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PROCEEDINGS

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Thursday, August 21, 2008 at 1:34 p.m.

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JUDGE RUSSELL: Good afternoon. Let's

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be on the record in this matter. I am Marguerite

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Russell, the Administrative Law Judge in this

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matter. We're here before the Washington Utilities

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and Transportation Commission this afternoon,

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Thursday, August 21st, 2008, for a prehearing

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conference in docket UT-042022, a formal complaint

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filed by Sandy Judd and Tara Herival -- have I

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pronounced that correctly, Counsel?

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MR. YOUTZ: That's correct, Your Honor.

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JUDGE RUSSELL: Thank you -- against

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AT&T and T-Netix. The complaint was originally

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filed with the King County Superior Court, as I

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understand it, but was referred to the Commission

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under the doctrine of primary jurisdiction.

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In July of 2005 T-Netix filed a motion

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for summary judgment concerning the issues of

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the -- the issue of Complainants' standing. The

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Court granted T-Netix's motion, and later clarified

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that it applied to AT&T as well. And then

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rescinded the referral of primary jurisdiction to

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this Commission.

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1 In December of 2006, the Washington
2 Court of Appeals reversed the lower court's ruling
3 on T-Netix's motion and remanded the case to the
4 Superior Court with directions to reinstate the
5 referral to the Commission for a determination of
6 the issues originally before the Commission.

7 In December of 2007, the Supreme Court
8 of Washington denied review of the Court of
9 Appeals' decision. And since then the King County
10 Superior Court has reinstated the original referral
11 to this Commission. And that was on March 27,
12 2008.

13 So the purpose of the prehearing this
14 afternoon is to take appearances, address any
15 petitions for leave to intervene that we may have
16 before us. Also, we want to identify the issues in
17 this case, discuss the procedural schedule for the
18 proceeding, and any other procedural issues that
19 the parties may wish to raise.

20 So let's go ahead and begin with
21 appearances. Beginning with Complainant, if all of
22 the parties could just go ahead and state their
23 name, spell the surname; also give me your business
24 card information, the full address, e-mail,
25 telephone, fax number. And go ahead and please

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1 speak slowly.

2 MR. YOUTZ: Your Honor, my name is Chris
3 Youtz, Y-O-U-T-Z, of the law firm of --

4 MR. MANISHIN: I am having a hard time
5 hearing, Mr. Youtz.

6 MR. YOUTZ: (Complies.)

7 JUDGE RUSSELL: Oh, perhaps -- perfect.

8 MR. YOUTZ: Is that better?

9 MR. MANISHIN: That's much better.

10 MR. YOUTZ: The microphone was off. I
11 apologize. Again, my name is Chris Youtz,
12 Y-O-U-T-Z, of the law firm of Sirianni Youtz Meier
13 & Spoonemore. Our address is 719 Second Avenue,
14 Suite 1100, Seattle, Washington 98104. Telephone
15 number, (206) 223-0303; Fax number, (206) 223-0246.
16 And my e-mail address is cyoutz, C-Y-O-U-T-Z,
17 @sylaw.com. And I am representing the Complainants
18 here today.

19 JUDGE RUSSELL: Thank you. Let's go
20 ahead and have the representative for AT&T make an
21 appearance.

22 MR. PETERS: Charles Peters from Chiff
23 Hardin, that's C-H-I-F-F, second word, Hardin,
24 H-A-R-D-I-N. That address is 6600 Sears Tower,
25 Chicago, Illinois. And my telephone number is

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1 (312) 258-5500, and my e-mail address is cpeters,
2 C-P-E-T-E-R-S, at chiffhardin.com. I don't know if
3 she joined late or not, but I know Letty Friesen --

4 MS. FRIESEN: I am here.

5 MR. PETERS: I will let you enter your
6 own --

7 MS. FRIESEN: This is Letty Friesen,
8 L-E-T-T-Y, F-R-I-E-S-E-N. I am in-house counsel
9 with AT&T. My address is 2535 East 40th Avenue,
10 Suite B, as in boy, 1201, Denver, Colorado 80205.
11 My telephone number is (303) 299-5708, and my
12 e-mail address is lsfriesen@AT&T.com.

