

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3	WASHINGTON UTILITIES AND)	
	TRANSPORTATION COMMISSION,)	DOCKET NO. UT-950200
4)	
	Complainant,)	VOLUME 12
5)	
	vs.)	Pages 840 - 854
6)	
	U S WEST COMMUNICATIONS, INC.,)	
7)	
	Respondent.)	
8	-----)	

9 A hearing in the above matter was held at
10 9:30 a.m. on December 29, 1995, at 1300 South
11 Evergreen Park Drive Southwest, Olympia, Washington
12 before Administrative Law Judges C. ROBERT WALLIS and
13 TERRENCE STAPLETON.

14
15 The parties were present as follows:

16 U S WEST COMMUNICATIONS, by EDWARD SHAW,
17 Attorney at Law, 1600 Bell Plaza, Seattle, Washington
18 98191.

19 WASHINGTON UTILITIES AND TRANSPORTATION
20 COMMISSION STAFF, by STEVEN W. SMITH and GREGORY
21 TRAUTMAN, Assistant Attorneys General, 1400 South
22 Evergreen Park Drive Southwest, Olympia, Washington
23 98504.

24 FOR THE PUBLIC, DONALD TROTTER, Assistant
25 Attorney General, 900 Fourth Avenue, Suite 2000,
Seattle, Washington 98164.

AT&T, by DANIEL WAGGONER, Attorney at Law,
1501 Fourth Avenue, Suite 2600, Seattle, Washington
98101.

Cheryl Macdonald, Court Reporter

1 APPEARANCES (CONT.)

2 WITA, by RICHARD A. FINNIGAN, Attorney at
3 Law, 1201 Pacific Avenue, Suite 1900, Tacoma,
4 Washington 98402.

5 TRACER, by ARTHUR A. BUTLER, Attorney at
6 Law, 601 Union Street, Suite 5450, Seattle, Washington
7 98101-2327.

8 INTEL CORPORATION, by DHUV KHANNA,
9 Attorney at Law, HF3-03, 5200 NE Elam Young Parkway,
10 Hillsboro, Oregon 97124.

11 MCI, by CLYDE MACIVER, Attorney at Law,
12 4400 Two Union Square, 601 Union Street, Seattle,
13 Washington.

14 DEPARTMENT OF DEFENSE/FEDERAL EXECUTIVE
15 AGENCIES, by SHERYL A. BUTLER, Trial Attorney, 901 N
16 Stuart Street, Suite 713, Arlington, Virginia 22203.

17 SPRINT, by LESLA LEHTONEN, Attorney at Law,
18 1850 Gateway Drive, 7th Floor, San Mateo, California
19 94404-2467.

20 DEPARTMENT OF INFORMATION SERVICES, by
21 ROSELYN MARCUS, Assistant Attorney General, 1125
22 Washington Street Southeast, PO Box 40100, Olympia,
23 Washington 98504.

24 NORTHWEST PAYPHONE ASSOCIATION and METRONET
25 SERVICES CORPORATION, by BROOKS E. HARLOW, Attorney at
Law, 601 Union Street, Suite 4400, Seattle, Washington
98101-2352.

ENHANCED TELEMAGEMENT, INC., by SARA
SIEGLER MILLER, Attorney at Law, 2000 NE 42nd Street,
Portland, Oregon 97213.

GTE NORTHWEST, INC., by STEVE SANCHEZ,
Attorney at Law, 1800 41st Street, Everett, Washington
98201.

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

JUDGE WALLIS: Let us be on the record,
2 please, for a pre-hearing conference in the matter of
docket No. UT-950200. My name is Bob Wallis, and with
3 me this morning is Terry Stapleton. We are designated
by the Commission as administrative law judges for
4 purposes of this proceeding. I would like to ask for
appearances at this time beginning with the company.

5 MR. SHAW: Ed Shaw for U S WEST
Communications.

6 JUDGE WALLIS: Commission staff.

MR. SMITH: Steven W. --

7 FROM THE BRIDGE: Hello?

JUDGE WALLIS: Commission staff.

8 FROM THE BRIDGE: Hello, can you hear me?

JUDGE WALLIS: Yes, we can. We would
9 appreciate it if you would hold your comment until
later, please.

