

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION STAFF  
RESPONSES TO DATA REQUESTS

DATE PREPARED: January 27, 2022

DOCKET: UT-181051

REQUESTER: CenturyLink

WITNESS: James Webber

RESPONDER: James Webber

TELEPHONE: (312) 952-6694

**REQUEST NO. 20:**

At pages 26-27 (among others) of his Direct Testimony, Mr. Webber references a CenturyLink data request response stating that Infinera's advice about the action to take was verbal. Articulate all evidence in your possession regarding whether (i) whether this statement is accurate, (ii) fully identifying the verbal advice provided by Infinera, and (iii) whether it was appropriate for CLC to rely upon the advice provided by Infinera.

**RESPONSE TO REQUEST NO. 20:** Staff objects to this request as overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and/or not proportionate to the needs of the case. Staff further objects that this request would improperly require the creation of new data and/or documents on the part of Staff. *See* WAC 480-07-400(1)(c)(iii). Staff further objects to this request to the extent it calls for the disclosure of: (a) Staff counsel's legal analysis, legal conclusions, and/or mental impressions; (b) documents and/or information protected by the attorney-client privilege; and/or (c) protected work product. Staff further objects on the basis that the material sought by the request is: (a) already in the Company's possession, custody, or control; (b) publically available; and/or (c) obtainable from some other source that is more convenient, less burdensome, or less expensive. Staff further objects to this request to the extent it is premature and requests more than is required by the Commission's rules and orders. Staff is in the process of issuing, reviewing, and analyzing the ongoing discovery in this matter. The discovery deadline is not until June 29, 2022. Staff, in conjunction with its counsel, will continue its investigation and analysis of case materials and documents furnished (as well as those yet to be produced) in discovery for potential use at hearing. The exhibit filing deadline is not until August 4, 2022. Staff reserves the right to supplement and/or amend its response and/or file exhibits as set forth in the procedural schedule in this case.

Subject to and without waiving the above objections, Staff provides the following response:

Mr. Webber's reference to verbal discussions between CenturyLink and Infinera is quoting CenturyLink's response to Staff Data Request 23 provided to Staff. Webber, Exh. JDW-6C at 14. Because that reference was provided by CenturyLink, Staff does not have further information on and cannot speculate as to whether the statement is accurate, what the full extent of the advice Infinera provided was, or whether it was appropriate for CenturyLink to rely on advice that Infinera provided.