13 JUDGE RUSSELL: Great. And I guess I
14 would ask right now, since Mr. Peters and
15 Ms. Friesen are both representing AT&T, if either
16 one of you is the preferred contact person to send
17 information to and to serve documents upon.

18 MS. FRIESEN: We like both, but
19 Mr. Peters would be primary if we only get one.

20 JUDGE RUSSELL: Okay. Great. I think
21 at this point let's go ahead and take the
22 appearances of T-Netix.

23 MR. BUTLER: This is Arthur --

24 MR. MANISHIN: This is Glenn Manishin.
25 You have Art Butler there in the room, and myself

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1 here in Washington, although I will go first. I am
2 Glenn Manishin. It's a delight to have other names
3 that are as difficult as mine -- M-A-N-I-S-H-I-N.
4 I am with Duane Morris, LLP, D-U-A-N-E. The
5 address is 505 9th Street, Northwest, Suite 1000,
6 Washington, DC 20004; Phone, (202) 776-7813; Fax,
7 (202) 478-2875. My e-mail is g, b as in boy,
8 manishin, @duanemorris, D-U-A-N-E-M-O-R-R-I-S, com.

9 JUDGE RUSSELL: Thank you. Mr. Butler.

10 MR. BUTLER: Yes. Arthur A. Butler,
11 Ater Wynne, LLP. My address is 601 Union Street,
12 Suite 1501, Seattle, Washington 98101-2341;
13 Telephone, (206) 623-4711; Fax, (206) 467-8406;
14 e-mail is aab@aterwynne.com.

15 JUDGE RUSSELL: Great. Thank you. And,
16 again, I would ask which of the two counsel is the
17 primary contact.

18 MR. MANISHIN: We would prefer both, but
19 I will defer to Mr. Butler if we're only going to
20 be served one copy of the pleadings by the
21 Complainant.

22 JUDGE RUSSELL: And certainly service
23 can be made on the parties by e-mail as well, so
24 you can serve parties, any additional contacts via
25 e-mail as well.

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1 MR. MANISHIN: That would be acceptable
2 to us.

3 JUDGE RUSSELL: Great. I noticed that
4 on our Master Service List here at the Commission
5 we also have listed Staff and Public Counsel. Are
6 either on the conference bridge?

7 (No response.)

8 MR. MANISHIN: I don't believe they are,
9 Your Honor. And having been in this case for a
10 while, the last time was before the Commission, I
11 don't believe either of those elements of your
12 Staff or counsel participated in the proceeding.

13 JUDGE RUSSELL: Thank you, Counsel.

14 MR. MANISHIN: You are welcome.

15 JUDGE RUSSELL: With that, are there any
16 other parties on the bridgeline at all?

17 (No response.)

18 JUDGE RUSSELL: Hearing nothing, let's
19 go on to petitions for intervention. And since
20 there's nobody on the bridgeline, I am guessing
21 that nobody is appearing and requesting a petition
22 for intervention, but I want to go ahead and open
23 that up right now just to see if anybody is out
24 there.

25 (No response.)

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1 JUDGE RUSSELL: Hearing nothing, I would
2 like to move on to the issues in this case, because
3 this case has been going on for some time. I would
4 like counsels to clarify for the record the issues
5 in this case.

6 My understanding is that there are two
7 main issues that Complainants have raised. The
8 first being whether or not AT&T and T-Netix are
9 OSPs, that being Operator Services Providers. And
10 the second issue being, if so, whether or not AT&T
11 and T-Netix have violated the Commission's
12 disclosure rules regarding their rates.

13 But I would like to hear counsel also
14 identify any additional issues that may have come
15 up in the interim.

16 MR. YOUTZ: Your Honor, this is Chris
17 Youtz for Complainants. Those are the two issues
18 in the case that were referred to you by Superior
19 Court. Other issues were raised, as you can tell,
20 during these proceedings when they were first
21 initiated dealing with standing and so on, that
22 have now been resolved.