10 MR. SMITH: Steven Smith and Gregory
Trautman, assistant attorneys general for the staff.

11 MR. TROTTER: Donald Trotter, assistant
attorney general, public counsel section.

12 JUDGE WALLIS: Intervenors.

MR. MACIVER: Clyde MacIver, MCI
13 Telecommunications Corporation.

MR. KHANNA: Drew Khanna, Intel

14 Corporation.

JUDGE WALLIS: And you are a petitioner for
15 intervention at this point; is that correct?

MR. KHANNA: That's correct.

16 MR. KOPTA: Gregory Kopta, Davis Wright
Tremaine for intervenor AT&T.

17 MR. FINNIGAN: Rick Finnigan for the
Washington Independent Telephone Association.

18 MS. MARCUS: Roselyn Marcus, assistant
attorney general for the Department of Information
19 Services.

JUDGE WALLIS: What is your last name
20 again, please.

MS. MARCUS: Marcus.

21 JUDGE WALLIS: And now persons on our
bridge line beginning with Mr. Butler. Is Mr. Butler
22 present? Mr. Harlow.

MR. HARLOW: Yes, Your Honor. Brooks
23 Harlow for intervenors Northwest Payphone Association
and Metronet Service Corporation.

24 JUDGE WALLIS: Ms. Miller.

MS. MILLER: Sara Siegler Miller for ETI.

25 JUDGE WALLIS: Mr. Sanchez.

MR. SANCHEZ: Steve Sanchez for GTE

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1 Northwest.

JUDGE WALLIS: Ms. Butler? Is Ms. Butler

2 present?

MS. BUTLER: Ms. Butler for the Department

3 of Defense.

JUDGE WALLIS: Ms. Proctor? Is Ms. Proctor

4 present? Mr. Staley? Mr. Staley present? Ms.

Lehtonen?

5 MS. LEHTONEN: Yes. This is Lesla Lehtonen

for Sprint Communications Company.

6 JUDGE WALLIS: For whom?

MS. LEHTONEN: Sprint Communications

7 Company.

JUDGE WALLIS: Thank you. And again

8 Mr. Butler.

MR. BUTLER: Art Butler for TRACER.

9 JUDGE WALLIS: Ms. Proctor? Mr. Staley?

MS. LEHTONEN: Mr. Staley is apparently not

10 on. He was going to join me. This is Lesla Lehtonen.

JUDGE WALLIS: Very well. On our agenda

11 this morning first off will be the announcement of

Commission rulings on motions that are pending. We do

12 have a motion that was filed this morning for limited

continuance and intervention. We have the matter of

13 exhibits and witness scheduling to discuss and we will

do that. I note that another person has come on to

14 the bridge line. Would you introduce yourself and the
name of your client, please.

15 It appears that the sound was deceiving and
there is no new participant. As to the motions, the
16 Commission staff moved to exclude certain matters
related to depreciation and that motion will be
17 granted. U S WEST has moved to exclude consideration
of Yellow Page revenue. That motion will be denied.
18 And to exclude certain evidence from the Northwest
Payphone Association and that motion will be denied.
19 U S WEST has also moved to exclude Ms. Toomey's
testimony. That motion will be granted, and there is
20 a motion pending relating to a response to data
request or exclusion of certain evidence relating to
21 AT&T. Let me ask Mr. Shaw if that matter has been
resolved.

22 MR. SHAW: No, Your Honor. We have
received no responses.

23 JUDGE WALLIS: Then the motion will be
granted.

24 Now, as to the exhibits and witness
scheduling, what I am proposing to do -- well, let me
25 back up here. I see Mr. Khanna, and the Commission
has received a motion for limited intervention and

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1 continuance. I have discussed that with Mr. Stapleton
this morning and that of course is not -- is a matter
2 that the commissioners will want to participate in a
decision. They are unavailable today, and it's also a
3 matter, I believe, on which the commissioners will
want to receive comments from other parties, and at
4 this late date it's not fair, I believe, to ask
parties to respond this morning. So let me ask you if
5 it would be possible for parties who wish to comment
on the motion for intervention to present a brief
6 response in writing on Monday the 8th. Would that be
impossible or inconvenient for -- well, let me say
7 impossible for any of the parties?

I hear no indication that it would. I
8 would intend that to the extent the Commission wishes
to hear oral argument, and we will advise the parties
9 on Monday the 8th, that we set aside some time at 8:00
on Tuesday morning the 9th and we will at least hold
10 that time in the event oral argument is desired, and
that will afford the Commission then the opportunity
11 to ask questions if they believe it's necessary, and
gather any information they believe would be desirable
12 to make an advised decision.

