

0001

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 PEND OREILLE COUNTY PUBLIC)
UTILITY DISTRICT NO. 1,)

4)
Complainant,)

5 vs.)

6 PEND OREILLE TELEPHONE)
COMPANY,)

7)
Respondent.)

DOCKET NO. UT-053040
Volume I
Pages 1 - 9

9

10 A prehearing conference in the above matter
11 was held on August 31, 2005, at 1:33 p.m., at 1300
12 South Evergreen Park Drive Southwest, Olympia,
13 Washington, before Administrative Law Judge THEODORA
14 MACE.

15

16 The parties were present as follows:

17 PEND OREILLE COUNTY PUBLIC UTILITY DISTRICT
18 NO. 1, by JERRY K. BOYD (via bridge), Attorney at Law;
19 Paine, Hamblen, Coffin, Brooke & Miller, 717 West
Sprague Avenue, Suite 1200, Spokane, Washington
99201-3505; telephone, (509) 455-6039.

20 PEND OREILLE TELEPHONE COMPANY, by RICHARD A.
21 FINNIGAN, Attorney at Law, 2112 Black Lake Boulevard
Southwest, Olympia, Washington 98512; telephone, (360)
956-7001.

22

23 PUBLIC COUNSEL, by ROBERT W. CROMWELL (via
24 bridge), Assistant Attorney General, 900 Fourth Avenue,
Suite 2000, Seattle, Washington 98164-1012; telephone,
(206) 464-6595.

25 Kathryn T. Wilson, CCR
Court Reporter

0002

1 P R O C E E D I N G S

2 JUDGE MACE: Let's be on the record in the
3 complaint of Pend Oreille County Public Utility
4 District No. 1 against Pend Oreille Telephone Company,
5 Docket No. UT-053040. This is the date the Washington
6 Utilities and Transportation Commission has set for a
7 prehearing conference on this matter. The date is
8 August 31st, 2005, and we are convened at the offices
9 of the Commission in Olympia, Washington. My name is
10 Theodora Mace. I'm the administrative law judge who
11 has been assigned to this case.

12 Now I want to take the oral appearances of
13 counsel, and when I ask for your oral appearance, at
14 this time I need to have the long form, which means you
15 will state your name, your address, who you represent,
16 your telephone number, your fax number, and your e-mail
17 address.

18 I would like to begin with the Public Utility
19 District. I believe that's Mr. Boyd, and Mr. Boyd is
20 appearing via the conference bridge.

21 MR. BOYD: Thank you, Your Honor. Jerry
22 Boyd, with the firm of Paine, Hamblen, Coffin, Brooke
23 and Miller, 717 West Sprague Avenue, Suite 1200,
24 Spokane, Washington, 99201-3505. Telephone number is
25 area code (509) 455-6000. The direct dial is 455-6039.

0003

1 Fax number is (509) 838-0007, and I'm appearing on
2 behalf of Public Utility District No. 1 of Pend Oreille
3 County, Washington.

4 The general manager is Robert Geddes,
5 G-e-d-d-e-s. The address is PO Box 190, Newport,
6 Washington, 99156. Telephone is (509) 447-3137 --

7 JUDGE MACE: Let me interrupt, Mr. Boyd. The
8 main thing we need is your contact information, and I
9 think I did not get your e-mail address.

10 MR. BOYD: The e-mail address is
11 jerry.boyd@painehamblen.com.

12 JUDGE MACE: Thank you. And now for Pend
13 Oreille Telephone.

14 MR. FINNIGAN: Thank you. Appearing on
15 behalf of Pend Oreille Telephone Company is Richard
16 Finnigan. The address is 2112 Black Lake Boulevard
17 Southwest, Olympia, Washington, 98512. Telephone is
18 (360) 956-7001. Fax is (360) 753-6862, and e-mail is
19 rickfinn@localaccess.com.

20 MR. BOYD: Your Honor, can I have the
21 spelling on the "Rick Finn"?

22 JUDGE MACE: Rickfinn@localaccess.com; is
23 that right, Mr. Finnigan?

24 MR. FINNIGAN: That's right.

25 JUDGE MACE: Did you get that, Mr. Boyd?

0004

1 MR. BOYD: Yes.

2 JUDGE MACE: Mr. Cromwell?

3 MR. CROMWELL: Thank you, Your Honor. For
4 the record, Robert William Cromwell, Jr., assistant
5 attorney general, appearing on behalf of Public
6 Counsel --

7 JUDGE MACE: Mr. Cromwell, you are fading
8 out.

9 MR. CROMWELL: I'm stationary. Is this
10 better?

11 JUDGE MACE: Yes.

12 MR. CROMWELL: Let me just close the door to
13 my office. For the record, I wish to indicate to the
14 Commission that contrary to the letter previously filed
15 by Public Counsel, I will be appearing in this
16 proceeding.

