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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION, )

4 )

5 Complainant, )

6 )

vs. ) DOCKET NO. UT-090073

7 ) Volume I

8 VERIZON NORTHWEST, INC, ) Pages 1 - 8

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11 Respondent. )

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A prehearing conference in the above matter  
was held on April 21, 2009, at 1:30 p.m., at 1300 South  
Evergreen Park Drive Southwest, Olympia, Washington,  
before Administrative Law Judge DENNIS MOSS.

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The parties were present as follows:

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WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION, by MICHAEL A. FASSIO, Assistant Attorney  
General, 1400 South Evergreen Park Drive Southwest,  
Post Office Box 40128, Olympia, Washington 98504;  
telephone, (360) 664-1192.

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VERIZON NORTHWEST, INC., by GREGORY M.  
ROMANO, General Counsel, 1800 41st Street, Everett,  
Washington 98201; telephone, (425) 261-5460

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21 Kathryn T. Wilson, CCR

22 Court Reporter

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

2 JUDGE MOSS: Good afternoon, everyone. We  
3 are convened this afternoon in the matter styled,  
4 Washington Utilities and Transportation Commission  
5 against Verizon Northwest, Inc., Docket UT-090073,  
6 complaint proceeding. This is our first prehearing  
7 conference in this proceeding. I noticed there was an  
8 earlier one scheduled but apparently was rescheduled.  
9 Anyway, doesn't matter.

10 The first order of business is to take  
11 appearances, and since this is a Commission complaint,  
12 I'll take your appearance first, Mr. Fassio.

13 MR. FASSIO: Thank you, Your Honor. Michael  
14 Fassio, assistant attorney general appearing on behalf  
15 of Commission staff. My address is PO Box 40128,  
16 Olympia, Washington, 98504. Telephone is (360)  
17 664-1192; fax, (360) 586-5522; e-mail,  
18 mfassio@wutc.wa.gov.

19 JUDGE MOSS: Appearing on behalf of Verizon?

20 MR. ROMANO: Thank you, Your Honor. Gregory  
21 Romano, R-o-m-a-n-o. I'm the general counsel for  
22 Verizon Northwest, and my business address is 1800 41st  
23 Street, Everett, Washington, 98201; phone number, (425)  
24 261-5460; fax number, (425) 252-4913, and the e-mail  
25 address is gregory.m.romano@verizon.com.

0003

1           JUDGE MOSS: I don't imagine that we will  
2 have any petitions to intervene. I certainly have  
3 received none. I don't imagine there is anyone on the  
4 bridge line wanting to enter an appearance? Obviously,  
5 my imagination is an accurate tool. No petitions to  
6 intervene, no other appearances. I'll just ask the  
7 parties with respect to such matters as discovery?

8           MR. FASSIO: Your Honor, I believe that this  
9 is a matter that's appropriate for discovery under the  
10 Commission's procedural rules, 480-07-400, Sub 2, so  
11 Staff would request invocation of the discovery rules.

12           JUDGE MOSS: I can imagine that it would be  
13 just a limited amount of discovery; is that right?

14           MR. FASSIO: That's correct.

15           JUDGE MOSS: I should pose the question  
16 whether there will be the need for a protective order.

17           MR. ROMANO: Yes, Your Honor. If we are  
18 going to have discovery, I think we would need a  
19 protective order.

20           JUDGE MOSS: Why don't we await the discovery  
21 and see, and if you need it at that point in time, let  
22 me know, and I can get that out very quickly because we  
23 will use our standard form of the order if it's needed.  
24 Otherwise, I'll just hold that under advisement for  
25 now, because I suspect it will be very limited given

0004

1 the investigation and so forth. The facts are pretty  
2 much as presented to us here.

3 My next question really is what sort of  
4 process we need here, and if you feel some discovery is  
5 necessary, I'll anticipate that you don't think at this  
6 juncture, at least, you are not satisfied that motions  
7 for summary determination will be adequate? Do you  
8 think there will be material facts in dispute?

9 MR. FASSIO: Yes, Your Honor.

10 JUDGE MOSS: So we will need to set a  
11 schedule to allow for a hearing and so forth?

12 MR. FASSIO: Yes.

13 JUDGE MOSS: Have you all discussed what you  
14 have in mind in terms of the time frame?

15 MR. FASSIO: We have had a chance to confer  
16 about a date for hearing, Your Honor.

17 JUDGE MOSS: What do you have in mind?

18 MR. FASSIO: We are looking at the week of  
19 August 17th, particularly August 19 through 20th.

20 JUDGE MOSS: Why so far out?

21 MR. FASSIO: We've also discussed that the  
22 parties intend to engage in settlement discussions in  
23 advance to avoid the need for a hearing, and we believe  
24 this allows us sufficient time to do so.

