

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

VERIZON NORTHWEST INC.,

Respondent.

DOCKET NO. UT-040788

MOTION TO STRIKE VERIZON
NW'S RESPONSE TO BENCH
REQUEST NO. 3, OR IN THE
ALTERNATIVE, FOR AN ORDER
STRIKING A PORTION OF THAT
RESPONSE AND REQUIRING
THE COMPANY TO
SUPPLEMENT THAT RESPONSE

1 This Motion is filed on behalf of Commission Staff. Staff seeks the relief
described in ¶ 9 below.

2 This Motion places into issue no particular Commission rules or statutes.

FACTS

3 In Bench Request No. 3, the Commission asked Verizon NW to “provide
cash flow projections for Washington intrastate operations for the period ending
June 1, 2005.”

4 Commission Staff Data Request No. 43 asked the Company to provide cash
flow analysis for Washington intrastate. It is Exhibit 130 in this record. In its
response, the Company did not provide Washington intrastate cash flow
information because that information was not available.

5 The Company's Response to Bench Request No. 3, Attachment B-3, contains
certain cash flow analysis for Washington intrastate operations. The Response does
not identify any assumptions under which it was calculated. The Company also
provided testimony under the "RESPONSE" section of its response, before
Attachment B-3.

ARGUMENT

6 The Company has provided the Commission cash flow information it told
Staff was not available on a Washington intrastate basis. The Company's policy
appears to be "Ask and you shall receive" when it comes to Bench Requests (TR.
375:21), but the exact opposite when it came to Staff Data Request No. 43. That is
not right, and it should not be tolerated. The appropriate sanction is to strike the
entire Bench Request No. 3 Response.

7 If the Commission does not strike the entire Response to Bench Request No.
3, it should strike the testimony contained therein, and it should require the
Company to state all assumptions underlying the Response. Bench Request No. 3
asked for "cash flow projections," not testimony. Moreover, the Response cannot

be analyzed because the assumptions are not stated. The parties have never seen this cash flow analysis. Staff has had no opportunity to conduct discovery or cross-examination of the analysis.

8 The parties are working hard to meet a briefing deadline that is fast approaching. The Company's filing of incomplete and/or inappropriate responses to Bench Requests is a distraction we cannot afford. Permitting the Company to file additional evidence that it said it could not provide to the parties, with additional, unsolicited testimony, and without explaining how the figures were developed, is simply beyond the pale.

RELIEF SOUGHT

9 The Commission should not admit the Response to Bench Request No. 3 into the record. If the Commission elects to consider that Response, it should strike the text under the word "RESPONSE" on the first page of the Response, and it should order Verizon NW to supplement the Response to include an objective statement of all assumptions that were made to prepare Attachment B-3.

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Staff makes this Motion without waiving any right to contest the adequacy of any supplement, should one be ordered.

DATED this 19th day of August, 2004.

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Washington Utilities and
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