

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	DOCKET NO. UT-050778
)	
DOUGLAS AND JESSICA RUPP,)	
KATHIE DUNN AND CHRIS HALL,)	ORDER NO. 01
MELINDA INMAN; VERLIN)	
JACOBS, ANTHONY WILLIAMS,)	
CHRISTINE AND SAMUEL)	PREHEARING CONFERENCE
INMAN, ROBERT JACOBS, AND)	ORDER
SAM HAVERKEMP AND CHRIS)	
PORTREY,)	
)	
Petitioners,)	
)	
v.)	
)	
VERIZON NORTHWEST INC.,)	
)	
Respondent.)	
.....)	

1 **NATURE OF PROCEEDING.** Docket No. UT-050778 is a petition by persons in eight households near Index, Washington requesting the Commission to direct Verizon to expand its service territory to include petitioners' properties.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in Docket No. UT-050778 at Olympia, Washington on July 20, 2005, before Administrative Law Judge Karen Caillé (ALJ).

3 **APPEARANCES.** Petitioners Douglas Rupp,¹ Jessica Rupp, Kristen Bell, Anthony Williams, Verlin Jacobs, Melinda Inman, Christine Inman, Kathie Dunn, James Hall, Chris Portrey, and Sam Haverkemp, Index, Washington, appeared *pro se*. Judith A. Endejan, Graham & Dunn, Seattle, Washington, represents Verizon Northwest, Inc. Sally Johnston,² Senior Assistant Attorney General, represents the Commission's regulatory staff (Commission Staff or Staff)³. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this Order.

4 **AMENDMENTS TO PETITION.** Verizon Northwest, Inc. asserted in its answer to the petition that it is not Verizon Communications, the Respondent named in this proceeding. Rather, Verizon Northwest, Inc. is a wholly owned subsidiary of Verizon Communications, Inc. Petitioners moved to amend the Petition to reflect the proper name of Respondent. The parties did not object to the amendment. The Commission amends the Petition to show the Respondent as Verizon Northwest, Inc. (Verizon).

5 In addition, Petitioners filed an unopposed motion to replace Petitioner Michelle Lechuga with Melinda Inman (Michelle Lechuga's mother) who is the property owner seeking telephone service. The Commission grants the motion to replace Ms. Lechuga with Ms. Melinda Inman as a petitioner in this proceeding.

¹ Petitioners designate Douglas Rupp as their representative and spokesman. Mr. Rupp will also be the designee for service of documents. Specifically, parties will serve Mr. Rupp with copies of documents for all petitioners, and Mr. Rupp will distribute those documents.

² The assigned Assistant Attorney General, Shannon Smith, was unavailable on the day of the prehearing conference.

³ In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

6 **PETITIONS TO INTERVENE.** No party appeared at the conference seeking to
intervene.

7 **MOTION TO DISMISS PETITION.** On June 13, 2005, Verizon filed a Motion to
Dismiss the Petition. Petitioners filed a response to the motion on June 24, 2005.
Petitioners asked for leave to supplement their response, and Respondent asked
for leave to file a reply. The ALJ granted both requests and directed the parties
to include in their filings a discussion of the Commission's jurisdiction to grant
the relief requested. While Staff's participation in this proceeding will be limited
to policy issues, Commission Staff will address the issue of jurisdiction, as well.
Appendix B sets forth the schedule for Petitioners supplemental response,
Verizon's reply/Staff's reply on jurisdiction.

8 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's
discovery rules, WAC 480-07-400 through 425. The Commission urges the
parties to work cooperatively to exchange information. The presiding ALJ will
be available to address any matters that may need formal resolution.

9 **PROTECTIVE ORDER.** Verizon alerted the ALJ that a standard protective
order may be needed if there are requests for confidential records. Verizon will
request a protective order if it becomes necessary.

10 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule
during the conference. The Commission adopts this procedural schedule, which
is attached to this Order as Appendix B, and incorporated into the body of this
Order by this reference.

11 **NOTICE OF EVIDENTIARY HEARING.** The Commission gives notice of the
evidentiary hearing in this matter on **Monday, December 12, 2005, and if
needed, Tuesday, December 13, 2005, beginning at 10:00 a.m., in Room 108 of**

the Commission's offices, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **six** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 13 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 14 An electronic copy of all filings must be provided by e-mail delivery to records@wutc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 15 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer may grant parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may only submit documents electronically with the Commission in this proceeding with the permission of the presiding officer. If, at any time during this proceeding, parties are authorized to

submit documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to records@wutc.wa.gov, and file an original, plus **six** paper copies, of the document with the Commission by the following business day.

16 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.

17 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 4th day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES				
DOCKET NO. UT-050778				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Petitioners	Douglas Rupp 54829 Garnet Way P.O. Box 207 Index, WA 98256	Message No. 425-740-0185	425-740-0185	Rupp@gnat.com
Verizon Northwest, Inc.	Judith A. Endejan Graham & Dunn PC Pier 70 2801 Alaskan Way, Suite 300 Seattle, WA 98121-1128	206-340-9694	206-340-9599	jendejan@grahamdunn.com
Commission Regulatory Staff	Shannon Smith Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	ssmith@wutc.wa.gov
Administrative Law Judge	Karen M. Caillé 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360- 664-1139	360- 664-2654 [ALD fax only – do not use to file]	kcaille@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UT-050778

EVENT	DATE	INTERVAL
Petitioners' Supplemental Response to Motion to Dismiss	August 3, 2005	
Verizon and Commission Staff's ⁴ Reply	August 17, 2005	14 days
Petitioners' Prefiled Testimony	October 12, 2005	56 days
Verizon's Responsive Prefiled Testimony	November 14, 2005	33 days
Petitioners' Rebuttal Testimony	November 30, 2005	16 days
Evidentiary Hearing	December 12-13, 2005 (beginning at 10:00 a.m.)	12 days
Simultaneous Initial Briefs, if needed	To be determined	
Simultaneous Reply Briefs, if needed	To be determined	

⁴ Commission Staff's reply will address jurisdictional issues only.