23 Where this was left is we were starting
24 to address these first two issues through
25 discovery, and discovery requests were made. And

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1 then since the case kind of came to a halt at that
2 point when the motion for summary judgment or
3 summary determination was made on the standing
4 issue, and discovery, as I said, at that point,
5 essentially stopped.

6 So from the Complainants' standpoint
7 what we would like to do is pick up, frankly, where
8 we left off, with having the discovery provided to
9 us that had been requested and just continue
10 towards a resolution of these issues.

11 Now, early in the first time we were
12 here, AT&T filed a motion for summary determination
13 stating as a matter -- claiming as a matter of law
14 that it is not an OSP. And that, I guess, is still
15 pending. That was deferred until we could have
16 discovery. But as I said, then what happened
17 was -- then the motion for summary determination on
18 the standing issue kind of took over the case, and
19 a life on its own, and then up to the Court of
20 Appeals and back.

21 So from our perspective, I think the two
22 issues are defined by the referral from the
23 Superior Court, and what we would like to do is
24 continue with our discovery. And I suspect from
25 what has happened in the prior sessions, we're

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1 going to have some discovery disputes that will
2 need to be resolved.

3 MR. PETERS: This is Charles Peters for
4 AT&T, Your Honor. I tend to agree, essentially,
5 with Mr. Youtz. I think those are the primary
6 issues that are the subject of the referral. He's
7 right that AT&T had filed a motion for summary
8 determination. Judge Rendahl issued an order on
9 those issues and the motion for summary
10 determination.

11 We did -- where things halted was after
12 there was service and response to data requests,
13 and we were just starting to get ready for
14 depositions. There actually was an order that
15 Judge Rendahl issued. It's a February 22nd, 2005,
16 order that had a schedule on it. And ultimately I
17 tend to agree with Mr. Youtz that we should pick up
18 that schedule as well.

19 But to answer your direct question in
20 terms of what are the primary issues, I do agree
21 that those are the two primary issues. There was
22 an issue about standing, and I will leave it to
23 Mr. Manishin to let us know where he feels that
24 issue stands.

25 MR. MANISHIN: This is Mr. Manishin, and

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1 since we were the ones who brought the standing
2 issue to the attention of the Commission and the
3 Court, I think it's appropriate that I do address
4 it.

5 It is correct, as Mr. Youtz has stated,
6 that standing right now is no longer a viable
7 issue. It is not correct that the factual issues
8 that were related to our standing motion are no
9 longer relevant to the Court or the Commission in
10 terms of the referral.

11 Let me just take a moment to explain
12 what I am talking about and why. By factual
13 issues, I mean whether there were calls completed
14 to T-Netix or AT&T that fall within the
15 jurisdiction of the Commission, and for which the
16 rate disclosure obligations arguably apply. The
17 premise of the standing motion was that the
18 Commission had waived the requirement of rate
19 disclosures for the LECs for their local calls.
20 And the rate disclosure obligation obviously did
21 not apply to any interstate calls, which leaves us
22 with intrastate/intra-LATA, essentially.

23 And since the plaintiffs had come
24 forward with only, my recollection is, one
25 intrastate/intra-LATA call, the purported proof of

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1 which is an affidavit from Herival, for which there
2 was no corroborating bill or call detail record, we
3 asked for summary judgment on the issue of
4 standing. The Court of Appeals differed with Judge
5 Ramsdel (phonetic) of the County Court on whether
6 that one affidavit was sufficient to avoid summary
7 judgment.

8 And the reason I raise this issue is not
9 that standing is still material, but rather because
10 the predicate to both of the legal issues, whether
11 AT&T and/or T-Netix are OSPs, and whether there was
12 a violation of the rate disclosure rules requires
13 some evidence of proof of what kind of calls
14 allegedly were placed, and proof that those -- for
15 those calls there were no rates disclosures given.

