

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the**

**Docket No. UT-003013**

Continued Costing and Pricing of  
Unbundled Network Elements, Transport,  
Termination, and Resale

JOINT MOTION OF VERIZON NORTHWEST  
INC. AND QWEST CORPORATION TO STRIKE  
REBUTTAL TESTIMONY OF JOHN C. KLICK

Verizon Northwest Inc. (“Verizon”) and Qwest Corporation (“Qwest”), by counsel, pursuant to WAC 480-09-750, hereby move to strike the Rebuttal Testimony of John C. Klick. In support thereof, Verizon and Qwest state as follows:

1. On August 4, 2000, John C. Klick filed Rebuttal Testimony on behalf of Covad Communications Company (“Covad”) and Rhythms Links, Inc. (“Rhythms”) that goes well beyond the scope of the Responsive Testimony filed by the parties on July 21, 2000.

2. Specifically, Mr. Klick presented cost studies and proposed rates for line sharing and non-recurring costs that should have been submitted in direct testimony on May 19, 2000. First, Mr. Klick submits costs for line sharing based on input from Michael Zulevic. See Klick Rebuttal at 17:1 through 21:8, 15-19. Second, Mr. Klick presents non-recurring costs based on an AT&T model filed in a Minnesota proceeding. Klick Rebuttal at 27:19 through 30:13, Exhibit JCK-5. 3. At the March 3, 2000 pre-hearing conference in this docket, the parties discussed at great length both on and off the record the amount of time required to review cost information. As a result of these discussions, the Commission established a procedural schedule requiring cost studies or models to be submitted with direct testimony on May 15, 2000. The Commission scheduled 60 days between direct and responsive testimony to allow the parties sufficient time to evaluate and conduct discovery on any cost estimates or models filed. Covad and Rhythms now seek to deny Verizon and Qwest that opportunity by filing cost studies and estimates in rebuttal testimony, two weeks before the hearings. Covad and Rhythms’s tactic is made even more objectionable by their failure to deliver Mr. Klick’s Rebuttal Testimony to Verizon and Qwest until August 7, 2000—a full three days after it was filed with the Commission, and only four days

before all motions and objections were due to be filed.<sup>1</sup> Qwest and Verizon have not had an opportunity to conduct any discovery or in-depth analysis of these cost estimates, and will be unable to do so prior to the hearings.

4. Mr. Klick's Rebuttal testimony also submits testimony and exhibits responding to direct testimony that should have been filed in responsive testimony on July 21<sup>st</sup>. Klick Rebuttal at 2:11 - 16:5, 23:7 - 27:17, 30:15 - 32:6, and Exhibit JCK-4. Covad and Rythms fail to explain why Mr. Klick could not have submitted this testimony in his Responsive Testimony. In responding to Verizon and Qwest's direct testimony in rebuttal, however, they have denied Verizon and Qwest an opportunity to respond.

WHEREFORE, for the foregoing reasons, Verizon and Qwest respectfully request that the Commission strike from the record the Rebuttal Testimony and supporting exhibits of John C. Klick, or at a minimum, the portions identified above.

Respectfully submitted,

/s/ Jennifer L. McClellan (by telephonic authority)

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Dated: August 11, 2000

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<sup>1</sup> Verizon did not actually receive the testimony until August 8, 2000.