Docket No. UT-200751 - Vol. I

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

October 13, 2020



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Page 1	Page 3
BEFORE THE WASHINGTON	
UTILITIES AND TRANSPORTATION COMMISSION	1 OCTOBER 13, 2020 2 1:34 P.M.
	3 ADMINISTRATIVE LAW JUDGE: Let's be on the
FRONTIER COMMUNICATIONS) NORTHWEST, LLC, D/B/A ZIPLY)	4 record in Docket UT-200751. Caption: Frontier
FIBER,) Docket No. UT-200751	5 Communications Northwest, LLC, DBA Ziply Fiber versus
, , , , , , , , , , , , , , , , , , ,	6 Kalama Telephone Company.
Complainant,)	7 I am Administrative Law Judge Gregory J. Kopta
) vs.)	8 who has been assigned by the Commission to preside in
)	9 this proceeding. And we are here today to have a
KALAMA TELEPHÓNE COMPANY,)	prehearing conference which we are conducting virtually
) Degrandent	as we have been since the COVID-19 pandemic began.
Respondent.)	So let's begin this prehearing conference with
VIRTUAL PREHEARING CONFERENCE	making appearances, beginning with the attorney from
ADMINISTRATIVE LAW JUDGE GREGORY J. KOPTA	
	15 MR. THOMSON: Thank you, Your Honor.
	16 This is George Thomson. I represent Ziply 17 Fiber.
	18 ADMINISTRATIVE LAW JUDGE: And for Kalama?
	19 MR. FINNIGAN: This is Rick Finnigan,
	20 appearing for Kalama Telephone Company.
	21 ADMINISTRATIVE LAW JUDGE: Is there anyone
	22 else who is wishing to make an appearance?
	Hearing none, we will proceed with the
DATE TAKEN: OCTOBER 13, 2020	24 prehearing conference.
REPORTED BY: CARISA KITSELMAN, RPR, CCR 2018	25 First order of business is whether there are any
Page 2	Page 4
1 APPEARANCES	interventions? I've not received any written petitions
2 FOR THE COMPLAINANT: (virtual appearance)	to intervene. And I don't see anyone else on the line so
3 GEORGE BAKER THOMSON, JR.	3 I will presume that there are no requests for
Associate General Counsel, Ziply Fiber 4 1800 41st Street North	4 intervention.
Suite N-100, Legal Department	5 Second order of business is discovery.
5 Everett, Washington 98203	6 Do the parties want to have the Commission's
425.261.5844	Do the parties want to have the Commission's discovery rules available?
425.261.5844 6 georgethomson@ziply.com	·
425.261.5844 6 georgethomson@ziply.com 7 FOR THE RESPONDENT: (virtual appearance) 8 RICHARD A. FINNIGAN	7 discovery rules available?
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Page 5 Page 7 ADMINISTRATIVE LAW JUDGE: That sounds 1 1 areas outside of their ILEC service territory. 2 And the parties, after some discussion over the 2 reasonable. I will issue a notice granting the 3 continuance until 90 days. At which point I will ask for 3 last weeks, have decided that in the interest of the 4 a status report from the parties, at a minimum. And 4 parties, and we also believe the public and commission 5 we'll see what happens based on your discussions. 5 staff and Your Honor, that we settle this matter by MR. THOMSON: Appreciate it, Your Honor. 6 6 essentially swapping service territory to recognize where 7 Thank you. 7 the parties are serving outside of their ILEC service 8 MR. FINNIGAN: Thank you. 8 territory. ADMINISTRATIVE LAW JUDGE: Is there 9 9 And then in that way, both parties, having 10 anything else that we need to take up at the moment? 