

Additionally, filing substantial changes to testimony without leave is inconsistent with the Commission's prior rulings in Orders 4 and 5 in this docket. The Commission has already said that allowing additional testimony from one party in this docket "opens the door" to requests for more rounds of testimony and "would unduly complicate this proceeding and potentially cause unnecessary delay." Order No. 04, ¶ 17. Indeed, the problems caused by Staff's revised testimony cannot be cured by the acceptance of Sprint's revised testimony since it too reopens the door to further testimony. Public Counsel has so far been prohibited from submitting direct testimony in response to Mr. Saunder's November 30 testimony and it should surprise no one that allowing Staff and Sprint to supplement the record now would reopen that question.

However, Public Counsel does not seek to supplement the record at this late date because the Commission's January 30 ruling on this matter is clear and easy to implement. Our continued intention is to work with the other parties to reach consensus on eliminating testimony and exhibits to reflect the January 30 ruling. We urge the Commission to strike Staff's revised testimony and order the parties to negotiate changes to the record between themselves. In the alternative, we enclose a chart (attached as Appendix A) containing testimony submitted by both Staff and Sprint that we believe should be eliminated from the record given the Commission's ruling. In any case, no further direct testimony should be allowed without leave at this juncture.

DATED this 22nd day of February 2006.

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PC'S ANSWER TO SPRINT NEXTEL'S
MOT TO STRIKE OR IN THE
ALTERNATIVE ACCEPT REVISED
TESTIMONY OF NANCY L. JUDY
DOCKET NO. UT-051291