

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC.)	
)	
Complainant,)	Docket No. UT-020406
)	
v.)	AT&T RESPONSE TO PUBLIC COUNSEL’S MOTION TO STRIKE TESTIMONY AND IN LIMINE TO LIMIT HEARINGS
)	
VERIZON NORTHWEST INC.,)	
)	
Respondent.)	

AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) hereby responds to the motion of the Public Counsel Section of the Washington State Attorney General’s Office (“Public Counsel”) to strike portions of the testimony of Verizon Northwest Inc. (“Verizon”) and to limit the evidentiary hearings (“Public Counsel Motion”). To the extent that the limitation Public Counsel requests does not preclude AT&T from obtaining its requested relief in this proceeding, AT&T supports the Public Counsel Motion.

AT&T has raised two issues in its complaint and testimony in this proceeding: (1) whether Verizon’s intrastate switched access charges are excessive, negatively impact Washington toll markets and thus are not fair, just, and reasonable; and (2) whether Verizon prices its intrastate toll services at levels that do not exceed an appropriately calculated cost floor. Verizon, however, has sought to interject the issue of the need to rebalance its retail rates if the Commission reduces Verizon’s switched access charges as AT&T has requested. Rate rebalancing is far beyond the scope of these proceedings. As the Public Counsel Motion explains, Verizon has the ability and the obligation to file a rate case if Verizon believes that any

reduction in its switched access charges would preclude Verizon from generating sufficient revenues from its intrastate operations to earn its authorized rate of return. Indeed, Verizon could have made such a filing in response to AT&T's complaint. Having chosen not to do so, Verizon is not entitled to present such testimony in this proceeding – particularly when that testimony addresses only those services for which Verizon seeks an offsetting rate increase.

The Public Counsel Motion properly requests that the Commission strike testimony on Verizon services other than Verizon's switched access and toll services and limit the evidentiary hearings accordingly. Neither Public Counsel nor AT&T interprets such a limitation to preclude the Commission from reducing Verizon's switched access charges as a remedy in this proceeding. To the extent that the Commission agrees, therefore, AT&T supports the Public Counsel Motion.

DATED this 13th day of February, 2003.

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