10 agreed to a map, can withdraw their -- well, first, in 11 MR. THOMSON: Not from Ziply, sir. 11 the Ziply's case, their complaint, and in Kalama's case, 12 MR. FINNIGAN: And not from Kalama. 12 the countercomplaint, once the -- a map has been agreed 13 ADMINISTRATIVE LAW JUDGE: All right. Then 13 14 that concludes our business for today. Thank you, 14 Now, I'll pause there and let Mr. Finnigan chime 15 gentlemen. And we are adjourned. 15 in with anything that he may want to say at that point. 16 (Videoconference hearing 16 MR. FINNIGAN: No. That -- that's concluded at 1:40 p.m.) 17 accurate. I think, from my perspective, the solution for 17 18 today would be to simply put matters on hold and allow 18 19 our engineers to work on things and see if we can get the 19 20 details worked out. 2.0 21 And then as Mr. Thomson said, if they are, just 21 22 file our request to withdraw our pleadings. 22 MR. THOMSON: So, Your Honor, I guess that 23 23 necessitates Ziply, as the complainant, move for a 24 24 25 25 continuance of 90 days of this proceeding to allow both Page 6 Page 8 1 CERTIFICATE 1 parties' engineers to get together and to redraw maps 2 2 that will be subsequently filed with the Commission to 3 STATE OF WASHINGTON 3 recognize new service territory boundaries for the ILEC COUNTY OF KITSAP 4 service territory. 4 5 5 MR. FINNIGAN: And I would join in that 6 6 I, Carisa Kitselman, a Certified Court Reporter request. 7 7 in and for the State of Washington, do hereby certify ADMINISTRATIVE LAW JUDGE: All right. 8 Well, that sounds like a reasonable proposal. And I 8 that the foregoing transcript of the videoconference 9 9 hearing on OCTOBER 13, 2020, is true and accurate to the grant that request. 10 best of my knowledge, skill and ability. 10 At this point I'm not sure that I need to enter IN WITNESS WHEREOF, I have hereunto set my hand 11 an order to that effect. What I will do is send out a 11 12 12 and seal this 10th day of November, 2020. notice of continuance. 13 13 How long a period of time do you think would be 14 14 reasonable for you all to undertake the activities that Orpical Schman 15 you need to do? 15 16 MR. THOMSON: George Thomson again. 16 CARISA KITSELMAN, RPR, CCR #2018 17 I suggest 90 days should be sufficient for us. 17 At least to understand where we are and at least report 18 18 19 back to the court regarding our progress on the 19 20 2.0 21 We would hope within those 90 days to actually 21 22 be able to move to dismiss our complaint and 2.2 23 23 countercomplaint. 24 24 ADMINISTRATIVE LAW JUDGE: All right. 25 25 MR. FINNIGAN: I concur.

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able 4:16 6:22 accurate 5:17 8:9 activities 6:14 adjourned 7:15 Administrative 1:12 3:3,718.21 4:13.21 6:7,247:1 7:9,13 agreed 5:10,12 agreement 4:10,17 4:19 appearance 2:2,7 announce 4:9 appearance 3:13 appearing 3:20 complainst 1:6 2:2 sonduded 7:16 cordine 3:10 aroundaries 6:3 available 4:7 Counter 2:3 attorney 3:13 actorney 3:13 aroundaries 6:19 Back	A	Carisa 1:25 8:6,16	discussion 5:2	hold 5:18	map 5:10,12