I have not read your motion, Mr. Khanna,
13 and I am wondering if you could just at this point
summarize what you're asking for so that the parties

14 have a feeling for basically what it is you're asking.

MR. KHANNA: Certainly, Your Honor.

15 Appreciate this opportunity to address Your Honors on
this subject that is of considerable importance
16 certainly to my client and we suspect for the PC
industry at large and very much also to other
17 residents and the online community in the state of
Washington. In a nutshell our argument is very
18 straightforward. There's a proposal that's scheduled
to be considered by this Commission commencing on
19 January 8, the hearings on a very substantial rate
increase for ISDN service that's been proposed by U S
20 WEST, and we looked at the relevant rules. We
certainly had no advance notice of it.

21 I personally began digging into this issue
on December 11th and remain in that stage of
22 discovery. I did have a conversation with Mr. Shaw as
early as December 1st, and he forwarded to me the
23 public notices that have in fact been provided. I
have attached those to my motion, and it's fairly
24 straightforward. Again, the notices that were
provided to the public refer to the general rate
25 increase that's before this Commission at this time.
It doesn't, however, have any reference to the ISDN

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1 rate proposals which were initially put forth by U S
WEST on June 1st of this year, and then revised on
2 October 3rd, and ultimately what it amounts to is a
roughly 300 percent rate increase for the straight
3 rate ISDN charge from \$63 a month to \$184 a month.

As I said, my client at this point hasn't
4 had sufficient time to get involved in this proceeding
to submit responsive testimony and so forth. That's
5 really a simple question of lack of notice. We -- I
am aware that some of the E-mail community, they've
6 posted some E-mail two days ago and in the last 48
hours or so I have received about 30 responses from
7 Washington state residents expressing concern about
this. So I have no doubt in my own mind, and my
8 client has no doubt, that this issue is of significant
importance to the infrastructure of this state, and to
9 the PC industry in general, and we therefore have
requested a continuance on that basis.

10 JUDGE WALLIS: And are you requesting a
continuance of the entire proceeding?

11 MR. KHANNA: That's not correct, Your
Honor. Just with respect to the ISDN rates.

12 JUDGE WALLIS: What do you hope to
accomplish by gaining the continuance?

13 MR. KHANNA: We would like to basically
explore with the other members of the PC industry and

14 online community and online service providers, a
very, very growing -- an industry that's growing,
15 very, very fast, an industry that has not historically
participated in the telecommunications debate but now
16 finds itself radically and greatly influenced and
affected. Its entire growth really depends on the
17 telecommunications network, so on that basis we
certainly believe that this matter should be continued
18 and proper notice be provided so that the Commission
can have the benefit of the viewpoints of all of these
19 parties.

I would expect that we would participate
20 fully either as a company or more likely as an
industry group, provide our testimony and set forth a
21 reason why we think ISDN should be provided reasonably
and provide our substantive views on that.

22 JUDGE WALLIS: Judge Stapleton has called
to my attention a portion of your petition in which
23 you say that you as an alternative would like the
Commission to investigate and review the proposed
24 rates in a separate docket. Would that satisfy your
interests?

25 MR. KHANNA: It absolutely would, Your
Honor. Just as long as the U S WEST complies with the

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1 rules, which is to provide the public notice, and I am
sure we would have an adequate -- if we get an
2 adequate notice, an opportunity to hear, we would be
delighted to participate and exercise our due process
3 rights.

JUDGE WALLIS: Do you perceive that any of
4 the present participants in this proceeding, those
that have been granted party status have interests
5 that are aligned with yours?

MR. KHANNA: I have reviewed some of the
6 testimony that have been submitted by AT&T and TRACER,
for example, as well as PUC staff, the Washington
7 Commission staff. I find that some of it is certainly
-- we support some of those concepts but we in many
8 respects find that it doesn't go far enough, and we
believe that the point needs to be made far more
9 strongly. There's a great deal more at stake than has
currently been presented by those parties, and with
10 all due respect we certainly to some extent would be
supportive of that testimony but we really want to
11 hit, I think, this issue and give it the kind of
public -- give it the kind of public importance and
12 visibility at this Commission -- provide our
viewpoints -- that it really deserves and we think it
13 is of critical importance to the state.