25 JUDGE MOSS: All right. For that good

0005

1 reason, I'll allow it, but that's a very long time for  
2 a proceeding of this nature. So August what?

3 MR. FASSIO: August 19th and August 20th, if  
4 necessary.

5 JUDGE MOSS: Recognizing that August is the  
6 vacation month, not going to be a problem?

7 MR. ROMANO: Not for me, Your Honor.

8 MR. FASSIO: Not for Staff.

9 JUDGE MOSS: I'll go ahead and set the 19th  
10 and 20th. I don't anticipate this is a matter in which  
11 the commissioners will want to sit, so I can look at my  
12 own calendar, and I can see that it is open at that  
13 particular point in time. I'll set those days aside.

14 Do we need to set intervening dates? Did you all want  
15 to establish a date for purposes of the procedural  
16 schedule for a settlement conference or tell me later?

17 MR. FASSIO: We have discussed a date for an  
18 initial settlement conference and we've agreed upon  
19 such a date, which we could add into the procedural  
20 schedule.

21 JUDGE MOSS: We like to put it into the  
22 procedural schedule if we can.

23 MR. FASSIO: We've agreed on a date of May  
24 13th.

25 JUDGE MOSS: Very good. Are we thinking if

0006

1 there is any testimony it will be live?

2 MR. ROMANO: Yes, Your Honor.

3 MR. FASSIO: Yes, Your Honor.

4 JUDGE MOSS: That's appropriate in this type  
5 of case. I appreciate that. I guess we don't need any  
6 other dates, do we?

7 MR. FASSIO: The only date that occurred to  
8 me would be a date to set in a schedule for exchange of  
9 witness and exhibit lists in advance of the hearing  
10 date.

11 JUDGE MOSS: I typically handle that  
12 informally, but I can tell you how I do that. If we  
13 are going to have a hearing on the 19th, I'll ask you  
14 all to provide me with that stuff on the 14th. I ask  
15 three business days, or two-and-a-half business days  
16 for the exchange of any cross-examination exhibits,  
17 witness lists, witness order, that sort of thing.

18 In this case, I would expect that to be  
19 fairly succinct, so sometime on the 14th would be fine.  
20 My practice is to simply send an e-mail to the parties  
21 outlining what I expect, what I need. We don't make  
22 that part of our prehearing conference order. I think  
23 each judge does it a little differently, but that's the  
24 way I do it, but that will be the date you can expect,  
25 and I'll send that e-mail out two weeks before the

0007

1 hearing to remind you.

2 We've covered everything that I have on any  
3 agenda in the way of business items. Do you all have  
4 anything else you want to bring to my attention before  
5 I tell you how many copies and all that stuff?

6 MR. ROMANO: No, Your Honor.

7 MR. FASSIO: No, Your Honor.

8 JUDGE MOSS: Well, on filings, I checked with  
9 the records center, we will need an original plus seven  
10 copies. If we do end up having any confidential  
11 information that's included in filings, you need to  
12 file the original and one copy of the redacted version  
13 for purposes of the Commission's public files, and then  
14 you will need to file the original and seven copies of  
15 the confidential version. That would be for internal  
16 distribution to those who are entitled to review  
17 confidential information. That saves a little bit of  
18 paper.

19 We have adopted in our procedural rules, as  
20 you are both now familiar, the practice of the dates we  
21 establish in our prehearing order are the dates for the  
22 submission of documents by electronic means with hard  
23 copy to follow the next business day, and it has to be  
24 identical, of course.

25 I won't bother to repeat the Commission's

0008

1 address, and you both know these things need to be  
2 addressed to the secretary, so I just remind you of  
3 that. Of course, we ask that you send us an electronic  
4 version to facilitate posting to the Internet, and I  
5 will enter a prehearing conference order today or  
6 tomorrow and you will have everything memorialized in  
7 that fashion.

8           We've already talked about the exhibit  
9 process. I'll remind you all two weeks before the  
10 hearing, if we get that far, and I ask that you keep me  
11 advised if there is significant progress in the  
12 direction of settlement, and we can schedule something  
13 earlier, perhaps, and get this case resolved at an  
14 earlier date, which would be preferable, if it can be  
15 done. Anything else?

16           MR. ROMANO: No, Your Honor.

17           MR. FASSIO: No, Your Honor.

18           JUDGE MOSS: I thank you both for being here  
19 today. We are off the record.

20           (Prehearing conference adjourned at 1:39 p.m.)

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