CCR 125 8:16 Cortified 8:6 certify 8:7 chime 5:14 chime 5:1	ability 8:10	case 5:11,11	discussions 7:5	Honor 3:15 4:8,15	maps 6:1
Certified 8:6 Commission 1:2 3:8 Complain 4:17 Commission 1:2 3:8 Complain 4:17 Complain 5:11 Complain 5:12 Comcludes 7:14 Comcludes 7		CCR 1:25 8:16	dismiss 6:22	5:5,23 7:6	matter 5:5
Docket 1:5 3:4 Docket 1:5 3:5 Docket		Certified 8:6	dispute 4:11,24	hope 6:21	matters 5:18
Commission 1:2 3:8		certify 8:7	Docket 1:5 3:4		minimum 7:4
Administrative 1:12 3:3,7,18,21 4:13,21 6:7,24 7:1 7:9,13 agreed 5:10,12 agreement 4:10,17 4:19 allow 5:18,25 appearance 4:2 appearance 3:13 appearance 3:13 appearing 3:20 Appreciate 7:6 agrees 5:1 assigned 3:8 Associate 2:3 astitorney 3:13 available 4:7 Back 6:19 BAKER 2:3 based 7:5 began 3:11 believe 4:15 5:4 begs 3:13 believe 4:15 5:4 best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 C C:2: 8:1.1 C C:2: 8:1.1 Commission 1: 2 3:8 5: 46:2 Commission's 4:6 Communications 1: 43:5 Commylainant 1: 6 3:20 complainant 1: 6 3:20 conducting 3: 10 concluded 7: 16 conducting 3: 10 conference 1: 11 3: 19: 14: 17 4: 25 file 6: 22		chime 5:14		I	moment 7:10
1:12 3:3,7,18,21 4:13,21 6:7,24 7:1 7:9,13 agreed 5:10,12 agreement 4:10,17 4:19 allow 5:18,25 announce 4:9 appearance 2:2,7 3:22 appearance 3:13 appearang 3:20 Appreciate 7:6 areas 5:1 assigned 3:8 Associate 2:3 attorney 3:13 available 4:7 Back 6:19 BAKER 2:3 based 7:5 began 3:11 believe 4:15 5:4 began 3:13 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 C C2:1 8:1,1 C C2:1 8:1,1 c C C2:1 8:1,1 c Cartles 2:4 days 5:20 discover 4:18 discover 4:18 c Cartles 2:4 days 5:20 discover 4:18 discover 4:18 intervention 4:4 inter 6:10 F E2:1, 18:1,1 F S:1 Giorn 6:22 Focal file 6:2 Focal fi		commission 1:2 3:8			move 5:24 6:22
4:13,21 6:7,24 7:1 7:9,13 agreed 5:10,12 agreement 4:10,17 4:19 allow 5:18,25 announce 4:9 appearance 2:2,7 3:22 appearance 3:13 appearing 3:20 Appreciate 7:6 areas 5:1 assigned 3:8 Associate 2:3 attorney 3:13 available 4:7 B Counterclaim 4:25 back 6:19 Bake R2:3 based 7:5 began 3:11 believe 4:15 5:4 began 3:11 believe 4:15 5:4 began 3:10 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 C C 2:1 8:1,1 C C 2:1 8:1,1 C C C2:1 8:1,1 C C Counter 3:4 C C C2:1 8:1,1 C C Counter 4:3 C Communications 1:4 communications 1:4 communications 4:6 communications 4:6 contere 6:10 essentially 5:6 Everett 2:5 explain 4:17 F 8:1 F 9:1 F 8:1 F 9:1 F 8:1 F 6:24 7:1,9,13 F 8:1 F		5:4 6:2			
7:9,13 agreed 5:10,12 agreement 4:10,17 4:19 allow 5:18,25 announce 4:9 appearance 2:2,7 3:22 appearance 3:13 appearance 3:13 appearance 3:13 appearance 3:13 appearing 3:20 Appreciate 7:6 areas 5:1 assigned 3:8 Associate 2:3 attorney 3:13 available 4:7		Commission's 4:6			
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Company 1:8 3:6 3:20 complainant 1:6 2:2 5:24 complain t 2:1 6:22 concluded 7:16 concluded 7:14 concur 6:25 conducting 3:10 conference 1:11 3:10,12,24 continuance 5:25 6:12 7:3 Counsel 2:3 counterclaim 4:25 counterclaim	,	1:4 3:5			