16 And I think that given where the case
17 has gone, that that is a third issue that needs to
18 be addressed. It's the factual components, if you
19 will, of the mixed questions of law and fact
20 referred to by the Court of Appeals.

21 Can everyone hear me? Just want to make
22 sure about that.

23 MR. PETERS: I can hear you fine.

24 JUDGE RUSSELL: I just heard --

25 MR. MANISHIN: Judge Russell, you can

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1 hear me?

2 JUDGE RUSSELL: I can; however, the
3 court reporter has indicated that if you could
4 speak up a little, that would be great.

5 MR. MANISHIN: Let me move closer to the
6 microphone, and I apologize for that, Ms. Reporter.
7 And if you have any questions, please don't
8 hesitate to interrupt me.

9 To the extent we're talking about
10 discovery, I think that that is a separate
11 question. And I will ask Mr. Butler to address it
12 in terms of the customary procedures of this
13 Regulatory Commission. But as I understand it, in
14 an ordinary case, if a complaint is brought, the
15 Complainant files testimony, direct testimony in
16 writing; the defendants take discovery by data
17 request. The defendants then file opposition
18 testimony. The plaintiffs -- the Complainants take
19 discovery by way of data requests. There may or
20 may not be rebuttal testimony, and if the
21 Commission so approves, depositions may be taken.
22 Most of that procedure was jettisoned the last time
23 on the grounds that plaintiffs needed some
24 discovery to prove their case.

25 And I beg to differ with Mr. Youtz, and

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1 agree with Mr. Peters, that the vast majority of
2 that discovery not only had already been taken, but
3 the only stuff that remained, and this is the basis
4 of the dispute, Your Honor, related to issues not
5 before the Commission and beyond the scope of what
6 the plaintiffs have alleged in the court.

7 In other words, I think that they have
8 had a chance to take depositions. They have had a
9 chance to take discovery, and that the plaintiffs
10 should be put to their proof, and we should go back
11 to the normal way in which a complaint proceeding
12 is handled before this Commission.

13 I will ask Mr. Butler to amplify and
14 extend that as appropriate, given his knowledge of
15 local customs and practice.

16 MR. BUTLER: Yes. Formally under the
17 Commission's rules, depositions are available only
18 of those persons who have been identified by a
19 party as a witness. And, of course, we have no
20 such persons identified at this point, on behalf of
21 T-Netix, anyway. We're way too early in the
22 process, and normally what would happen is that
23 the --

24 MR. MANISHIN: Mr. Butler, if you can
25 hear me, I have a hard time hearing. If you could

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1 move closer to the microphone, even though I know
2 what you are saying.

3 MR. BUTLER: Can you hear me now?

4 MR. MANISHIN: Much better now.

5 MR. BUTLER: I was just making the point
6 that under the Commission's discovery rules,
7 depositions are normally available only of persons
8 who have been identified by a party as a witness.
9 And T-Netix, of course, has identified no such
10 persons at this point. It's way too early in the
11 process, and normally what would happen is that the
12 Complainants would file their written testimony,
13 and there would be discovery on that.

14 And as Mr. Manishin said, we would file
15 responsive testimony, and they would conduct
16 discovery on that responsive testimony, and at that
17 point depositions would be appropriate.

18 JUDGE RUSSELL: Could I stop you there
19 for just a minute. When you say depositions are
20 only available for parties that -- or people that
21 have already been, I guess, identified as
22 witnesses, what exactly are you citing to? Is
23 this --

24 MR. BUTLER: WAC 480-07-410. So Section
25 1, which says, a party may depose any person

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1 identified by another party as a potential witness.

2 JUDGE RUSSELL: I am sorry to interrupt.

3 Please continue.

4 MR. BUTLER: Well, I think I finished
5 the point, is that at this stage, as Mr. Manishin
6 said, we have completed the written discovery that
7 relates to the calls that are the subject of the
8 complaint. And it is now appropriate for the
9 Complainants to come forward with their testimony
10 to establish their burden of proof. And then we
11 can proceed as we would normally in a Commission
12 proceeding. But I do not believe that further
13 discovery is appropriate or necessary at this
14 point.

