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BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the Petition of)	Docket No. UT-011439
)	
VERIZON NORTHWEST INC.,)	MOTION TO STRIKE REPLY TESTIMONY
)	OF ROBERT B. SHIRLEY DATED
For Waiver of WAC 480-120-071(2)(a))	SEPTEMBER 20, 2002
)	
)	

Pursuant to WAC 480-09-420(8) Verizon Northwest Inc. (“Verizon”) hereby moves to strike lines 18-22, page 10, pages 11-14, and lines 1-13, page 15 of the Reply Testimony of Robert B. Shirley dated September 20, 2002. This objectionable testimony violates the Sixth Supplemental Order in this case which allowed Staff to file a response to the Qwest filing on September 20, 2002. The objectionable testimony does not reply to Qwest’s testimony. Instead, this testimony is nothing but impermissible supplementation of Mr. Shirley’s April 17, 2002 direct testimony. Furthermore, Mr. Shirley was well aware of the Cedar Ponds line extension project in the Sultan exchange – the subject of the objectionable testimony – long before he filed his opening testimony on April 17, 2002. If this supplemental testimony is allowed to be admitted then Verizon should have the opportunity to reply in its next scheduled testimony, set for filing on December 18, 2002.

If Verizon were allowed to supplement its testimony it would explain why the circumstances of the Cedar Ponds line extension project are unique and should not be viewed in the manner urged by Mr. Shirley.

MOTION TO STRIKE REPLY TESTIMONY OF
ROBERT B. SHIRLEY DATED SEPTEMBER 20,
2002 -- 1

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9599

1 The Cedar Ponds line extension project, was initiated by customer requests in 1999, over a
2 year before the effective date of the new line extension rule, WAC 480-120-071, which took effect
3 January 5, 2001. The project was built under Verizon's old line extension tariff and for similar reasons
4 as the Pontiac Ridge project, which has been described in testimony pre-filed by Verizon witness Kay
5 Ruosch.

6 Rather than face a Commission complaint over the meaning of Verizon's old line extension
7 project, Verizon elected to construct the Cedar Ponds project. For a variety of reasons, the costs
8 associated with this project were far more than originally estimated at the time Verizon agreed to do the
9 project. As an inducement to get Verizon to do the project, Mr. Shirley indicated that Staff would
10 support Verizon's recovery of the cost of the Cedar Ponds Project under the new WAC 480-120-071.
11 Therefore Mr. Shirley was instrumental in the Cedar Ponds Line Extension Project and had full
12 knowledge of its construction. Yet he did not discuss it in his previous testimony.

13 The underlying tariff interpretation controversy at issue in the Cedar Ponds Line Extension
14 Project is not an issue in this case. Therefore a pre-line extension rule project, committed to by Verizon
15 to avoid a threatened complaint or fines from the WUTC, has no bearing on whether the line extension
16 rule warrants a waiver of the Taylor and Timm Ranch line extensions. Verizon should be given the
17 opportunity to explain the facts surrounding the Cedar Ponds line extension project if the Commission
18 does not strike Mr. Shirley's testimony, which would be the preferable alternative.

19 Verizon requests the Commission to strike the testimony of Robert B. Shirley dated September
20 20, 2002, from page 10, lines 18-22 through page 15, line 13. If that request is denied Verizon
21 requests the opportunity to reply to it in its next scheduled testimony on December 18, 2002.
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1 RESPECTFULLY SUBMITTED this ____ day of October, 2002.

2 GRAHAM & DUNN PC

3
4 By _____
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7 Email: jendejan@grahamdunn.com
8 Attorneys for Verizon Northwest Inc.
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MOTION TO STRIKE REPLY TESTIMONY OF
ROBERT B. SHIRLEY DATED SEPTEMBER 20,
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