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allow 5:18,25 announce 4:9 appearance 2:2,7 appearance 3:13 appearance 3:313 appearance 3:414 appearance 3:313 appearance 3:414 appearance 3:313 appearance 3:313 appearance 3:414 appearance 3:425 concluded 7:16 conclude 7:14 appearance 3:14 appearance 3:313 appearance 3:313 appearance 3:42 appearance 3:13 appearance 3:14 assigned 3:8 B conducting 3:10 conference 1:11 assigned 3:8 assigned 3:8 B counterclaim 4:25 file 5:22 filed 6:2 filed 5:2 filed 6:2 fil	· ·			issue 7:2	
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appearance 2:2.7 3:22 appearances 3:13 appearances 3:14 concluded 7:16 concluded 7:16 concludes 7:14 concur 6:25 conducting 3:10 assigned 3:8 Associate 2:3 auttorney 3:13 auttorney 3:13 auttorney 3:13 available 4:7 B B Counter claim 4:25 back 6:19 Back 6:10	-	$2:\overline{2}\ 5:24$			
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assigned 3:8 Associate 2:3 attorney 3:13 available 4:7 B back 6:19 BAKER 2:3 based 7:5 begann 3:11 beginning 3:13 believe 4:15 5:4 best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 continuarce 5:25 decided 5:3 business 3:25 4:5 7:14 C C:1 8:1,1 C Continuarce 5:25 6:12 7:3 Counsel 2:3 counterclaim 4:25 countercomplaint 5:12 6:23 COUNTY 8:4 court 4:23 6:19 8:6 COVID-19 3:11 C C C C C C C:1 8:1,1 Conference 1:11 3:10,12,24 continuarce 5:25 6:12 7:3 first 3:25 5:10 foregoing 8:8 Frontier 1:4 3:4 Frontier 1:4 3:4 C G General 2:3 gentlemen 7:15 George 2:3 3:16 4:8 6:16 georgethomson 2:6 Lake 2:9 Lawe 1:12 2:8 3:3,7 sill 2 2:8 3:3,7 sill 2 2:8 3:3,7 sill 2 2:8 3:3,7 sill 2 3:10 poutside 5:1,7		conducting 3:10		6:24 7:1,9,13	
Signature Sign		conference 1:11			
attorney 3:13 available 4:7 B Counsel 2:3 Counterclaim 4:25 back 6:19 BAKER 2:3 based 7:5 began 3:11 beginning 3:13 believe 4:15 5:4 best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 C C C C C C 2:1 8:1,1 C C C C C C C C C C C C C C C C C C C	C	3:10,12,24	, and the second		
Counsel 2:3		continuance 5:25	, and the second	*	
Counsel 2:3 Counsel 2:3 Counterclaim 4:25 Countercomplaint 5:12 6:23 COUNTY 8:4 COUNTY 8:4 court 4:23 6:19 8:6 COVID-19 3:11 Doundaries 6:3 Doundary 4:24 Date of the state of the s	· ·	6:12 7:3			
Counterclaim 4:25 Countercomplaint 5:12 6:23 CoUNTY 8:4 Court 4:23 6:19 8:6 COVID-19 3:11 COVID-19		Counsel 2:3	0 0		
Countercomplaint 5:12 6:23 COUNTY 8:4 COUNTY 8:4 COUNTY 8:4 COUNTY 8:4 COUNTY 8:4 COVID-19 3:11 DBA 3:5 COUNTY 8:4 COUNTY 8:4 COVID-19 3:11 DBA 3:5 COUNTY 8:4	B		Frontier 1:4 3:4		· ·
BAKER 2:3 based 7:5 COUNTY 8:4 COUNTY 8:4 <th>back 6:19</th> <td>countercomplaint</td> <td>G</td> <td></td> <td></td>	back 6:19	countercomplaint	G		
based 7:5 began 3:11 beginning 3:13 believe 4:15 5:4 best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 Court 4:23 6:19 8:6 COVID-19 3:11 Dobre 4:8 6:16 george 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 grant 6:9 granting 7:2 Gregory 1:12 3:7 guess 5:23 H hand 8:11 happens 7:5 hearing 3:23 7:16 george 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 granting 7:2 Gregory 1:12 3:7 guess 5:23 H hand 8:11 happens 7:5 hearing 3:23 7:16 george 2:3 3:16 4:8 6:16 george 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 grant 6:9 granting 7:2 Gregory 1:12 3:7 guess 5:23 H hand 8:11 happens 7:5 hearing 3:23 7:16 george 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 grant	BAKER 2:3				outside 5:1,/