JUDGE WALLIS: Would it satisfy your

14 interests to work with those parties in this
proceeding?

15 MR. KHANNA: No, Your Honor, it would not.
We obviously explored that at the outset when I
16 dug into this. We find that the PC industry really
and the online community as well as the online service
17 providers really have a different perspective on, for
example, PC today is no longer a PC. It's really two
18 PCs connected by the PSTN. We -- really our sales
of our products, our sales of hardware and software
19 depend on this in a way that ordinary customers -- we
really have a different perspective and different
20 interest in this proceeding.

JUDGE WALLIS: We're getting a lot of
21 acronyms in there, and I would like the record to be
clear when you talk about PC and those other letters
22 that you string out for us. Could you define those
for us.

23 MR. KHANNA: Certainly. PC refers to
personal computer, literally. I think more than one
24 third of the homes in the U S and Washington state
have those.

25 JUDGE WALLIS: In the interests of time if
you could just --

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1 MR. KHANNA: P S T N referred to the public
switched telephone network, the public switched
2 telephone network, the P S T N. I'm not sure I
mentioned any other acronyms.

3 JUDGE WALLIS: Okay. Because of the timing
of this motion, I am not going to ask for any
4 responses from persons who are present physically or
electronically today, but as I've indicated the
5 Commission will receive responses until next Monday,
and I'm going to ask that those be filed no later than
6 8:30 on Monday morning, any person who desires to
respond to the motion.

7 MR. SHAW: Monday the 8th, is that correct?

JUDGE WALLIS: Yes, that's correct.

8 MR. KHANNA: Thank you very much, Your
Honor.

9 JUDGE WALLIS: All right. Let's move on to
the matter of exhibits.

10 MR. KOPTA: Your Honor, if I may interrupt
for just a moment.

11 JUDGE WALLIS: Mr. Kopta.

 MR. KOPTA: Just a clarification on the
12 rulings on the motions. Is that a ruling by the
Commission itself?

13 JUDGE WALLIS: Yes, it is. It is a ruling
by the commissioners and it will be memorialized in an

14 order that will be entered early on this week.

Because of the timing of this pre-hearing conference
15 and the matters that are the subject of those motions
we discussed this with the commissioners and they
16 indicated that they wanted their decisions announced
this morning so that parties could prepare accordingly
17 in the proceeding.

MR. KOPTA: Thank you, Your Honor.

18 JUDGE WALLIS: Anything further before we
begin? Okay. I am proposing today that we all walk
19 through the list of exhibits that have been prefiled,
and discuss each witness and each exhibit for each
20 party and determine that we have a full list, that
we're playing with a full deck, and that we have an
21 idea of how things are going to play out during the
hearing. I'm going to suggest that the Commission can
22 prepare a list of exhibits and make a copy available
to each of the parties, so we did this at the service
23 quality session and that appeared to work out
satisfactorily, at least from my perspective. Is that
24 not acceptable to any of the participants?

Let the record show that there is no
25 response and it does appear to be acceptable. I'm
going to suggest in terms of identifying exhibits for

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1 the record that we do that at a pre-hearing conference
on the day of the hearing or as close to the
2 appearance of the respective witnesses as possible,
and then we will ask the reporter to snip that and
3 insert it in the record at the time the witness
appears to the extent that the documents have not been
4 previously identified with a number. Does everyone
understand that and is that acceptable to everyone?

5 MR. TROTTER: I guess I didn't understand.
I thought you were going to prenumber all of the
6 prefiled testimony and exhibits.

JUDGE WALLIS: I'm going to get to that but
7 I do expect, for example, that parties will have
exhibits on cross-examination, and we will ask that
8 all of those exhibits be distributed on the morning of
the session when the witness is expected to appear.
9 Any document that does not have a number I would
propose we assign a number at the pre-hearing
10 conference before the hearing itself begins, and then
to save time during the hearing I'd ask the reporter
11 to snip into the record, insert into the record at
that point, the identification of the documents.

12 MR. MACIVER: That will be numbered, then,
Your Honor, as the witness takes the stand or as
13 they're used?

JUDGE WALLIS: That brings me to my next

14 question, which is whether it would be acceptable to
the parties not to number exhibits at this point or
15 prior to the start of the hearing but to assign those
numbers consecutively as the hearing proceeds. I
16 would like to ask if any of the parties other than the
service quality exhibits which have already been
17 marked, numbered and some admitted, have the parties
used the pre-hearing designations of the company's
18 prefiled evidence in preparing any of their exhibits?

