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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 TCI CABLEVISION OF WASHINGTON,)
INC.,)
4 Complainant,) DOCKET NO. UT-950806
5 vs.) VOLUME 3
6 U S WEST COMMUNICATIONS, INC.,) PAGES 61 - 65
7 RESPONDENT.)
8 -----)

9 A pre-hearing conference in the above matter
10 was held on December 18, 1995, at 1:30 p.m., at 1300
11 South Evergreen Park Drive Southwest, Olympia,
12 Washington, before Administrative Law Judge MARJORIE
13 SCHAER.

14 The parties were present as follows:

15 WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION STAFF, (by teleconference) by SHANNON SMITH,
16 Assistant Attorney General, 1400 South Evergreen Park
Drive Southwest, Olympia, Washington 98504.

17 TCI CABLEVISION OF WASHINGTON and WSCCA, (by
18 teleconference) by GREGORY KOPTA, Attorney at Law, 2600
Century Square, 1501 Fourth Avenue, Seattle, Washington
19 98101.

20 U S WEST COMMUNICATIONS (by teleconference)
by LISA ANDERL, Attorney at Law, 1600 Seventh Avenue,
21 Room 3206, Seattle, Washington 98191.

22 ELECTRIC LIGHTWAVE, (by teleconference) by
JEROME McMILLAN, 8100 Northeast Parkway Drive,
23 Vancouver, Washington 98662.

24 Jennifer Hicok, CSR

25 Court Reporter

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

2 JUDGE SCHAER: The hearing will come to
3 order.

4 This is the second day of the second
5 pre-hearing conference in Docket No. UT-950806, which
6 is a filing by TCI Cablevision of Washington, Inc.,
7 against U S West Communications, Inc., in which TCI
8 contends that U S West's pole attachment rates are too
9 high. It's taking place on December 18th, 1995, in
10 Olympia, Washington. The parties are appearing by
11 telephone conference bridge, and the hearing is being
12 held before Administrative Law Judge Marjorie R. Schaer.

13 I would like to begin by taking appearances,
14 starting with the complainant, please.

15 MR. KOPTA: This is Gregory J. Kopta,
16 K-o-p-t-a, Davis Wright Tremaine, 2600 Century Square,
17 1501 Fourth Avenue, Seattle, Washington 98101, appearing
18 for Complainant TCI Cablevision of Washington, Inc., and
19 Intervenor Washington State Capable Communications
20 Association.

21 JUDGE SCHAER: And for the respondent,
22 please?

23 MS. ANDERL: Lisa Anderl, A-n-d-e-r-l, with
24 U S West, Inc., at 1600 Seventh Avenue, Room 3206,
25 Seattle, Washington 98191, appearing on behalf of

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1 Respondent U S West Communications, Inc.

2 JUDGE SCHAER: For the Commission Staff,
3 please?

4 MS. SMITH: Shannon Smith, Assistant
5 Attorney General, 1400 South Evergreen Park Drive
6 Southwest, Olympia, Washington 98504-0128.

7 JUDGE SCHAER: And from the Intervenor
8 Electric Lightwave, please?

9 MR. McMILLAN: This is Jerome McMillan,
10 representing Electric Lightwave, Inc., 8100 Northeast
11 Parkway Drive, Vancouver, Washington 98662.

12 JUDGE SCHAER: Okay. When we stopped this
13 hearing last Wednesday we were at a point where the
14 parties had begun settlement discussions and they wished
15 to have some time to go back and speak with their
16 principals and then report back on the possibility of
17 settlement or dismissal of this matter, and I would like
18 for you provide that report at this point, if you would
19 please, starting with you, Mr. Kopta.

20 MR. KOPTA: Yes. Thank you, Your Honor.

21 We have spoken with our respective clients
22 and neither of them objects to simply dismissing the
23 complaint along with U S West's dismissal of its
24 counterclaim based on the previous discussions that we
25 have had at the earlier pre-hearing conference, and

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1 allowing the parties to negotiate their differences
2 and/or file declaratory ruling actions with the
3 Commission or a petition to resolve any unresolved
4 issues that remain between the parties on those issues
5 that were raised in TCI's complaint.

6 JUDGE SCHAER: Thank you.

7 Ms. Anderl?

8 MS. ANDERL: I don't believe I have anything
9 to add to what Mr. Kopta said.

10 JUDGE SCHAER: And am I correct in
11 understanding that U S West is willing to dismiss its
12 counterclaim?

13 MS. ANDERL: A withdrawal of the complaint,
14 yes, that's true.

15 JUDGE SCHAER: All right. And, Ms. Smith,
16 what is the position of the Commission Staff?

17 MS. SMITH: The Commission Staff does not
18 object to the dismissal or withdrawal of the complaint
19 and counterclaim.

20 JUDGE SCHAER: And, Mr. McMillan, what is
21 the position of ELI?

22 MR. McMILLAN: ELI does not object to the
23 dismissal of the complaint and the counterclaim.

24 JUDGE SCHAER: Well, thank you all for your
25 work in resolving this matter, and an order will be

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1 issued dismissing this complaint.

2 That concludes the hearing and we are off
3 the record.

4 (Pre-hearing conference adjourned at
5 1:55 p.m.)

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