

October 24, 2005

COPY VIA E-MAIL  
ORIGINAL VIA UPS OVERNIGHT DELIVERY

Carol J. Washburn  
Executive Secretary  
Washington Utilities and  
Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-7250

Ann E. Rendahl, ALJ  
Washington Utilities and Transportation Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia, WA 98504-7250

Re: Judd, et al. v. AT&T Communications of the Pacific Northwest, Inc. and  
T-Netix, Inc.  
WUTC Docket No. UT-042022

Dear Ms. Washburn and Judge Rendahl:

On September 19, 2005, T-NETIX advised the Commission that it had filed a motion to make it absolutely clear that the referral by the King County Superior Court to the Commission, which is the basis for Docket No. UT-042022, has been rescinded. Please be advised that Judge Ramsdell has granted T-Netix's motion for clarification of its summary judgment order dismissing King County Cause No. 00-2-17565-5 SEA. A copy of the clarification order is attached.

Please note that in the clarification order Judge Ramsdell states explicitly: "[T]he referral of portions of this case to the Washington Utilities & Transportation Commission for resolution is hereby RESCINDED." As the Commission stated in paragraph 26 of Order No. 6:

The primary jurisdiction referral from the King County Superior Court does not invoke the independent jurisdiction of the Commission. While the Commission may have statutory authority to decide the issues referred by the court, the Commission lacks independent jurisdiction to determine other issues retained by the court, including the issue of Complainants' standing. Whether Complainants have standing to bring the complaint should be addressed by the Superior Court, the court with jurisdiction to decide the issue.

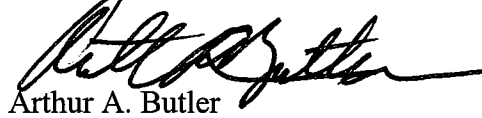
Carol J. Washburn  
The Honorable Ann E. Rendahl  
October 24, 2005  
Page 2

Since the referral has been rescinded, this case should be dismissed.

Please feel free to contact our office if you have any questions.

Sincerely,

ATER WYNNE LLP

A handwritten signature in black ink, appearing to read "Arthur A. Butler", written over the typed name.

Arthur A. Butler

Enclosure

cc w/encl: All Parties of Record

## CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of October, 2005, served the true and correct original, along with the correct number of copies, of the foregoing document upon the WUTC, via the method(s) noted below, properly addressed as follows:

Carole Washburn	<input type="checkbox"/>	Hand Delivered
Executive Secretary	<input type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
Washington Utilities and Transportation Commission	<input checked="" type="checkbox"/>	Overnight Mail (UPS)
1300 S Evergreen Park Drive SW	<input type="checkbox"/>	Facsimile (360) 586-1150
Olympia, WA 98504-7250	<input checked="" type="checkbox"/>	Email (records@wutc.wa.gov)

I hereby certify that I have this 24th day of October, 2005, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

### ***On Behalf Of AT&T:***

Letty S. Friesen	<input type="checkbox"/>	Hand Delivered
AT&T Communications of the Pacific Northwest	<input checked="" type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
Law Department	<input type="checkbox"/>	Overnight Mail (UPS)
919 Congress Avenue, Suite 900	<input type="checkbox"/>	Facsimile (303) 298-6301
Austin TX 78701-2444	<input checked="" type="checkbox"/>	Email (lsfriesen@att.com)

*Confidentiality Status: Highly Confidential*

### ***On Behalf Of T-Netix:***

Stephanie A. Joyce	<input type="checkbox"/>	Hand Delivered
Kelley Drye & Warren LLP	<input checked="" type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
1200 19th Street NW, Suite 500	<input type="checkbox"/>	Overnight Mail (UPS)
Washington DC 20036-2423	<input type="checkbox"/>	Facsimile (202) 955-9792
	<input checked="" type="checkbox"/>	Email (sjoyce@kelleydrye.com)

*Confidentiality Status: Highly Confidential*

### ***On Behalf Of T-Netix:***

Glenn B. Manishin	<input type="checkbox"/>	Hand Delivered
Kelley Drye & Warren LLP	<input checked="" type="checkbox"/>	U.S. Mail (first-class, postage prepaid)
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Washington DC 20036-2423	<input type="checkbox"/>	Facsimile (202) 955-9792
	<input checked="" type="checkbox"/>	Email (gmanishin@kelleydrye.com)