MR. TROTTER: Yes.

19 JUDGE WALLIS: Would it inconvenience any
of the parties to take up the remaining exhibits and
20 assign numbers as they are introduced?

MS. LEHTONEN: No.

21 MR. TROTTER: Your Honor, it just occurred
to me that having them numbered beforehand will save
22 an incredible amount of time and transcript
pagination, but that's my only comment. If we want to
23 do it at the day of the hearing that that witness
appears, it's fine too. It does seem to me with --
24 I'm up to about 12 or 13 four-inch binders and I've
categorized my files by subject matter, not
25 necessarily chronological order. It might make it
much easier to have them prenumbered this week, say,

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1 or early next week, in advance of the 8th but that's
just my personal perspective. I will go along with
2 the consensus.

JUDGE WALLIS: Does anyone else have
3 comment?

MR. SHAW: I want to make sure I understand
4 your proposal. That we would have a mini pre-hearing
conference on each day of the hearing and get an
5 indication from the parties of what witnesses were
expected to be called that day and then prenumber
6 those exhibits for that day.

JUDGE WALLIS: We will prepare a list and
7 the prefiled exhibits will all be on that list and
numbering them will merely mean writing a number on
8 the blank on the form. As to any exhibits on
cross-examination, we would take those and identify
9 them and then number them. I'm trying to -- because
of the volume of exhibits I'm trying to rationalize
10 the numbering system into something that would help me
in my review of the record and organization of the
11 documents, and I understand, as Mr. Trotter says, that
there are other ways to organize this that may well be
12 equally satisfying and helpful to the parties. Any
other comments? Mr. Smith.

13 MR. SMITH: Well, the staff has one
witness, Betty Erdahl, who has a number of exhibits

14 that have been revised now twice and the ultimate
revision is the only one we need marked and I can get
15 that to you separately and CC all the parties.
Because the earlier ones can be jettisoned. I
16 wouldn't want to fill this record with more paper
still if it's not necessary.

17 JUDGE WALLIS: Very well, and we can
discuss that as we go through the witnesses and
18 exhibits today. So will that process work for
parties? Mr. Trotter?

19 MR. TROTTER: That's fine.

MR. HARLOW: Your Honor, excuse me, but
20 bridge participants can't hear people that don't speak
directly into the microphone.

21 MR. TROTTER: "That's fine."

JUDGE WALLIS: Thank you for that reminder.
22 Another matter relates to numbering of bench requests,
and I would propose that we take that up on the 8th as
23 to those bench requests that have been submitted.
Let's proceed, then -- and I'm going to propose the
24 following, that we begin with the company's case and
witnesses. We move to staff, then to public counsel,
25 and then we determine whether the remaining parties
have scheduling requirements that would dictate the

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1 order of appearances or there's some other order that
would appear logical or appropriate. Beginning with
2 you, Mr. Shaw, your direct case has already been
numbered, but I would like to go through the witnesses
3 and get a summary of additional exhibits that would be
submitted through each of the witnesses, rebuttal,
4 supplemental, surrebuttal and so on, documents.

I would also like you to indicate, perhaps at the
5 outset, whether any of your witnesses have scheduling
requirements.

6 MR. SHAW: Thank you. I will address that
first. We have an overlap of hearings in another
7 state where some of my witnesses will not be available
the first three to four days. Hopefully that's not
8 going to be a problem. The company would intend to
put its case on in the following general order. That
9 we would take up the network and service quality
witnesses that the Commission has indicated its desire
10 to have first, and then we would go into the revenue
requirement witnesses, and then the cost witnesses and
11 then the rate spread witnesses as general categories.
The conflict that the company has with its inhouse
12 witnesses that are in another state are largely the
rate spread witnesses and some of the cost witnesses.
13 Not having a very good feel as of yet exactly how fast
we're going to go, we think that we can make that

14 work. Some of the outside consultants have some
preferences because of conflicts. In light of rulings
15 on the motions some of those may have been made moot.
I think that we'll be able to put our case on, in
16 order, as I indicated, without any break of the first
week.

17 I've just been reminded that one of our
outside consultants, Dr. Porter, will only be
18 available the 8th through the 10th so we will need to
work him in in the first part of the week.