17 My address is 900 Fourth Avenue, Suite 2000,
18 Seattle, Washington, 98164-1012. My direct telephone
19 line is area code (206) 464-6595. My fax number is
20 area code (206) 389-2058. My e-mail address is
21 robertcl@atg.wa.gov.

22 JUDGE MACE: Thank you very much. Just so
23 the parties are aware, when the prehearing conference
24 order is entered, there will be a list of all the
25 contact information so that you have it available for

0005

1 your convenience.

2 I have received no petitions to intervene in
3 this proceeding, but let me ask now whether there is
4 anyone on the conference bridge who wishes to seek an
5 oral petition to intervene? I hear no response.

6 Let me ask next whether or not the parties
7 seek to have a protective order entered in this
8 proceeding. Mr. Boyd?

9 MR. BOYD: No.

10 JUDGE MACE: Mr. Finnigan?

11 MR. FINNIGAN: Out of caution, I would
12 request a protective order.

13 JUDGE MACE: I will see to it that a
14 protective order is entered. Do the parties ask that
15 the discovery rules be invoked; Mr. Boyd?

16 MR. BOYD: Yes.

17 JUDGE MACE: I'll indicate this appears to be
18 a matter that qualifies for discovery, and I'll
19 indicate that the rules are invoked.

20 The next item we have to discuss is a
21 procedural schedule. I'm not sure whether the parties
22 have had an opportunity to discuss scheduling.
23 Mr. Finnigan is nodding his head no. I would like to
24 allow you some time off the record to discuss a
25 procedural schedule.

0006

1 I want to make sure that you include in your
2 procedural schedule some provision for a settlement
3 conference so that we can record that and have that
4 available as information to know that you will be
5 attempting to discuss settlement of this case.

6 Is there anything we need to discuss before
7 we adjourn briefly to discuss scheduling? Doesn't
8 sound like it. I'll let you take some time, maybe 20
9 minutes, and letting Mr. Finnigan know you can come to
10 my office if you finish earlier than that.

11 MR. BOYD: Your Honor, Jerry Boyd here. Is
12 there anyone present on behalf of the WUTC staff?

13 JUDGE MACE: There is not, and I actually
14 think I'm going to call the Commission staff office
15 because I did have an indication in the file that Staff
16 may be participating. It's not always the case that
17 Staff participates in a complaint proceeding, but
18 usually when there is a note in the file, that means
19 that Staff will participate. So I'm just going to make
20 a brief phone call to make sure that this wasn't
21 somehow forgotten about there, but in the meantime, you
22 can at least do some preliminary discussion with regard
23 to schedule. I'll leave you to do that.

24 (Discussion off the record.)

25 JUDGE MACE: The parties have discussed

0007

1 scheduling and have agreed to the following schedule:
2 The filing of the Complainant's direct case, November
3 1st; a settlement conference, November 14th; responsive
4 testimony filing, January 15th of 2006; a rebuttal
5 filing of March 1st.

6 April 13th is the date upon which the parties
7 will file a list of their witnesses and their expected
8 order of presentation as well as a list of
9 cross-examination exhibits and an estimate of the
10 amount of cross-examination they will have for each
11 witness.

12 We have discussed April 18th and 19th as the
13 date for hearing. Although I'm reasonably confident
14 that will be the date, I do need to make one final
15 check on the dates before I enter the prehearing
16 conference order. If there are any changes, I will
17 contact the parties immediately, but it doesn't appear
18 there should be any conflict at this time.

19 My understanding is that the Complainant may
20 bring three witnesses and the Respondent one, but that
21 that may change as the parties review their respective
22 opponent's cases. Let me also indicate for the record
23 that in the prehearing conference order, there is a
24 list of instructions regarding document preparation and
25 filing requirements. Please make sure you review that

0008

1 carefully so that you meet the Commission's
2 requirements for filing and serving documents.

3 Also, a part of the prehearing conference
4 order discusses alternative dispute resolution. You
5 have included a date for settlement conference in your
6 schedule. Let me also indicate to you that we have
7 available settlement judge capabilities so that if you
8 determine that you need some assistance in pursuing
9 settlement of this, you can contact us, hopefully ahead
10 of the settlement conference, and it may be possible we
11 can assign a judge to your case, not me, who might be
12 able to assist you with settlement.

13 Is there anything else the parties want to
14 bring to my attention at this time?

15 MR. CROMWELL: No, Your Honor.

16 MR. FINNIGAN: No, Your Honor.

17 MR. BOYD: No, Your Honor.

18 JUDGE MACE: Thank you. We are adjourned.

19 (Discussion off the record.)

20 JUDGE MACE: Back on the record.

21 MR. FINNIGAN: Jerry, are we going to agree
22 to make courtesy electronic copies available to each
23 other on the due dates?

24 MR. BOYD: Yes.

25 MR. FINNIGAN: That's great. I would

0009

1 appreciate that.

2 JUDGE MACE: Thank you. We are adjourned.

3 (Prehearing conference adjourned at 2:12 p.m.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25