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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.,)
For Waiver of WAC 480-120-071(2)(a)) RESPONSE OF VERIZON NORTHWEST
) INC. TO MOTION FOR PERMISSION TO
) FILE SUPPLEMENTAL TESTIMONY OF
) ROBERT B. SHIRLEY AND DECLARATION
) OF KAY TAYLOR

I. INTRODUCTION

On September 13, 2002, Commission Staff (“Staff”) moved for permission to file supplemental testimony of Robert B. Shirley and the Declaration of Kay Taylor to document an incident that occurred on August 19, 2002 at Ms. Taylor’s residence. These filings stated that Kay Taylor had wireless service from two different providers. While these providers did complete several calls placed from and to Ms. Taylor’s residence, they did not connect calls placed to 911 in Douglas County. These calls were placed because Ms. Taylor’s 90-year old father-in-law, Fred B. Taylor, suffered a heart attack at Ms. Taylor’s residence early on the morning of August 19, 2002. Mr. Taylor died before emergency medical assistance could arrive at the Taylor location, which is in an isolated, rural area approximately 17 miles outside of Bridgeport.

The death of a family member, like Mr. Taylor, is a sad, emotional event. The issue raised by Staff’s motion is whether this unfortunate incident should become part of the record for the Commission to consider in ruling on Verizon’s petition. Verizon submits that it should not become part of the record.

RESPONSE OF VERIZON NORTHWEST INC.
TO MOTION -- 1

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1 The Staff's proposed supplemental testimony provides little relevant, and no probative, information to
2 help the Commission resolve the central issue in this case, which is whether there are some remote areas
3 where it is just too costly to provide landline service at this time. However if the Commission grants
4 Staff's motion, Verizon should be given the opportunity to reply in its next scheduled testimony to be
5 filed in this case on December 18, 2002.

6 **II. ARGUMENT**

7 Staff's proposed testimony interjects new, unrelated issues in this proceeding about wireless
8 911 service. These issues are not appropriate for resolution in this case. Furthermore, even if the
9 Commission chose to examine wireless 911 issues here, Staff's supplemental testimony is not useful
10 because it is factually deficient. For instance, the proposed testimony contains no report about Staff's
11 investigation into whether the wireless 911 problems reported by Ms. Taylor on this occasion were
12 aberrations or the norm for her service providers, or whether there could be remedies. Verizon is not in
13 a position to correct these factual deficiencies because Verizon simply does not know how these 911
14 calls were carried by the other carriers' networks. Therefore, it should not be prejudiced by testimony
15 that does not tell the whole story about how this event occurred, and this testimony should not be
16 allowed in the case.

17 If the testimony is allowed then Verizon should be allowed to respond to the conclusion Staff
18 tries to draw—that only Verizon wireline service could have prevented this incident. This is simply not
19 the case. As Mrs. Taylor's Declaration shows, her wireless service worked during this incident – she
20 called her husband's workplace on her first attempt; that office called her back. Douglas County
21 dispatch called her back. Her 911 calls even connected her to a Public Safety Answering Point.
22 Clearly wireless service in this case provided connectivity to the outside world and was a means for
23 summoning emergency assistance.

24 This Commission has affirmatively endorsed wireless phone service as an acceptable alternative
25 to wireline service, when it granted eligible telecommunications carrier ("ETC") status to several
26 wireless carriers. The acceptability of wireless as an alternative to landline is built into the very waiver

1 criteria the Commission may consider under WAC 480-120-071(7)(b)(ii)(C). That criteria calls for
2 consideration of “the comparative price and capabilities of radio communication service or other
3 alternatives available to customers.”

4 The incident of August 19, 2002 should not automatically exclude wireless as an option to
5 providing service in remote locations – especially where wired service is uneconomic to provide.

6 Staff asserts that it would have included information regarding the August 19, 2002 incident had
7 it been available at the time the Staff filed testimony regarding Verizon’s Petition for Waiver on April 17,
8 2002. If the Commission grants this request for supplementation, then Verizon should have the
9 opportunity to reply to this new testimony. Had this information been included in Mr. Shirley’s April 17,
10 2002 testimony, Verizon could have, and would have, responded in its May 15, 2002 reply testimony.

11 III. CONCLUSION

12 The ultimate issue before this Commission is whether wireline telephone service should be
13 provided at a low price to people who choose to live in isolated places that are highly costly to reach,
14 and whose isolation also creates other significant risks and benefits. The Staff’s proposed testimony has
15 many deficiencies because it describes an isolated, emotionally-charged incident without informing the
16 Commission about the many other factual and policy issues associated with Staff’s assertions. If Staff’s
17 proposed testimony is allowed then Verizon should have the opportunity to respond with testimony on
18 the record as well.

19 RESPECTFULLY SUBMITTED this _____ day of October, 2002.

20 GRAHAM & DUNN PC

21
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