

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
4)
Complainant,) Hearing No. UT-920474
5)
vs.) VOLUME III
6) Pages 208 - 216
U S WEST COMMUNICATIONS,)
7)
Respondent.)
8 -----)

9 A hearing in the above matter was held on
10 January 26, 1993, at 9:32 a.m., at Chandler Plaza
11 Building, 1300 S. Evergreen Drive Southwest, Olympia,
12 Washington, before Administrative Law Judge
13 CHRISTINE CLISHE.

14 The parties were present as follows:

15 WUTC, SALLY G. BROWN, Assistant Attorney
General, 1400 South Evergreen Drive Southwest, Olympia,
16 Washington 98504.

17 US WEST COMMUNICATIONS, MOLLY HASTINGS,
Attorney at Law, 1600 Seventh Avenue, Room 3204,
18 Seattle, Washington 98191.

19 PUBLIC COUNSEL, WILLIAM GARLING, Attorney at
Law, 900 Fourth Avenue, Suite 2000, Seattle, Washington
20 98164.

21 VISCOUNT INDUSTRIES, LTD., ROBERT J. CURRAN,
Attorney at Law, 1201 Third Avenue, Suite 3400, Seattle,
22 Washington
98101.

23 ATM, JEFF KOONTZ, Attorney at Law, 13555
24 S.E. 36th Street, Suite 280, Bellevue, Washington 98006.
Lynn Webber, CSR
25 Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

WITNESS: DIRECT CROSS REDIRECT RECROSS EXAM
NO WITNESS EXAMINED
EXHIBIT MARKED ADMITTED
NO EXHIBITS MARKED

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

2 JUDGE CLISHE: The hearing will come to
3 order. The Washington Utilities and Transportation
4 Commission has set for hearing docket No. UT-920474,
5 the Commission's complaint against U.S. West
6 Communications. The hearing is taking place on January
7 26, 1993, at Olympia, Washington, before Administrative
8 Law Judge Christine Clishe of the Office of
9 Administrative Hearings. The hearing today is to take
10 testimony from witnesses from the Commission staff and
11 intervenors. I would like to take appearances
12 beginning with the company, please.

13 MS. HASTINGS: I'm Molly Hastings. My
14 address is 1600 7th Avenue, Room 3204, Seattle,
15 Washington, on behalf of myself and Ed Shaw. We are
16 both representing U S West Communications.

17 JUDGE CLISHE: For the Commission staff.

18 MS. BROWN: Sally G. Brown, assistant
19 attorney general. My address is 1400 South Evergreen
20 Park Drive Southwest, Olympia, Washington 98504.

21 JUDGE CLISHE: Thank you.

22 And public counsel.

23 MR. GARLING: My name is William Garling,
24 and I'm an assistant attorney general representing the

25 public counsel section of the attorney general's office

(PROCEEDINGS)

211

1 on behalf of the public. My address is 900 Fourth
2 Avenue, Suite 2000, Seattle, Washington 98164.

3 JUDGE CLISHE: All right. Thank you. And
4 for intervenors.

5 MR. KOONTZ: Jeff Koontz, general counsel
6 for Advance Telecom Management, Inc. My address is
7 13555 Southeast 36th Street, Suite 280, Bellevue,
8 Washington 98006.

9 MR. CURRAN: Robert J. Curran, attorney for
10 Viscount Industries, Ltd. I'm at 1201 Third Avenue,
11 Suite 3400, Seattle, Washington 98101.

12 JUDGE CLISHE: Thank you. I did receive a
13 telephone call yesterday from Steven Kennedy, who is
14 representing Tracer, and he indicated that Tracer will
15 not participate in the cross of the staff and
16 intervenor witnesses. He intends, however, to file a
17 brief on behalf of Tracer.

18 Is there anyone else in the hearing room
19 today this needs to enter an appearance?

20 Hearing no other appearances, before we went
21 on the record we discussed very briefly the order of
22 witnesses, and it's my understanding that apparently
23 counsel will cooperate on figuring out which order. I
24 understand that Ms. Brown has two witnesses today for

25 the Commission staff, and that witnesses for Viscount

(PROCEEDINGS)

212

1 are available. Mr. Koontz indicated his witnesses will
2 be available on Wednesday, that he had spoken to the
3 other counsel regarding that.