15 JUDGE RUSSELL: So at least we can agree
16 that there's two issues. Beyond that, I think it's
17 still -- there's still a lot in dispute as far as
18 discovery goes.

19 Mr. Youtz, you indicated that -- or it
20 seems to me that you were indicating that discovery
21 had not been fully conducted as far as Complainants
22 were concerned.

23 MR. YOUTZ: That's correct, Your Honor.
24 And I guess I am a little disappointed by these
25 statements, because even the Court of Appeals noted

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1 that in its opinion that it appeared that the
2 motion was brought on standing in large part to
3 continue to avoid the discovery that the other side
4 was supposed to have provided during these
5 proceedings.

6 The fact is that when we started last
7 time, the judge approved both the issuance of
8 discovery requests and depositions. The timing of
9 depositions to be done in accordance with document
10 production, and response to our data requests. We
11 have issued two sets of data requests. The first
12 set has not been fully complied with, and we can go
13 into disputes, and probably will have to, about how
14 that should be complied with.

15 The second set has never even been
16 responded to in any fashion. There hasn't -- those
17 were issued in August of '05. There's absolutely
18 no response whatsoever to that.

19 All of a sudden now, trying to take
20 something that had been set up to where we would
21 issue in very logical sequence, we would do our
22 discovery requests -- and I should say, also, we
23 have answered discovery requests from the other
24 side as part of this process -- to take discovery
25 requests, get documents, and get information, and

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1 from that information go forward and take
2 depositions. Contrary to what T-Netix has said,
3 410 also says that the presiding officer may
4 approve the deposition of any witness who may not
5 be named as a potential witness on our part, or
6 their part, if that witness has information that
7 would be necessary in the proof of our case.

8 And the last time we were here, it was
9 clearly understood -- in fact, there was an offer
10 made by the other side to identify certain people
11 whose depositions we would take as part of this
12 process. So that has always been contemplated.

13 The problem was that when this motion on
14 standing came up, along with a motion on the part
15 of the Respondents to stay all discovery pending
16 that resolution, that motion and then their de
17 facto stoppage of providing any discovery, put us
18 where we are, which is we haven't had full
19 responses to our initial set. We haven't even had
20 any kind of response to our second set, and here we
21 sit. And now we're saying that we're supposed to
22 produce draft testimony on a case while being
23 denied this prior discovery. So, yes, that is a
24 dispute.

25 MR. MANISHIN: Your Honor, may I briefly

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1 respond? It's Glenn Manishin. I don't think that
2 references to the good or bad faith of a party
3 based upon some interpretation of a Court of
4 Appeals opinion are appropriate, No. 1.

5 No. 2, this is not a Commission -- this
6 is not a proceeding in which the Commission enjoyed
7 original jurisdiction. This is not a formal
8 complaint against T-Netix or AT&T about our
9 activities as common carriers, about our status as
10 certified providers, or even as to whether we
11 complied with the OSP rules in general.

12 It's a reference from a court to resolve
13 an issue of regulatory law in the context of
14 allegations made in the court case. It is not to
15 serve as a substitute for judicial discovery. And
16 to date, the plaintiffs have come forward with no
17 evidence of calls that have been made that are
18 within the jurisdiction of the Commission. No
19 evidence that any calls were made that did not
20 comply with the rules, not even a single person who
21 said that they don't have a rate quote.

22 And yet they want to take discovery as
23 to every installation of my client, and Mr. Peters'
24 client, throughout the state of Washington, for a
25 period of five years, without producing anything in

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1 terms of their affirmative case.

2 And what I suggest is twofold. First, I
3 think that the Commission needs to recognize that
4 it does not have the wide ranging jurisdiction that
5 it would if the Complainants here had filed a
6 complaint under the Washington Telecommunications
7 Act, and WAC, directly with the Commission as
8 opposed to going to Court. That's No. 1.

