8 has the authority to suspend them, can be suspended  
9 for 10 months from the proposed effective date, which  
10 I believe was March 5th or 8th of this year, which  
11 would put us to a suspension ending in very early  
12 January of next year. We simply don't believe that  
13 the appeal to the superior court either stayed the  
14 Commission's order or affected the Commission's  
15 ability to call a prehearing conference and conduct  
16 the proceeding in accordance with its order of  
17 suspension.

18 JUDGE WALLIS: Very well. Do other parties  
19 have a view on that?

20 MR. HARLOW: Yes, your Honor. I would like  
21 to sort of join in the staff motion, but I guess I  
22 want to state it a little different way. Rather than  
23 stating it as an extension of the 10-month period, I  
24 seek a declaration that the US West appeal tolled the  
25 suspension period for a period of 68 days.

1           It's easy for US West to now contend, Oh,  
2 we would have welcomed going forward with the  
3 prehearing conference, but given the continuing  
4 objection that Ms. Anderl just stated, that they  
5 continue to object to this proceeding going forward, I  
6 don't think that would have been the case.

7           But we need not speculate. I've reviewed  
8 the Martin case. It states something I think we all  
9 know, that an appeal does divest the Commission of  
10 jurisdiction, so the Commission could not go forward.  
11 And obviously statutes of limitation and in this case  
12 a suspension statute must be tolled when the  
13 proceedings can't go forward because of some reason,  
14 such as a lack of Commission jurisdiction.

15           I think we could argue that the 10 months  
16 starts today because this is really -- we're starting  
17 over again. But two-month extension will greatly  
18 facilitate your ability and the Commission's ability  
19 on review of an initial order to deal with the  
20 substantial issues in this case, including potentially  
21 some very heavy-duty cost issues.

22           I tried to find out from US West, and maybe  
23 if we go off the record we can discuss simplification  
24 of issues, but I think as you've reflected, there's a  
25 good chance that we're going to be dealing with some

1 very substantial cost issues requiring a lot of  
2 discovery and expert analysis of the costs of this  
3 service and it's just nearly impossible to fit that in  
4 to what's now a six-month suspension period under the  
5 company's position.

6 JUDGE WALLIS: Mr. Trotter.

7 MR. TROTTER: Don Trotter for public  
8 counsel. We would join in Mr. Harlow's analysis. We  
9 think a suspension period has been tolled for the  
10 60-plus days, not extended, but I think that's a  
11 matter of semantics. The Commission was under a legal  
12 disability during that time period, and it's obvious  
13 that the time ought to be added on at this point in  
14 the process. The company said the statute is clear.  
15 Yeah, the statute is clear and so is the Martin case,  
16 and so we would agree that the staff's motion is well  
17 taken and ought to be granted.

18 JUDGE WALLIS: Any other person desire to  
19 comment? Go ahead, Mr. Waldbaum.

20 MR. WALDBAUM: For the record, we have  
21 nothing to add, but we also support the motion for the  
22 extension of the 10-month period.

23 MS. THOMAS: Liz Thomas. SCS also supports  
24 the tolling analysis and the accompanying extension.

25 JUDGE WALLIS: Ms. Anderl.

1                   MS. ANDERL: Just a brief response, your  
2 Honor. I have not had a chance to look at the Martin  
3 case, however, I doubt, given the caption, that it  
4 interpreted this particular provision of the RCW.  
5 Just kind of glancing at it here, it does not  
6 interpret RCW 80.04.130, which is the statutory  
7 provision which imposes the 10-month time period.  
8 This is not a statute of limitations in the  
9 traditional sense.

10                   And again, I think that the law is clear  
11 that the -- an appeal of the Commission order does not  
12 stay the effectiveness of the order and that there's  
13 simply no legal basis upon which to extend that  
14 10-month statutory time period.

15                   I would also like to respond to Mr.  
16 Harlow's suggestion that there's going to be extensive  
17 discovery and cost issues brought forth in this  
18 proceeding. There's no rate change proposal made in  
19 this proceeding and, therefore, I question the  
20 magnitude of the cost issues that might come forth and  
21 the amount of time that would be required to deal with  
22 those. The company is simply seeking to freeze and  
23 withdraw a service, not change a rate.

24                   MS. MILLER: Your Honor, I have a point of  
25 clarification.

1 JUDGE WALLIS: Ms. Miller.

2 MS. MILLER: It was my understanding, and I  
3 need further explanation, that this proceeding was  
4 also going to include issues of any new Centrex filing  
5 that the company would be making.

6 MS. ANDERL: That's not correct, from my  
7 perspective.

8 JUDGE WALLIS: Does that answer your  
9 question?

10 MS. MILLER: Well, it answers the company's  
11 perspective.

12 JUDGE WALLIS: Very well. The request will  
13 be taken under advisement.

14 I would like us to discuss issues and  
15 schedule at this time, and perhaps the best way to do  
16 that would be to leave the record with the provision  
17 that when we come back, any party will be able to  
18 state the party's understanding of the intervening  
19 discussions for the record. So let's be off the  
20 record, please.

21 (Discussion off the record.)

22 JUDGE WALLIS: Let's be back on the record,  
23 please, following a brief discussion of issues and  
24 scheduling. In a discussion of issues, the parties  
25 have indicated in general that the nature of the

1 company's direct filing will affect the nature of the  
2 issues that other parties will perceive and the nature  
3 of their own filings, so that it's not possible at  
4 this time to determine what the issues will be.

5           It's also been acknowledged that the  
6 Commission's decision in a pending matter in Docket  
7 Number UT-950200 may affect the issues in this  
8 proceeding.

9           A request has been made by Commission staff  
10 to extend the suspension period, and motions by other  
11 parties in support of that, to rule that the  
12 suspension period was tolled during the period of  
13 judicial review, which totaled approximately 68 days.  
14 Without ruling on that question, and based on a  
15 relatively optimistic view of the nature of issues,  
16 the following schedule has been established.

17           US West will prefile its direct evidence on  
18 July 12. In terms of guidelines for data requests,  
19 parties would be expected to send the bulk of their  
20 requests to US West no later than July 18. US  
21 West would respond on the schedule specified in the  
22 rule. That would be by August 1. The Commission  
23 staff and other parties' testimony and other direct  
24 evidence would be due September 6, 1996. US West  
25 rebuttal testimony would be due October 4, 1996.

1 Hearing would be held during the week of October 21,  
2 1996, dependent upon the commissioners' schedule.  
3 Briefs would be filed by November 22. And Commission  
4 would aim to enter an order by December 23, 1996.

5           Again we recognize that there are some  
6 unknowns in this schedule and the parties will have  
7 the opportunity to ask for an amendment of the  
8 schedule if it works out that the issues and the  
9 posture of the case require it.

10           Does any party wish the opportunity to make  
11 a comment either upon the issues or on the schedule?  
12 Let the record show -- Mr. Harlow?

13           MR. HARLOW: Wish to note my objection  
14 based on our position that the suspension period runs  
15 68 days after January 6.

16           JUDGE WALLIS: Yes. And there has been a  
17 question regarding surrebuttal and it's been, I guess,  
18 a consensus that it's premature at this point to  
19 schedule surrebuttal, but if the need arises, parties  
20 will have the opportunity to request filing  
21 surrebuttal as soon as they perceive that need.

22           Very well. Is there anything further to  
23 come before the Commission at this time? Let the  
24 record show that there's no response. Thank you all.

25           (Adjourned at 10:35 a.m.)