

[Service Date December 16, 2002]

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION

In the Matter of the Petition of	)	DOCKET NO. UT-011439
	)	
VERIZON NORTHWEST, INC.,	)	ELEVENTH SUPPLEMENTAL
	)	ORDER
	)	
For Waiver of WAC 480-120-	)	ORDER GRANTING MOTION
071(2)(a).	)	FOR LEAVE TO RESPOND TO
	)	NEW MATTER IN STAFF'S
	)	REBUTTAL
	)	
.....	)	

1     **Synopsis:** *The Commission grants Qwest's Motion for Leave to Respond to New Matter in Staff's Rebuttal.*

**I. INTRODUCTION**

2     **Proceedings:** Docket No. UT-011439 is a petition by Verizon Northwest, Inc. (Verizon), seeking a waiver or an exemption from WAC 480-120-071 regarding extending service to two separate locations in Verizon's Bridgeport exchange in Okanogan and Douglas Counties.

3     **Appearances.** Judith Endejan, Graham & Dunn, Seattle, Washington, represents Verizon Northwest Inc. Gregory Trautman, Assistant Attorney General, Olympia, Washington, represents Staff of the Washington Utilities and Transportation Commission (Commission Staff or Staff). Robert Cromwell, Attorney, represents the Office of Public Counsel. Douglas N. Owens represents Qwest Corporation (Qwest). Elizabeth Kohler, David LaFuria and Richard Busch represent RCC.

4     **Background.** On May 31, 2002, the Commission entered an order granting  
Commission Staff's motion to join Qwest as a party to this proceeding.  
Subsequently, on July 19, 2002, in the Sixth Supplemental Order in this case, the  
Commission approved a schedule of proceedings allowing Commission Staff to  
file testimony in response to Qwest's filing. The Commission Staff filing date  
was September 20, 2002.

5     On September 20, 2002, Commission Staff filed the reply testimony of three  
witnesses: Robert T. Williamson, Thomas L. Spinks, and Robert B. Shirley.

6     On December 13, 2002, Qwest filed its Motion Requesting Leave to Respond to  
New Matter in Staff's Rebuttal.

7     **Memorandum.** In its motion, Qwest states that in Staff's June 20, 2002 direct  
testimony, Staff recommended that the Commission consider redrawing Qwest's  
Omak exchange boundary to include the Timm Ranch, based on Staff's estimate  
that it would cost Qwest less to serve the Timm Ranch than it would Verizon.  
However, Staff did not advocate that Qwest's exchange boundary be redrawn,  
but rather indicated that additional information was necessary to determine  
whether or not Qwest's cost to serve the Timm Ranch warranted redrawing  
exchange boundaries.

8     Qwest further contends that during the discovery phase of the case, Staff did not  
identify any factors that would cause Staff to recommend that Qwest be required  
to construct the Timm Ranch line extension if Qwest's costs were the same or  
greater than those of Verizon.

9     As a result of the information Qwest gleaned from Staff on this issue, Qwest filed  
its July 7, 2002 testimony pursuant to the schedule in effect at that time. The  
testimony included Qwest's estimate of the cost to construct the facilities from its  
Omak central office which would be required if Qwest were to provide service to  
the Timm Ranch.

- 10 In Staff's September 20, 2002 reply testimony (characterized in Qwest's motion as "rebuttal" testimony), Staff concluded that the cost estimates of Verizon and Qwest to extend service to the Timm Ranch were approximately equal. As a result, Staff would advocate that Qwest's exchange boundary be redrawn so that Qwest would be the company required to serve the Timm Ranch. Staff stated that Qwest could provide service to the Ranch by means of establishing a "cross connect" between the new cable that would be built and the existing cable. This "cross connect" would benefit Qwest's existing customers along the route, whereas Verizon's existing customers would not benefit in the same degree. On this basis, Staff recommended that Qwest be required to provide the Timm Ranch with wire line telephone service.
- 11 Because the current schedule does not provide Qwest an opportunity to respond to Staff's September 20, 2002 testimony and because Staff's testimony contains new material, Qwest asks leave to file responsive testimony, limited to the new matter that Staff raised. Qwest seeks to file responsive testimony on December 20, 2002, and has agreed that Staff, in return, may file further rebuttal, limited to this issue, on January 10, 2003.
- 12 Qwest further indicates that none of the parties to the proceeding object to granting this request.
- 13 Staff has further responded by letter dated December 13, 2002, that it does not object to Qwest's request, as long as Staff is given the opportunity to file a specific response on January 10, 2003. In addition, Staff states that Qwest and Staff have agreed that Qwest would respond to Staff's discovery on matters raised in Qwest's responsive filing by January 6, 2003.
- 14 **Decision.** Based on the direct relevance to this proceeding of the September 20, 2002 testimony Staff filed containing the basis for its recommendation that Qwest serve the Timm Ranch, the Commission believes it is appropriate to allow Qwest an opportunity to respond. Therefore, Qwest's motion for leave to respond is

granted. Qwest must file its responsive testimony on December 20, 2002. Staff may reply to that testimony on January 10, 2003. Qwest must respond to Staff's discovery requests arising from Staff's review of Qwest's responsive testimony by January 6, 2003.

15 It is noted that Qwest's motion was filed by electronic mail without providing any indication that Qwest was granted permission to so file. In the future the parties must seek permission to make a filing by fax or electronic mail and must indicate in the filing cover letter that they have received such permission, in accord with WAC 480-09-120. Furthermore, any future fax or electronic mail filing must be followed the next business day by a hard copy of the filing.

DATED at Olympia, Washington and effective this 16th day of December, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THEODORA M. MACE  
Administrative Law Judge

**NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this order will control further proceedings in this matter, subject to Commission review.**