9 And, No. 2, that unless and until the
10 parties have an opportunity to educate Your Honor
11 about the complex reality of this case, which has
12 been going on since the year 2000, that decisions
13 on what discovery is appropriate and inappropriate
14 are really premature. That is, you can see that
15 there's a number of disputes, and they are very
16 complicated because they involve decisions by a
17 prior ALJ, by two State court judges, by three or
18 six Court of Appeals judges. So by my count, there
19 are 16 judicial and regulatory officers who have
20 made decisions in this case, some of which are
21 about discovery.

22 I would suggest that if we can't resolve
23 it today, which it appears we can't, that each side
24 provide a brief to Your Honor about their position
25 on discovery with citations to the appropriate part

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1 of the record, so that Your Honor can review that
2 in context and we don't decide it based upon the
3 recollections of folks as to what did or did not
4 happen three years ago, our four years ago, before
5 Judge Rendahl, a different ALJ, who is no longer in
6 charge of this proceeding.

7 So in other words, we should put it in
8 writing to give our position to give Your Honor and
9 the parties an adequate opportunity to do it in the
10 context of the real record, not recollections of
11 lawyers that may or may not be correct from three
12 to five years ago.

13 JUDGE RUSSELL: Mr. Butler, were you
14 wanting to say something?

15 MR. BUTLER: No, I don't have anything
16 to add.

17 JUDGE RUSSELL: Ms. Friesen, did you
18 have anything to add? Ms. Friesen?

19 MR. PETERS: She may have had to drop
20 off. I know she had another hearing, so she may
21 have had to drop off.

22 This is Charles Peters. But let me just
23 address AT&T's position. I am happy, in terms of
24 Mr. Manishin, if he's suggesting rather than we
25 rely on everybody's recollection, to submit briefs,

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1 I am perfectly comfortable with that.

2 Really, what I wanted to do in terms of
3 adopting a schedule is to just get something in
4 place that was consistent with the prior schedule.
5 But I am happy to brief that issue, if that makes
6 everybody else more comfortable.

7 JUDGE RUSSELL: Okay. What I am going
8 to do is I am going to go off the record for
9 approximately ten minutes. And then I will come
10 back in ten minutes and we will be back on the
11 record. So for now we're going off the record for
12 ten minutes.

13 (Brief recess taken.)

14 JUDGE RUSSELL: Okay. Do we have
15 everybody on the conference line still?

16 MR. MANISHIN: Glen Manishin is present.

17 MR. PETERS: Charles Peters is present.

18 JUDGE RUSSELL: Ms. Friesen back?

19 Maybe? No?

20 MR. PETERS: I don't think she'll be
21 back.

22 JUDGE RUSSELL: Let's go back on the
23 record. I want to clarify something with regard to
24 service, and it's a shame Ms. Friesen, who was
25 going to -- the parties wanting more than one copy

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1 of service of documents.

2 Let me just clarify that when I say the
3 primary contact, what I am indicating is that this
4 primary contact is getting the paper copy. We will
5 send courtesy e-mails to everyone else, which will
6 have an attachment of the document, but it's not
7 considered service per se. So we will serve the
8 paper copy on the primary contact, and everyone
9 else will be getting the courtesy e-mail with
10 attachments.

11 MS. FRIESEN: I am Letty Friesen. I am
12 on the call.

13 JUDGE RUSSELL: Great. Did you hear the
14 last part?

15 MS. FRIESEN: Yes, I did.

16 JUDGE RUSSELL: With regard to the
17 discovery issues in this case, I will agree with
18 Mr. Manishin that this does need to be briefed. It
19 appears that there are conflicting, perhaps
20 conflicting memories of what may have happened
21 prior. And to keep this moving along as
22 efficiently as possible, I would set a briefing
23 schedule regarding the discovery issues of the
24 status of the discovery, as well as the extent to
25 which discovery can take place. Certainly parties

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1 are welcome to raise the deposition issue.