began 3:11 beginning 3:13 believe 4:15 5:4 best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 C 2:1 8:1,1 C 20VID-19 3:11 C 3:19 8:6 COVID-19 3:11 C 3:10 George 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 grant 6:9 granting 7:2 Gregory 1:12 3:7 guess 5:23 H hand 8:11 happens 7:5 hearing 3:23 7:16 georgethomson 2:6 grant 6:9 granting 7:2 Gregory 1:12 3:7 guess 5:23 H hand 8:11 happens 7:5 hearing 3:23 7:16 george 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 granting 7:2 Gregory 1:12 3:7 guess 5:23 H hand 8:11 happens 7:5 hearing 3:23 7:16 george 2:3 3:16 4:8 6:16 georgethomson 2:6 grant 6:9 granting 7:2 6:7,24 7:1,9,13 Legal 2:4 let's 3:3,12 line 4:2 little 4:17 petitions 4:1 pleadings 5:22 Please 4:22 pleased 4:9 point 5:15 6:10 7:3 prehearing 1:11					P
beginning 3:13 believe 4:15 5:4 best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 Continu 2:4 Covid-19 3:11					
best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 C C C 2:1 8:1,1 C C C 2:1 8:1,1 C C C 2:1 8:1,1 C C D/B/A 1:4 DATE 1:24 day 8:12 day 8:25 6:17,21 7:3 DBA 3:5 decided 5:3 delve 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 Department 2:4 details 5:20 discovery 4:5 7 11	beginning 3:13	COVID-19 3:11	_		,
best 8:10 bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 Continu 3:44 D/B/A 1:4 DATE 1:24 day 8:12 days 5:25 6:17,21 7:3 DBA 3:5 decided 5:3 delve 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 discovery 4:5 7 11 D/B/A 1:4 DATE 1:24 grant 6:9 sit 4:12 2:8 3:3,7 3:18,21 4:13,21 6:7,24 7:1,9,13 Legal 2:4 let's 3:3,12 line 4:2 little 4:17 LLC 1:4 3:5 long 6:13 Parties 4:6,9 5:2,4 5:7,9 7:4 parties 4:6,9 5:2,4 parties 4:6,9 5:2,4 parties 4:6,9 5:2,4 parties 4:6,9 5:2,4 sine 4:17 period 6:13 prespective 5:17 petitions 4:1 pleadings 5:22 Please 4:22 pleased 4:9 point 5:15 6:10 7:3 prehearing 1:11				L	_
bit 4:17 Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 DBA 3:5 decided 5:3 H business 3:25 4:5 Department 2:4 hand 8:11 C 2:1 8:1,1 Department 2:4 details 5:20 hearing 3:23 7:16 little 4:17 LLC 1:4 3:5 Please 4:22 Please 4:22 pleased 4:9 M M M M M prehearing 1:11			0 0	Lake 2:9	_
Black 2:9 Boulevard 2:9 boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 Continu 2:4 Continu 3:18,21 4:13,21 Continu 7:2 Continu 3:18,21 4:13,21 Continu 7:2 Continu 7:3 Continu 7:2 Continu 7:3 Continu 7:2 Continu 7:3 Continu 7:2 Continu 7:3 Continu 7:2 Continu 7:3 Continu 7:2 Continu 7:3 Continu 7:2 Continu 7:3 Co				Law 1:12 2:8 3:3,7	_
boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 Continu 2:4 discovery 4:5 7:11 Continu 2:4 continu 2:9 boundaries 6:3 days 5:25 6:17,21 7:3 DBA 3:5 decided 5:3 delve 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7:11 Continu 2:4 Continu 3:4 Continu 3:4 Continu 3:4 Continu 4:2 Continu 4:1 Continu 4:2 Continu 4:2 Continu 4:2 Continu 4:1 Continu 4:2 Continu 4:1 Continu 4:2 Continu 4:1 Continu 4:2 Continu 4:1 Continu 4:1 Continu 4:2 Continu 4:1 Continu 4:1 Continu 4:1 Continu 4:1 Continu 4:1 C			O		<i>'</i>
boundaries 6:3 boundary 4:24 built 4:25 business 3:25 4:5 7:14 Continu 2:4 discovery 4:5 7 11 days 5:25 6:17,21 7:3 DBA 3:5 decided 5:3 delve 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 days 5:25 6:17,21 7:3 DBA 3:5 decided 5:3 delve 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 discovery 4:5 7 11		v			_
