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BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the Petition of) Docket No. UT-011439
VERIZON NORTHWEST INC.,)
For Waiver of WAC 480-120-071(2)(a)) VERIZON'S RESPONSE TO MOTION OF
COMMISSION STAFF TO COMPEL
DATA REQUESTS)

Commission Staff has moved to compel Verizon Northwest Inc. (“Verizon”) to respond to Staff’s data requests to Verizon Nos. 110-122. On January 13, 2002 Verizon supplemented its previous response to DR Nos. 110 and 111 and provided the requested documents. The remaining data requests (Nos. 112 through 122) represent, once again, Staff’s efforts to interject into this case an issue about an unrelated line extension project, known as the “Cedar Ponds Project.” Most recently in the Tenth Supplemental Order in this Docket, the Commission specifically said “the issue of whether or not Staff suggested the company file for rate-payer contribution, or knew that Verizon was going to make such a filing, has no, or no substantial, bearing on the application before us now.” (¶ 31). In issuing this Order the Commission rejected Staff’s arguments as to the relevancy of Verizon’s May 2, 2002 filing when it found that Staff would not be prejudiced by striking Mr. Shirley’s testimony on the subject.

As previously explained, the circumstances underlying the Cedar Ponds Project have no bearing on the factors set forth in the Line Extension Rule, because the project was undertaken prior to the

1 Rule's effective date and cannot be construed as any sort of precedent regarding Verizon's position in
2 this case.

3 The underlying issue that generated Verizon's decision to undertake the Cedar Ponds Project
4 was a dispute over the tariff in effect in 1999-2000. This tariff was changed as the result of the new
5 Line Extension Rule, WAC 480-120-071, which took effect January 15, 2002. That new rule
6 established the waiver criteria at issue in this case. Verizon undertook the Cedar Ponds Project to
7 resolve a dispute over its tariff rather than face a Commission complaint. Verizon did not anticipate the
8 costs of the Cedar Ponds Project would be as large as they ultimately grew to be. The Cedar Ponds
9 Project was a unique situation and should not be considered in this case, which deals with line
10 extensions under the new rule.

11 The data requests that are the subject of the Staff's motion revisit Cedar Ponds as well as
12 Staff's theory that Verizon somehow violated an agreement in the filing of the May 2, 2002 tariff.
13 Responses to these inappropriate DRs are not warranted, given the Commission's ruling in the Tenth
14 Supplemental Order. Staff keeps trying to liken the Cedar Ponds Project to the line extensions at issue
15 in this Docket. The Commission has repeatedly recognized that is not the case.

16 Furthermore, if Staff were allowed to inquire into the subject matter of DRs 112-122, then
17 Verizon would be highly prejudiced because Staff would try to introduce these responses as evidence
18 and Verizon would have virtually no opportunity to file responsive testimony or to explain the Cedar
19 Ponds Project in any way at next week's hearings. The addition of irrelevant evidence on this project
20 would only place additional burdens on the already-tight hearing schedule.

21 For foregoing reasons Verizon respectfully requests the Commission to deny Staff's Motion to
22 Compel DRs No. 112-122.

1 Respectfully submitted this _____ day of January, 2003.

2 GRAHAM & DUNN PC

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