*Confidentiality Status: Public*

***On Behalf Of Judd & Herivel:***

Jonathan P. Meier  
Sirianni Youtz Meier & Spoonemore  
719 Second Avenue, Suite 1100  
Seattle WA 98104

*Confidentiality Status: Highly Confidential*

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 Facsimile (206) 223-0246  
 Email (jon@syllaw.com)

***On Behalf Of AT&T:***

Charles H. Peters  
Schiff Hardin LLP  
233 South Wacker Drive  
6600 Sears Tower  
Chicago IL 60606

*Confidentiality Status: Highly Confidential*

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 U.S. Mail (first-class, postage prepaid)  
 Overnight Mail (UPS)  
 Facsimile (312) 258-5600  
 Email (cpeters@schiffhardin.com)

***On Behalf Of Commission:***

Ann E. Rendahl ALJ  
Washington Utilities and Transportation  
Commission  
1300 S Evergreen Park Drive SW  
PO Box 47250  
Olympia WA 98504-7250

*Confidentiality Status: Public*

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*Please forward copies to all counsel.*

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7835 OCT 21 10 21 AM '05  
The Honorable Jeffrey Ramsdell  
Noted for Consideration Without Oral  
Argument

RECEIVED  
KING COUNTY  
SUPERIOR COURT  
OCT 24 2005

BADGLEY-MULLINS LAW GROUP

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

SANDY JUDD, TARA HERIVEL and  
ZURAYA WRIGHT, for themselves, and on  
behalf of all similarly situated persons,

Plaintiffs,

v.

AMERICAN TELEPHONE AND TELEGRAPH  
COMPANY; GTE NORTHWEST INC.;  
CENTURYTEL TELEPHONE UTILITIES,  
INC.; NORTHWEST  
TELECOMMUNICATIONS, INC., d/b/a/ PTI  
COMMUNICATIONS, INC.; U.S. WEST  
COMMUNICATIONS, INC.; T-NETIX, INC.,

Defendants.

No. 00-2-17565-5 SEA

**ORDER GRANTING T-NETIX,  
INC.'S MOTION FOR  
CLARIFICATION OF ORDER**

**(PROPOSED)**

**ORDER GRANTING T-NETIX, INC.'S  
MOTION FOR CLARIFICATION OF ORDER**

THIS MATTER having come before this Court on the Motion of T-NETIX, Inc. for clarification of the Order dated September 7, 2005, entering summary judgment in T-NETIX's favor; the Court having reviewed the Motion, the responsive document filed by plaintiffs, and reply filed by T-NETIX herein; and the Court having waived oral argument of counsel for the parties, it is now hereby

**WORKING COPY**

**ORDER GRANTING T-NETIX, INC.'S MOTION  
FOR CLARIFICATION OF ORDER - 1**

**BADGLEY ~ MULLINS  
LAW GROUP**

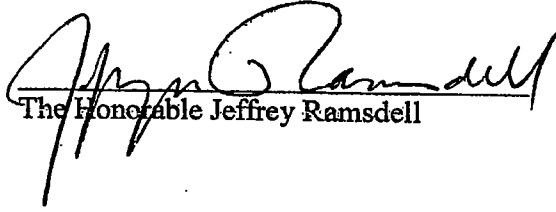
Bank of America Tower  
701 Fifth Avenue, Suite 4750  
Seattle, Washington 98104  
Telephone: (206) 621-6566  
Fax: (206) 621-9686

**ORIGINAL**

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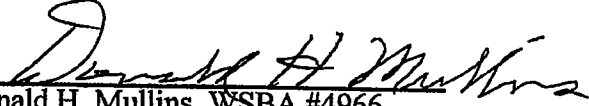
ORDERED, ADJUDGED AND DECREED that T-NETIX's Motion for Clarification of Order is GRANTED, and that the referral of portions of this case to the Washington Utilities & Transportation Commission for resolution is hereby RESCINDED.

DONE IN OPEN COURT this 17<sup>th</sup> day of October, 2005.

  
The Honorable Jeffrey Ramsdell

1 Presented by:

2 BADGLEY~MULLINS LAW GROUP

3  
4 By:   
5 Donald H. Mullins WSBA #4966  
6 Attorneys for Defendant T-NETIX, Inc.

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**ORDER GRANTING T-NETIX, INC.'S MOTION  
FOR CLARIFICATION OF ORDER - 3**

**BADGLEY ~ MULLINS**

LAW GROUP

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