

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of	)	DOCKET NO. UT-050778
	)	
DOUGLAS AND JESSICA RUPP,	)	
KATHIE DUNN AND CHRIS HALL,	)	ORDER NO. 03
MELINDA INMAN; VERLIN	)	
JACOBS, ANTHONY WILLIAMS,	)	
CHRISTINE AND SAMUEL	)	PREHEARING CONFERENCE
INMAN, AND SAM HAVERKEMP	)	ORDER REESTABLISHING
AND CHRIS PORTREY,	)	PROCEDURAL SCHEDULE
	)	
Petitioners,	)	
	)	
v.	)	
	)	
VERIZON NORTHWEST INC.,	)	
	)	
Respondent.	)	
.....	)	

1 **NATURE OF PROCEEDING.** Docket No. UT-050778 is a petition by persons in seven households near Index, Washington. Petitioners request that the Commission direct Verizon to expand its service territory and provide service to petitioners' properties.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in Docket No. UT-050778 at Olympia, Washington on January 31, 2006, before Administrative Law Judge Karen Caillé (ALJ) for purposes of reestablishing a procedural schedule in this docket.

3     **APPEARANCES.** Petitioner Douglas Rupp represents himself and the petitioners, Petitioner Melinda Inman appeared by telephone. David C. Lundsgaard, Graham & Dunn, Seattle, Washington, represents Verizon Northwest, Inc. Sally Johnston, Senior Assistant Attorney General, represents the Commission's regulatory staff (Commission Staff or Staff). Appendix A to this Order provides revised contact information for the parties' representatives.

**BACKGROUND.** On November 10, 2005, the Commission suspended the procedural schedule in this proceeding at the request of the parties pending the Commission's decision on a settlement agreement filed in Docket No. UT-050814, *In the Matter of the Joint Application of Verizon Communications, Inc. and MCI, Inc. for Approval of Agreement and Plan of Merger (Merger Docket)*. One of the terms of the settlement agreement in the *Merger Docket* could have resolved the petition in this proceeding. The Commission's decision in the *Merger Docket* rejected the settlement term for this petition. Subsequently, the parties in this proceeding requested that this docket be reactivated, and a procedural schedule be reestablished.

4     **PROCEDURAL SCHEDULE.** Verizon proposed a schedule that preserved the intervals of time that were set in the initial procedural schedule. Mr. Rupp objected and argued that Verizon could have been working on the case while the procedural schedule was suspended, and following the entry of the order in the *Merger Docket*. Over Mr. Rupp's objection, the ALJ accepted Verizon's proposed schedule. The Commission adopts the procedural schedule which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference. In all other respects, the initial prehearing conference order, Order No. 01, remains in effect.

5     **MOTION TO REMOVE PETITIONER.** Petitioners filed an unopposed motion to remove Robert Jacobs as a petitioner in this proceeding. The motion explains

that Mr. Jacobs has moved from his residence in the Skyko 2 area. The ALJ granted the motion.

**BENCH REQUESTS.** The ALJ advised the parties that she would be issuing formal bench requests for information on the permits required in order to bring service to Petitioners, and whether provision of service would be consistent with other state policies such as environmental policies and growth management policies.

6 **NOTICE OF EVIDENTIARY HEARING.** The Commission gives notice of the evidentiary hearing in this matter on **Monday, April 3, 2006, beginning at 1:00 p.m., and if needed, Tuesday, April 4, 2006, beginning at 9:30 a.m., in Room 206 of the Commission's offices, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.**

7 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 2nd day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

APPENDIX A

<b>PARTIES' REPRESENTATIVES</b>				
<b>DOCKET NO. UT-050778</b>				
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Petitioners</b>	Douglas Rupp 54829 Garnet Way P.O. Box 207 Index, WA 98256	<b>Message No.</b> 425-740-0185	425-740-0185	<a href="mailto:Rupp@gnat.com">Rupp@gnat.com</a>
<b>Verizon Northwest, Inc.</b>	David C. Lundsgaard Graham & Dunn PC Pier 70 2801 Alaskan Way, Suite 300 Seattle, WA 98121-1128	206-340-9691	206-340-9599	<a href="mailto:dlundsgaard@grahamdunn.com">dlundsgaard@grahamdunn.com</a>
<b>Commission Regulatory Staff</b>	Sally Johnston Assistant Attorney General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1193	360-586-5522	<a href="mailto:sjohnston@wutc.wa.gov">sjohnston@wutc.wa.gov</a>
<b>Administrative Law Judge</b>	Karen M. Caillé 1300 S. Evergreen Prk Dr. S.W P.O. Box 47250 Olympia, WA 98504-7250	360- 664-1136	360- 664-2654 [ALD fax only – do not use to file]	<a href="mailto:kcaille@wutc.wa.gov">kcaille@wutc.wa.gov</a>

APPENDIX B

PROCEDURAL SCHEDULE

DOCKET NO. UT-050778

EVENT	DATE	INTERVAL
Petitioners' Supplemental Response to Motion to Dismiss	August 3, 2005	
Verizon and Commission Staff's Reply	August 17, 2005	14 days
Petitioners' Prefiled Testimony	October 12, 2005	56 days
<b>Procedural Schedule Suspended</b>	November 10, 2005 thru January 31, 2006	
Verizon's Responsive Prefiled Testimony	March 1, 2006	28 days
Petitioners' Rebuttal Testimony	March 17, 2006	16 days
Evidentiary Hearing	April 3, 2006, (beginning at 1:00 p.m.) and April 4, 2006, (beginning at 9:30 a.m.)	17 days
Simultaneous Initial Briefs, if needed	To be determined	
Simultaneous Reply Briefs, if needed	To be determined	