

Docket No. UT-200751 - Vol. I

**Frontier Communications Northwest, LLC, d/b/a Zipl
Fiber v. Kalama Telephone Co**

October 13, 2020



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

FRONTIER COMMUNICATIONS)	
NORTHWEST, LLC, D/B/A ZIPLY)	
FIBER,)	Docket No. UT-200751
)	
Complainant,)	
)	
vs.)	
)	
KALAMA TELEPHONE COMPANY,)	
)	
Respondent.)	

VIRTUAL PREHEARING CONFERENCE
ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA

DATE TAKEN: OCTOBER 13, 2020

REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018

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A P P E A R A N C E S

FOR THE COMPLAINANT: (virtual appearance)

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Associate General Counsel, Ziplly Fiber
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FOR THE RESPONDENT: (virtual appearance)

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1 interventions? I've not received any written petitions
2 to intervene. And I don't see anyone else on the line so
3 I will presume that there are no requests for
4 intervention.

5 Second order of business is discovery.

6 Do the parties want to have the Commission's
7 discovery rules available?

8 MR. THOMSON: Your Honor, George Thomson.

9 I'm pleased to announce that I think the parties
10 have reached an agreement in principle to settle the
11 dispute. So I'm not sure we need to delve into discovery
12 today.

13 ADMINISTRATIVE LAW JUDGE: All right. And
14 the same is true for the need for any protective order?

15 MR. THOMSON: I believe so, Your Honor.

16 But if I might have the indulgence of being able
17 to explain a little bit about the parties' agreement in
18 principle. Maybe that will help us discover whether or
19 not we need a protective agreement in this situation or
20 not.

21 ADMINISTRATIVE LAW JUDGE: All right.
22 Please proceed.

23 MR. THOMSON: As the court knows, this is a
24 boundary dispute about whether or not Kalama and, as a
25 counterclaim, whether or not Ziplly Fiber, built into

1 areas outside of their ILEC service territory.

2 And the parties, after some discussion over the
3 last weeks, have decided that in the interest of the
4 parties, and we also believe the public and commission
5 staff and Your Honor, that we settle this matter by
6 essentially swapping service territory to recognize where
7 the parties are serving outside of their ILEC service
8 territory.

9 And then in that way, both parties, having
10 agreed to a map, can withdraw their -- well, first, in
11 the Ziplly's case, their complaint, and in Kalama's case,
12 the countercomplaint, once the -- a map has been agreed
13 upon.

14 Now, I'll pause there and let Mr. Finnigan chime
15 in with anything that he may want to say at that point.

16 MR. FINNIGAN: No. That -- that's
17 accurate. I think, from my perspective, the solution for
18 today would be to simply put matters on hold and allow
19 our engineers to work on things and see if we can get the
20 details worked out.

21 And then as Mr. Thomson said, if they are, just
22 file our request to withdraw our pleadings.

23 MR. THOMSON: So, Your Honor, I guess that
24 necessitates Ziplly, as the complainant, move for a
25 continuance of 90 days of this proceeding to allow both

1 parties' engineers to get together and to redraw maps
2 that will be subsequently filed with the Commission to
3 recognize new service territory boundaries for the ILEC
4 service territory.

5 MR. FINNIGAN: And I would join in that
6 request.

7 ADMINISTRATIVE LAW JUDGE: All right.
8 Well, that sounds like a reasonable proposal. And I
9 grant that request.

10 At this point I'm not sure that I need to enter
11 an order to that effect. What I will do is send out a
12 notice of continuance.

13 How long a period of time do you think would be
14 reasonable for you all to undertake the activities that
15 you need to do?

16 MR. THOMSON: George Thomson again.

17 I suggest 90 days should be sufficient for us.
18 At least to understand where we are and at least report
19 back to the court regarding our progress on the
20 settlement.

21 We would hope within those 90 days to actually
22 be able to move to dismiss our complaint and
23 countercomplaint.

24 ADMINISTRATIVE LAW JUDGE: All right.

25 MR. FINNIGAN: I concur.

1 ADMINISTRATIVE LAW JUDGE: That sounds
2 reasonable. I will issue a notice granting the
3 continuance until 90 days. At which point I will ask for
4 a status report from the parties, at a minimum. And
5 we'll see what happens based on your discussions.

6 MR. THOMSON: Appreciate it, Your Honor.
7 Thank you.

8 MR. FINNIGAN: Thank you.

9 ADMINISTRATIVE LAW JUDGE: Is there
10 anything else that we need to take up at the moment?

11 MR. THOMSON: Not from Ziplly, sir.

12 MR. FINNIGAN: And not from Kalama.

13 ADMINISTRATIVE LAW JUDGE: All right. Then
14 that concludes our business for today. Thank you,
15 gentlemen. And we are adjourned.

16 (Videoconference hearing
17 concluded at 1:40 p.m.)
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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KITSAP

I, Carisa Kitselman, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the videoconference hearing on OCTOBER 13, 2020, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of November, 2020.



CARISA KITSELMAN, RPR, CCR #2018



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