19 JUDGE WALLIS: Which witness is that?

MR. SHAW: Dr. Porter.

20 JUDGE WALLIS: So you would begin with Mr.
Okamoto. Is this basically the order in which your
21 exhibits are presently numbered?

MR. SHAW: I'm not sure I can answer that.
22 Mr. Okamoto has two pieces of testimony, for example,
the direct and he is first in line and it's numbered
23 first, and then he has some service quality testimony
that the Commission had requested, and then we'll have
24 oral direct by three additional witnesses, as you are
aware.

25 JUDGE WALLIS: Yes.

MR. SHAW: As the first order of business.

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1 JUDGE WALLIS: And has Mr. Okamoto's
service quality testimony previously been marked as an
2 exhibit?

MR. SHAW: I believe that was admitted
3 already.

JUDGE WALLIS: And then you have Mr.
4 Wright as your second witness.

MR. SHAW: Yes. Ms. Wright, Margaret
5 Wright, and then she is the main revenue requirements
witness, and she would probably be our first witness
6 after the initial panel, and see what she has that's
still marked. She has rebuttal testimony and ten
7 exhibits supporting that rebuttal testimony.

JUDGE WALLIS: Thank you. Cummings.

8 MR. SHAW: Cummings has rebuttal testimony
that is yet unmarked. I believe 16 supporting
9 exhibits to that rebuttal testimony.

MR. SMITH: Your Honor, and Mr. Shaw, is
10 Mr. Cummings to follow Ms. Wright?

MR. SHAW: He would be right in there, I
11 presume. That's kind of self-contained, Your Honor,
rate of return, and I would intend to put him in there
12 with the revenue requirements witnesses. He doesn't
necessarily have to be second.

13 JUDGE WALLIS: Is there a preference from
other parties?

14 MR. SMITH: No.

JUDGE WALLIS: What I'm going to propose is
15 that we go down in the order in which your exhibits
previously have been numbered and follow that unless
16 you desire to change that order.

MR. TROTTER: The only problem with that,
17 Mr. Shaw said he wanted to do revenue requirement
first and there's several rebuttal witnesses that
18 don't appear in the direct case that are revenue
requirements related and if they go last then he will
19 be putting his witnesses out of the order he's
desired. I just wanted to note that. He can do what
20 he wants.

MR. SHAW: Yes, thank you. Company would
21 intend and would request that we be able to group our
witnesses by subject matter.

JUDGE WALLIS: Yes, indeed. That would, I
22 believe, be preferable. So, is there any rebuttal
23 witness related to Mr. Okamoto's or Mr. Wright's or
Mr. Cummings's presentations?

MR. SHAW: We have -- relative to revenue
24 requirements we have Julia Dawson, Mr. Haack, Judith
25 Hand, Paul Gobat and Ann Koehler-Christensen.

JUDGE WALLIS: And where would you like

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1 those?

MR. SHAW: They could be in order after Ms.

2 Wright.

MR. TROTTER: Would Barrington and McDonald

3 be included in that group?

MR. SHAW: Yes, thank you for reminding me.

4 MR. TROTTER: There might have been one or
two others. Perhaps not.

5 MR. SHAW: Peter Copeland has two pieces of
testimony that is yet unmarked and one of them deals
6 with revenue requirements and another deals with
costs.

7 JUDGE WALLIS: Could you identify which
those are?

8 MR. SHAW: Peter Copeland, rebuttal
testimony, PBC-T is dealing with revenue requirements.
9 And then just in this last round -- it's somewhat
confusing since we've had additional rounds. In this
10 very last round dealing with cost he's filed an
additional piece of testimony together with an
11 exhibit.

JUDGE WALLIS: That I believe is designated
12 supplemental.

MR. SHAW: Yes, I think so.

13 JUDGE WALLIS: I have Mr. Okamoto as the
first witness, Ms. Wright as the second and then

14 Dawson third; Haack four; Hand, five; Gobat, six;
Christensen seven; McDonald eight; and Copeland
15 rebuttal as nine. Is that complete?

MR. SHAW: There's a Margaret Barrington.
16 I don't remember whether I mentioned that earlier.

MR. MACIVER: Came right after Christensen.

17 JUDGE WALLIS: I'm going to suggest that we
can probably accomplish this satisfactorily off the
18 record and then make a recitation at the appropriate
time so I'm going to give our reporter a rest and go
19 off the record.

