

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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1 OCTOBER 13, 2020
2 1:34 P.M.
3 ADMINISTRATIVE LAW JUDGE: Let's be on the
4 record in Docket UT-200751. Caption: Frontier
5 Communications Northwest, LLC, DBA Ziplly Fiber versus
6 Kalama Telephone Company.
7 I am Administrative Law Judge Gregory J. Kopta
8 who has been assigned by the Commission to preside in
9 this proceeding. And we are here today to have a
10 prehearing conference which we are conducting virtually
11 as we have been since the COVID-19 pandemic began.
12 So let's begin this prehearing conference with
13 making appearances, beginning with the attorney from
14 Ziplly Fiber.
15 MR. THOMSON: Thank you, Your Honor.
16 This is George Thomson. I represent Ziplly
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?
23 Hearing none, we will proceed with the
24 prehearing conference.
25 First order of business is whether there are any

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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

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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 Zipl'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 Zipl, as the complainant, move for a
 25 continuance of 90 days of this proceeding to allow both


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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.

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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 Zipl, 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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1 C E R T I F I C A T E
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF KITSAP
 5
 6 I, Carisa Kitselman, a Certified Court Reporter
 7 in and for the State of Washington, do hereby certify
 8 that the foregoing transcript of the videoconference
 9 hearing on OCTOBER 13, 2020, is true and accurate to the
 10 best of my knowledge, skill and ability.
 11 IN WITNESS WHEREOF, I have hereunto set my hand
 12 and seal this 10th day of November, 2020.
 13
 14
 15 
 16 CARISA KITSELMAN, RPR, CCR #2018
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