4 Are there any other individuals who believe
5 they will be presenting witnesses today?

6 All right. Hearing no other witnesses --
7 may I have those forms, please?

8 All right. Is there anything else of a
9 procedural nature that we need to discuss before we get
10 into testimony?

11 MS. BROWN: Yes, there is, your Honor.

12 MR. HASTINGS: Go ahead, Sally.

13 MS. BROWN: The parties have reached a
14 tentative settlement agreement in this matter subject
15 to Commission approval, and before we proceed with the
16 cross-examination of staff and intervenor witnesses I
17 ask that we go off the record for a minute so that we
18 may finalize the agreement.

19 JUDGE CLISHE: Any objections to that?
20 Let's be off the record for the parties to confer
21 regarding the settlement.

22 (Recess.)

23 JUDGE CLISHE: Let's be back on the record,
24 after a recess until now, approximately ten minutes of

25 4:00. The parties during the day negotiated and

(PROCEEDINGS)

213

1 discussed apparently a stipulated settlement, and it's
2 my understanding that the parties feel that they have
3 made quite a bit of progress, however, not enough to be
4 able to present that today as it will be in the final
5 form. And also Mr. Koontz and Mr. Curran need to
6 discuss this with their clients before agreeing to the
7 settlement.

8 We discussed the scheduling of another
9 hearing date since it appears that tomorrow, which had
10 been reserved, will not be enough time for the counsel
11 to discuss the stipulated settlement and get something
12 in a final format. We discussed the reconvening of the
13 hearing here in Olympia in this room on February 6,
14 1993, and --

15 MS. BROWN: 5th. 6th is Saturday.

16 JUDGE CLISHE: Excuse me. You're right.

17 -- and I think that all counsel, with a
18 couple of exceptions of people who had to check their
19 calendars, thought that that was a possibility.

20 We also discussed whether or not Mr. Curran
21 -- two of Mr. Curran's witnesses should be heard in
22 their cross-examination today. However, in view of the
23 length of the settlement conferences which the parties
24 had I've determined that it would be more efficient to

25 have them heard on the 5th of February if that will be

(PROCEEDINGS)

214

1 necessary.

2 All right. Anything else that you want to
3 add that I may not have remembered to add?

4 MR. HASTINGS: Your Honor, I would like to
5 suggest that perhaps if possible we could ask the
6 parties to inform us perhaps by February 2nd whether or
7 not they believe they can agree with the proposed
8 agreement in any modifications we'll be working on
9 during that period of time so that the scheduling of
10 the witnesses for the 5th can be, you know, drawn back
11 if appropriate, and you can be informed and your time
12 can be made available.

13 JUDGE CLISHE: All right. Does that sound
14 reasonable?

15 MS. BROWN: I think it should be by the end
16 of the week, prior to the 2nd.

17 MS. HASTINGS: This week? I'm comfortable
18 with that date. That would be the 29th.

19 Is that acceptable to --

20 JUDGE CLISHE: Mr. Koontz, is that possible?

21 MR. KOONTZ: I can make the 29th.

22 JUDGE CLISHE: Mr. Curran, does that seem --

23 MR. CURRAN: We'll tell you tomorrow, but
24 we'll do it at the end of the week.

25

JUDGE CLISHE: Okay. Why don't we do that,

(PROCEEDINGS)

215

1 and if it appears that there are any difficulties then
2 we can know early enough that perhaps those can be
3 worked out before we get up to February 5th, and also
4 so that witnesses if they are going to be needed can
5 make arrangements.

6 Anything else that we covered off the record
7 that anyone wants to add?

8 Mr. Curran, do you have anything else that
9 you want to add?

10 MR. CURRAN: No, your Honor.

11 JUDGE CLISHE: Mr. Garling?

12 MR. GARLING: No, your Honor.

13 MS. BROWN: No, your Honor.

14 JUDGE CLISHE: Mr. Koontz?

15 MR. KOONTZ: No, your Honor.

16 JUDGE CLISHE: I appreciate all of your
17 efforts. I'm sure that your day today has been a lot
18 harder work than mine was today. All right. Thank
19 you. And we'll reconvene in February 5, 1993 if that
20 appears necessary at 9:30 in this room, which is
21 available apparently. And we won't be sending out a
22 hearing notice. All right.

23 Anything else?

24 MR. HASTINGS: Do you want me to inform the

25 other two parties, GSA and --

(PROCEEDINGS)

216

1 JUDGE CLISHE: Would you please inform
2 Mr. Kennedy and the GSA, Mr. McCurty, or Mr. Moen who
3 apparently is representing them now?

4 All right. Anything else? Thank you all.
5 See you on February 5th.

6 (Hearing adjourned at 3:55 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