2 For that matter, I would say the initial
3 briefs will be due in two weeks. So by my
4 calendar, that would be Thursday, the 4th of
5 September. And then reply briefs to the initial
6 briefs will be due one week later. And that will
7 be on September 11th. And following that, I will
8 go ahead and issue an order resolving the matters
9 that you have briefed regarding discovery, and I
10 will put in there also a notice of a future
11 prehearing conference.

12 But as I said, we're going to try and
13 move this along as efficiently and quickly as
14 possible. And is there anything else from any of
15 the parties?

16 MR. PETERS: Not for AT&T.

17 MR. YOUTZ: Your Honor, Chris Youtz. I
18 think the first go around we agreed, and I don't
19 know if we need to agree again, that all the
20 parties could serve each other with papers via
21 e-mail, and I hope that is still agreeable?

22 MR. MANISHIN: That is fine for T-Netix.

23 MR. PETERS: That's fine by AT&T.

24 MR. BUTLER: That's fine.

25 JUDGE RUSSELL: And I would note, and I

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1 appreciate the reminder of service as well, instead
2 of the provision that we normally employed, I
3 believe it's an original -- and it's a huge number,
4 it's like 12 or something -- just go ahead and when
5 you are serving the Commission, do an original and
6 four copies. And also abide by the Commission's
7 rules on electronic filing with the Commission as
8 well.

9 MR. MANISHIN: Judge, do you like a
10 courtesy copy delivered to you, or e-mailed to you?

11 JUDGE RUSSELL: The e-mail would be
12 great. The original and four includes my paper
13 copy, but a courtesy e-mail would be wonderful.

14 MR. MANISHIN: And if you give that
15 address to Mr. Butler, we will certainly get that
16 in line for you.

17 JUDGE RUSSELL: Certainly. I will go
18 ahead and do that.

19 MR. MANISHIN: Mr. Butler, if you could
20 circulate that to all the parties, that would be
21 helpful in expediting everything.

22 MR. BUTLER: I will do that.

23 MR. MANISHIN: Thank you.

24 JUDGE RUSSELL: There's one other thing
25 I want to address, and then parties can also bring

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1 up any other matters before we close, before we
2 adjourn. The other matter that I wanted to address
3 is the protective order. There is a protective
4 order in place, as I understand it. And is that
5 correct, parties who have been involved in this
6 proceeding longer than I?

7 MR. BUTLER: Yes.

8 MR. MANISHIN: Yes.

9 JUDGE RUSSELL: For those of you who
10 were not, as I wasn't, from the beginning of this
11 case, you are going to need to review the
12 protective order and sign that, as well as any of
13 you who are experts, consultants, what have you.

14 MR. YOUTZ: We have already --

15 JUDGE RUSSELL: All of you have
16 already filed --

17 MR. BUTLER: We filed the agreements for
18 Mr. Manishin and one of his associates.

19 MR. YOUTZ: I was going to say, the
20 individuals from our law firm and our experts have
21 signed off as well, already. And I assume those
22 sign-offs from the first go around still apply when
23 we pick up again?

24 JUDGE RUSSELL: That's correct. That's
25 correct. Anyone on the conference bridge who still

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1 needs to sign a protective order? I don't believe
2 there is anybody. Ms. Friesen? Mr. Peters?

3 MR. PETERS: We have both signed.

4 JUDGE RUSSELL: Fantastic. Anything
5 else before we adjourn today?

6 MR. MANISHIN: I don't believe so,
7 Judge.

8 JUDGE RUSSELL: Okay. You have your
9 marching orders for two weeks, and reply briefs in
10 a week. After that I will issue an order as
11 quickly as possible, and we will get moving on
12 this. Okay?

13 MR. MANISHIN: Thank you.

14 MR. BUTLER: Thank you.

15 JUDGE RUSSELL: You are welcome.

16 ENDING TIME: 2:25 P.M.

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