

BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC.,	)	Docket No. UT-020406
	)	
Complainant,	)	MOTION TO COMPEL VERIZON
	)	TO PRODUCE ALL MATERIAL
vs.	)	WITHHELD PENDING INFORMAL
	)	REQUEST TO MODIFY THE
VERIZON NORTHWEST INC.,	)	PROTECTIVE ORDER
	)	
Respondent.	)	
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AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) hereby moves Administrative Law Judge Schaer for an order directing Verizon to produce any material responsive to AT&T’s discovery that it has withheld, which allegedly needed heightened protection. As grounds therefore, AT&T states as follows:

1. Pursuant to Judge Schaer’s e-mail, dated January 16, 2003, parties were to negotiate a supplemental protective order to address the request of Verizon for material allegedly needing heightened protection. If negotiations failed to produce agreement, the e-mail directed the parties to submit, by Tuesday, January 21, 2003, proposals by formal motion.<sup>1</sup>

2. AT&T’s in-house counsel contacted Verizon’s counsel by telephone in an effort to discuss and reach agreement with respect to the protective agreement proposals. Verizon’s counsel—to date—has not returned the telephone call. In addition, AT&T’s in-house counsel contacted Public Counsel to discuss the proposals. Public Counsel informed AT&T that it was opposed to Verizon’s desire for heightened protection, believing that the current protective order was sufficient.

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<sup>1</sup> The e-mail is attached hereto as Exhibit A.

3. Because Verizon did not file a motion seeking to modify the protective order by the Tuesday deadline, AT&T has nothing it may respond to. Consequently, AT&T can only assume that Verizon no longer requires heightened protection for the material it is withholding.

4. If Verizon continues to withhold any material from discovery, it will continue to impede AT&T's preparation of its rebuttal testimony and ultimately it will harm AT&T's due process rights.

WHEREFORE, AT&T hereby moves for an order directing Verizon to produce all material responsive to AT&T's discovery by no later than close of business Monday, January 27, 2003 or as soon thereafter as the Judge mandates. If the material is not produced early next week, AT&T further moves for an order allowing AT&T to supplement its rebuttal testimony at a reasonable time after the material is produced.

Respectfully submitted this 23<sup>rd</sup> day of January 2003.

**AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.**

By: \_\_\_\_\_  
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