boundary 4:24 built 4:25 business 3:25 4:5 7:14 Continu 2:4 discovery 4:5 7:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7:11 Department 2:4 details 5:20 discovery 4:5 7:11 Department 2:4 details 5:20 discovery 4:5 7:11		,	o v	Legal 2:4	_
built 4:25 business 3:25 4:5 7:14 Continu 2:4 decided 5:3 delve 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7:11 Department 2:4 details 5:20 discovery 4:5 7:11	· ·			let's 3:3,12	
business 3:25 4:5 7:14 delve 4:11 Department 2:4 hand 8:11 happens 7:5 LLC 1:4 3:5 long 6:13 pleadings 5:22 Please 4:22 pleased 4:9 point 5:15 6:10 7:3 prehearing 1:11			H		
7:14 Continue 2:4 delive 4:11 Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 Department 2:4 details 5:20 hearing 3:23 7:16 8:9 help 4:18 Department 2:4 happens 7:5 hearing 3:23 7:16 Bigging 6:13 M prehearing 1:11			hand 8:11	little 4:17	
Department 2:4 details 5:20 discover 4:18 discovery 4:5 7 11 d	7:14		happens 7:5	LLC 1:4 3:5	
C2:1 8:1,1 discover 4:18 discovery 4:5 7 11 discove		_		long 6:13	
Conting 2.4 discovery 4.5 7.11 help 4:18 m prehearing 1:11			O		-
Caption 5:4 discovery 4.3,7,11 hereunto 8:11 making 3:13			help 4:18		_
	Capuon 5:4	uiscovery 4.3,/,11	hereunto 8:11	making 3:13	
·				I	

Page 10

			rage 10
2.10 12 24	send 6:11	1:2	10th 8:12
3:10,12,24			
preside 3:8	service 5:1,6,7 6:3	true 4:14 8:9	13 1:24 3:1 8:9
presume 4:3	6:4	U	1800 2:4
principle 4:10,18	serving 5:7	understand 6:18	2
proceed 3:23 4:22	set 8:11	undertake 6:14	2018 1:25 8:16
proceeding 3:9	settle 4:10 5:5	UT-200751 1:5 3:4	2016 1.23 8.10 2020 1:24 3:1 8:9
5:25	settlement 6:20	UTILITIES 1:2	
progress 6:19	simply 5:18	UTILITIES 1:2	8:12
proposal 6:8	sir 7:11	V	2112 2:9
protective 4:14,19	situation 4:19	versus 3:5	3
public 5:4	skill 8:10	versus 5.5 videoconference	360.956.7001 2:10
put 5:18	solution 5:17	7:16 8:8	300.930.7001 2.10
	sounds 6:8 7:1		4
Q	staff 5:5	virtual 1:11 2:2,7	41st 2:4
R	State 8:3,7	virtually 3:10	425,261.5844 2:5
	status 7:4	vs 1:7	743.401.3077 4.3
R 2:1 8:1	Street 2:4	W	5
reached 4:10	subsequently 6:2		
reasonable 6:8,14	sufficient 6:17	want 4:6 5:15	6
7:2	suggest 6:17	Washington 1:1	
received 4:1	Suite 2:4	2:5,9 8:3,7	7
recognize 5:6 6:3	sure 4:11 6:10	way 5:9	
record 3:4	sW 2:9	we'll 7:5	8
redraw 6:1	swapping 5:6	weeks 5:3	
regarding 6:19		WHEREOF 8:11	9
report 6:18 7:4	T	wishing 3:22	90 5:25 6:17,21 7:3
REPORTED 1:25	T 8:1,1	withdraw 5:10,22	98203 2:5
Reporter 8:6	take 7:10	WITNESS 8:11	98502 2:9
represent 3:16	TAKEN 1:24	work 5:19	
request 5:22 6:6,9	Telephone 1:8 3:6	worked 5:20	
requests 4:3	3:20	written 4:1	
Respondent 1:9 2:7	territory 5:1,6,8		
Richard 2:8,8	6:3,4	X	
Rick 3:19	Thank 3:15 7:7,8		
rickfinn@localac	7:14	Y	
2:10			
right 4:13,21 6:7	things 5:19	$\frac{\mathbf{Z}}{\mathbf{Z}^{\prime}}$	
6:24 7:13	think 4:9 5:17 6:13	Ziply 1:4 2:3 3:5,14	
RPR 1:25 8:16	Thomson 2:3 3:15	3:16 4:25 5:24	
rules 4:7	3:16 4:8,8,15,23	7:11	
1 ules 4. /	5:21,23 6:16,16	Ziply's 5:11	
S	7:6,11		
$\frac{S}{S}$ 2:1	time 6:13	0	
seal 8:12	today 3:9 4:12 5:18	1	
Second 4:5	7:14	1 2422	
see 4:2 5:19 7:5	transcript 8:8	1:343:2	
see 4.2 3.19 7.3	TRANSPORTA	1:40 7:16	