

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

SANDY JUDD AND TARA	)	DOCKET UT-042022
HERIVEL,	)	
	)	
Complainant,	)	ORDER 10
	)	
v.	)	
	)	ORDER GRANTING MOTION TO
AT&T COMMUNICATIONS OF THE	)	AMEND SCHEDULING ORDER
PACIFIC NORTHWEST, INC., AND	)	
T-NETIX, INC.,	)	
	)	
Respondents.	)	
.....	)	

**MEMORANDUM**

- 1 **SYNOPSIS.** *This Order grants the Motion to Amend the Procedural Schedule filed by AT&T Communications of the Pacific Northwest, Inc. (AT&T) and consented to by all of the parties, and establishes a revised procedural schedule which is appended to this Order.*
  
- 2 **NATURE OF PROCEEDING.** Docket UT-042022 involves a formal complaint filed with the Washington Utilities and Transportation Commission (Commission) by Sandy Judd and Tara Herival (Complainants) against AT&T and T-Netix, Inc., requesting that the Commission resolve certain issues of fact and law under the doctrine of primary jurisdiction and referred by the Superior Court of Washington for King County.
  
- 3 **APPEARANCES.** Chris R. Youtz, Sirianni Youtz Meier & Spoonemore, Seattle, Washington, represents Complainants. Letty Friesen, AT&T Law Department, Austin, Texas, and Charles H. R. Peters, Schiff Hardin, LLP, Chicago, Illinois, represent AT&T. Arthur A. Butler, Ater Wynne LLP, Seattle, Washington, and Glenn B. Manishin, Kelley Drye & Warren LLP, Washington, D.C., represent T-Netix.

4 **PROCEDURAL HISTORY.** On November 17, 2004, Complainants filed a formal  
complaint with the Commission against Respondents under the court's referral.<sup>1</sup>

5 On October 2, 2008, the Commission entered Order 09 which established the  
procedural schedule in this matter.

6 On October 20, 2008, T-Netix filed a Motion to Amend the Scheduling Order  
(Motion). T-Netix states that all of the parties have consented to the continuance it is  
requesting.<sup>2</sup> T-Netix asserts that its longtime counsel is getting married on October  
25, 2008, and will be unavailable immediately prior to and following the wedding  
date.<sup>3</sup> According to T-Netix, counsel's unavailability seriously impairs T-Netix's  
ability to prepare written responses to the 48 data requests it has received from AT&T  
and Complainants.<sup>4</sup>

7 WAC 480-07-385(2) provides that the Commission will grant a timely request for  
continuance to which all parties expressly agree unless the extension is inconsistent  
with the public interest or the administrative needs of the Commission. In order for a  
written motion to be timely it must be filed at least five business days prior to the  
deadline for which the extension is requested.<sup>5</sup> T-Netix's Motion was filed with the  
Commission on October 21, 2008, five business days prior to the written discovery  
response deadline. Further, the extension is limited to two weeks in duration and is  
not inconsistent with the public interest or the Commission's administrative needs.

8 Accordingly, T-Netix's Motion should be granted.

9 The Commission finds and concludes that it should grant the relief requested and  
amend the procedural schedule.

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<sup>1</sup> The procedural history in this matter is described more fully in Order 09 in this docket and is not repeated here.

<sup>2</sup> T-Netix's Motion, at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*, at 2.

<sup>5</sup> WAC 480-07-385(3)(a).

**ORDER**

10 THE COMMISSION ORDERS that T-Netix Inc.'s Motion to Amend the Scheduling Order is granted. The procedural schedule appended to this Order supersedes the procedural schedule adopted in Order 09; all other provisions of Order 09 remain in effect.

Dated at Olympia, Washington, and effective October 23, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL  
Administrative Law Judge

**REVISED PROCEDURAL SCHEDULE**

<b>EVENT</b>	<b>CURRENT DATE</b>	<b>MODIFIED DATE</b>
Responses to Written Discovery (all parties)	October 29, 2008	November 12, 2008
Motions to Compel (all parties)	November 5, 2008	November 19, 2008
Proposed Witness Lists (all parties)	December 3, 2008	December 17, 2008
Depositions Completed (all parties)	January 14, 2009	January 28, 2009
Responses to both motions	January 28, 2009	February 11, 2009