

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

SANDY JUDD AND TARA)	DOCKET UT-042022
HERIVEL,)	
)	
Complainant,)	
)	
v.)	NOTICE OF PREHEARING
)	CONFERENCE
AT&T COMMUNICATIONS OF THE)	(Set for August 21, 2008, 1:30 p.m.)
PACIFIC NORTHWEST, INC., AND)	
T-NETIX, INC.,)	
)	
Respondents.)	
)	
.....)	

- 1 On November 17, 2004, Sandy Judd and Tara Herivel (Complainants) filed a formal complaint with the Washington Utilities and Transportation Commission (Commission) against AT&T Communications of the Pacific Northwest, Inc. (AT&T) and T-Netix, Inc., requesting the Commission resolve certain issues of fact and law under the doctrine of primary jurisdiction referred by the King County Superior Court.
- 2 During the proceeding, T-Netix filed with the King County Superior Court a Motion to Lift the Stay of proceedings to allow the court to address certain issues of fact and law, and a Motion for Summary Judgment concerning the issue of Complainants’ standing.
- 3 On October 28, 2005, the Commission entered Order 07 dismissing the proceeding after the King County Superior Court entered orders finding that Complainant’s have no standing to bring claims against T-Netix or AT&T, and rescinding the primary jurisdiction referral to this Commission.
- 4 On March 27, 2008, King County Superior Court Judge Jeffrey Ramsdell entered “Order Denying Plaintiffs’ Motion to Vacate Orders Granting Defendants’ Motions For Summary Judgment and Granting Motion to Reinstate Referral to WUTC.”¹

¹ No. 00-2-17565-5 SEA

5 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the state of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and WAC 480-120, including but not limited to RCW 80.01.040 and RCW 80.04.020.

6 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.

7 **THE COMMISSION GIVES NOTICE That the Commission will hold a prehearing conference in this matter at 1:30 p.m., on Thursday, August 21, 2008, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

8 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.

9 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See WAC 480-07-345(2)*. Any party or witness in need of an interpreter or other assistance should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

10 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450, which allow the Commission to seek penalties for a party in default.**

11 The names and mailing addresses of all known parties and their known representatives are as follows:

Complaints: Sandy Judd
972 Putney Road, PMB 251
Brattleboro, VT 05301

Tara Herivel
1617 Yale Avenue, #310
Seattle, WA 98104

Representative: Jonathan P. Meier
Sirianni Youtz Meier & Spoonemore
719 Second Avenue, Suite 1100
Seattle, WA 98104
(206) 223-0303
jon@sylaw.com

Respondent: AT&T Communications of the
Pacific Northwest, Inc.
2120 Canton Way S.W., Suite B
Olympia, WA 98502

Representatives: Letty S.D. Friesen
AT&T Communications of the
Pacific Northwest, Inc.
919 Congress Avenue, Suite 900
Austin, TX 78701-2444
(303) 299-5708
lsfriesen@att.com

Charles Peters
Schiff Hardin, L.L.P.
6600 Sears Tower
Chicago, IL 60606
(312) 258-5500
cpeters@schiffhardin.com

Respondent: T-Netix, Inc.
14651 Dallas Parkway, Suite 600
Dallas, TX 75254

Representatives:

Arthur A. Butler
Ater Wynne LLP
601 Union Street, Suite 5450
Seattle, WA 98101-2327
(206) 623-4711
aab@aterwynne.com

Glenn B. Manishin
Duane Morris LLP
505 9th Street NW, Suite 1000
Washington, DC 20004-2166
(202) 776-7813
gbmanishin@duanemorris.com

- 12 Administrative Law Judge Marguerite E. Russell, from the Commission's
Administrative Law Division, will preside during this proceeding.
- 13 The Commission will give parties notice of any other procedural phase of the
proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective July 11, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____