

JUDITH A. ENDEJAN
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November 8, 2007

Sent Via E-mail and FedEx

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: In the Matter of Sprint Communications Company, L.P.
Docket No. UT-073031

Dear Ms. Washburn:

This letter will respond to the Notice of Opportunities (sic) to Respond dated November 6, 2007 requesting Sprint's response to Whidbey's letter request to file its answer to Sprint's Petition five business days following resolution of its Motion to Dismiss, filed on November 2, 2007.

Order No. 01 set the Prehearing Conference ("PHC") in this docket for November 26, 2007 at 1:30 p.m. The PHC date was established after Mr. Finnigan requested this date, rather than one earlier in November, in order for Whidbey to file its answer prior to the PHC, claiming that it "would not be very productive to hold a pre-hearing conference" prior to its answer. (Attachment A). The Commission agreed, and set the Prehearing Conference for November 26th. Whidbey then filed its motion to dismiss, knowing that it represented to the Commission that it would be filing an answer prior to the PHC. WAC 480-07-380(1) (b) specifically deals with Whidbey's request, stating "Filing a motion to dismiss a pleading, or seeking a similar remedy, does not extend the time for answering the pleading." Whidbey has presented no exigent reason for being alleviated from its filing obligation, which would distinguish this case from any other case in which a motion to dismiss is filed. Whidbey's request could jeopardize the procedural schedule in this docket that already has a very tight timeframe for Commission action. Sprint does not want the PHC date to slip. Furthermore, for the PHC to be most productive, therefore, as Whidbey claimed previously, its answer should be filed prior to the PHC. While Sprint would not oppose some limited extension of time for the answer, Whidbey should be required to file its answer at least several days prior to the PHC so that the Commission and Sprint will have time to review and analyze it.

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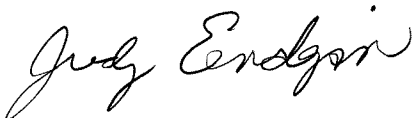
SEATTLE ~ PORTLAND

ALJ Adam E. Torem, Law Judge
WUTC
November 8, 2007
Page 2

Please feel free to contact me if you have any further questions or comments about Sprint's position. An original and twelve copies will be sent for filing via overnight mail. Thank you.

Very truly yours,

GRAHAM & DUNN PC



Judith A. Endejan

JAE/dtd

cc:

ALJ Adam E. Torem
Administrative Law Judge
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7520
atorem@wutc.wa.gov
(via e-mail and FedEx)

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Tel: (913) 315-9294
Jeff.M.Pfaff@sprint.com
(via e-mail and FedEx)

ATTACHMENT A

Endejan, Judith A.

From: Endejan, Judith A.
Sent: Friday, October 26, 2007 3:29 PM
To: 'Walker, Kippi (UTC)'; rickfinn@localaccess.com
Cc: julia@whidbeytel.com; jeff.m.pfaff@sprint.com; Kristin.L.Jacobson@sprint.com; Rendahl, Ann (UTC); Torem, Adam (UTC)
Subject: RE: Docket UT-073031

Dear Kippi, I have checked with our clients and Sprint is available on November 26, 27 or 28th. Thank you, Judy Endejan

From: Walker, Kippi (UTC) [mailto:KWalker@utc.wa.gov]
Sent: Friday, October 26, 2007 10:19 AM
To: Endejan, Judith A.; rickfinn@localaccess.com
Cc: julia@whidbeytel.com; jeff.m.pfaff@sprint.com; Kristin.L.Jacobson@sprint.com; Rendahl, Ann (UTC); Torem, Adam (UTC)
Subject: RE: Docket UT-073031

I spoke to Judge Rendahl about your concerns and her response is given the circumstances in this case that it would be useful for the Arbitrator to receive a response before the prehearing conference so he knows what the issues are in order to frame a schedule. As I have been directed, the prehearing conference will be scheduled the week of November 26. Whidbey indicates it is available November 26, 27 or 28. Judy, does Sprint have any conflicts on either of those dates?

If you have further concerns, you may contact Judge Rendahl.

Thank you,

Kippi Walker
 UTC - Administrative Law Division
 P.O. Box 47250
 Olympia, WA 98504-7250
 Phone: (360) 664-1139
kwalker@utc.wa.gov

From: JEndejan@GrahamDunn.com [mailto:JEndejan@GrahamDunn.com]
Sent: Friday, October 26, 2007 8:35 AM
To: rickfinn@localaccess.com; Walker, Kippi (UTC)
Cc: julia@whidbeytel.com; jeff.m.pfaff@sprint.com; Kristin.L.Jacobson@sprint.com
Subject: RE: Docket UT-073031

Mr. Finnigan has indicated that he will represent Whidbey in this docket. He has not indicated any unavailability during the week of November 5. Instead he has raised an irrelevant reason for delaying the prehearing conference. There is no procedural requirement that an answer be filed prior to scheduling a prehearing conference, which is ministerial in nature under WAC 480-07-430. This case has a tight deadline for final Commission action, under 47 U.S.C. Sec.252(b)(4)(c), which imposes a nine-month time clock, commencing on the date when Whidbey received the request for interconnection, which was May 11, 2007. Therefore, a delay until late November will impose unnecessary time constraints on the Commission and the parties and Sprint urges the Commission to set the prehearing conference during the week of November 5. Thank you.

11/6/2007

Judy Endejan
(206)340-9694

From: Richard Finnigan [mailto:rickfinn@localaccess.com]
Sent: Thursday, October 25, 2007 3:38 PM
To: Kippi Walker
Cc: Endejan, Judith A.; Julia DeMartini
Subject: Docket UT-073031

Kippi, I have been asked to represent Whidbey in this matter. This e-mail should not be construed as a formal appearance, but simply a matter of courtesy for your scheduling purposes.

Under Section 252 and the Commission's rules, Whidbey's response to Sprint's Petition is due on or before November 11, 2007. In discussing this matter with Whidbey's representatives, it appears that it would be not very productive to hold a pre-hearing conference prior to November 11, 2007.

Your original e-mail referenced the week of November 29. I assume that is a typographical error and you were referring to the week of November 26. Whidbey would be available for a pre-hearing conference on November 26, 27 or 28.

Thank you for your attention to this matter.

Rick Finnigan
(360) 956-7001
(360) 753-6862 (fax)

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**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of Sprint Communications Company L.P. for Arbitration with Whidbey Telephone Company)	Docket No. UT-073031 CERTIFICATE OF SERVICE
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I certify that I have this day served the attached letter to Carole Washburn upon all parties of record in this proceeding by sending a copy by electronic mail and U.S. mail, unless otherwise specified, to the following interested parties:

ALJ Adam E. Torem
Administrative Law Judge
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7520
atorem@wutc.wa.gov
(via e-mail and FedEx)

Richard A. Finnigan
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2112 Black Lake Boulevard SW
Olympia, WA 98512
Tel: (360) 956-7001
rickfinn@localaccess.com
Attorney for Whidbey Telephone Company
(via e-mail and FedEx)

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Certificate of Service
Docket No. UT-073031

Jeffrey M. Pfaff
Sprint Nextel Corporation
6450 Sprint Parkway
Mail Stop KSOPHN312-3A321
Overland Park, KS 66251
Tel: (913) 315-9294
Jeff.M.Pfaff@sprint.com
(via e-mail and FedEx)

DATED this 8th day of November, 2007.

GRAHAM & DUNN PC

By 

Darlyne T. De Mars
Legal Secretary to Judith A. Endejan
and Richard J. Busch, Attorneys for
Petitioner
E-mail: ddemars@grahamdunn.com