(Recess.)

20 JUDGE WALLIS: Let's be back on the record,
please. Following a scheduling discussion, we have
21 determined that we will begin on Monday the 8th with a
pre-hearing conference beginning no later than 8:15
22 for last minute details. We will then take up the
company's witnesses relating to service quality. The
23 individuals that they have indicated would be
available for examination on questions that Mr.
24 Okamoto was not able to respond fully to, and that
will begin at 9:00. Tentatively we will then take up
25 the Commission staff service quality case, although we
will be engaging in further discussions as to whether

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1 the evidence from those witnesses will be taken up at
that time or later in the proceeding, during the
2 staff's main case. Then, according to my notes, we
will have Dr. Porter -- and Mr. Shaw, is that
3 preceding Mr. Okamoto?

MR. SHAW: That could follow Mr. Okamoto.

4 JUDGE WALLIS: Start off with Mr. Okamoto
and then Dr. Porter. And then we will proceed in the
5 following order with the company presentation subject
to other scheduling arrangements that we will
6 identify. And that would be in the following order:
Witnesses Wright; Dawson; Haack; Hand; Gobat;
7 Christensen; Barrington; McDonald; Copeland rebuttal;
Cummings; Farrow; Copeland supplemental; Emmerson;
8 Lanksbury; Purkey with the qualification that we are
committed to taking Purkey during the first week;
9 Scott; Jensen; Rees; Owen; and Wilcox. Witness
Emmerson will be taken on the 11th or 12th and the
10 company will be discussing with Commission staff a
possible offer of proof regarding witnesses Easton and
11 Vanston and if their presence is required then that
would be on the 10th. Do I have that correct?

12 We will then move to the staff case and
witnesses Spinks, Kruse whose exhibits will be adopted
13 by witnesses Griffith and Strain; Zawislak; Erdahl;
Hua; Beaton; Twitchell; Kouchi; Folsom and Dutton. In

14 addition witnesses Lundquist and Selwyn will be taken
on the 15th.

15 In addition, at least tentatively we are
planning the witnesses Spinks, Beaton and Dutton would
16 appear on Monday the 8th regarding quality of service.
We will be attempting to work public counsel witnesses
17 in on the 15th and 16th. We are committed to taking
Mr. Hill on the 15th if humanly possible. In
18 addition, there will be witnesses Brosch, Carver, and
Dunkel and witness Emry who is available throughout
19 that week.

We will then move on to AT&T witness Mayo,
20 we will take on the 15th and then witnesses Mercer
Kargoll and Parker. The Sprint witnesses are
21 unavailable on the 18th and 19th TRACER's witnesses
accept is unavailable on the 18th and 19th. Witness
22 Murray will be taken during the 18th and 19th.
Witness King tentatively subject to availability on
23 the 22nd. Is that complete and consistent with the
party's notice?

24 MR. MACIVER: I don't believe you mentioned
Wood from MCI.

25 JUDGE WALLIS: Wood would be taken on the
18th or 19th.

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1 MR. FINNIGAN: Mr. Thomas?

JUDGE WALLIS: And Thomas for ELI is on the
2 list and will be taken subject to other scheduling
last. So is that everything?

3 MR. SHAW: Could we be off the record for a
moment?

4 JUDGE WALLIS: Yes, let's be off the
record.

5 (Recess.)

JUDGE WALLIS: Very well, let's be back on
6 the record. Following a brief off the record
discussion it appears that it might be possible to
7 receive Dr. King's evidence by stipulation. The
parties will be discussing that possibility and will
8 report back to the Commission no later than the close
of business next Wednesday which I believe is January
9 4th.

MS. BUTLER: Isn't Wednesday the 3rd?

10 JUDGE WALLIS: Wednesday the 3rd. If it is
not possible to achieve such a stipulation the parties
11 will be discussing whether it may be possible to take
the examination by teleconference and I will ask if
12 parties would estimate the extent of cross-examination
when they report back if examination will be required.
13 Very well. The Commission will prepare an exhibit
list for distribution to the parties on the 8th

14 consistent with the information that's been prepared
and distributed so far, and we look forward to seeing
15 you at 8:15 on Monday morning, January 8th. Thank you
very much.

16 (Hearing adjourned at 11:25 a.m.)

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