

April 4, 2003

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Facsimile

Ms. Carole Washburn
Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250

Re: *AT&T vs. Verizon*
Docket No. UT-020406

Dear Ms. Washburn:

Verizon Northwest (Verizon) files its proposed procedural schedule for the hearing on AT&T's complaint as directed by the Administrative Law Judge (ALJ) at the April 3, 2003 conference.

Status of Conference

At the conference, the ALJ asked Verizon and Staff to inform the Commission by 1:00 p.m. today on whether they resolved their dispute over Verizon's tariff filing. If not, the ALJ explained that the case would proceed to hearing on the merits of AT&T's complaint. Verizon and Staff have not been able to agree; therefore, the Settlement Stipulation no longer exists, and this case will proceed to hearing on AT&T's complaint.

Litigation Schedule

At the conference, the ALJ stated that the Commission is available for hearings the week of July 7, 2003. Given this, Verizon proposes the following schedule:

1. Any new party to this case may seek discovery on the pre-filed testimony between now and April 18, with all responses due by April 25.

2. Any new party may file testimony by May 5. Any party may seek discovery on this new testimony until May 16, and all responses to this discovery are due by May 23.
3. Any party may file by June 6 testimony responding to any testimony filed on May 5.
4. Any party may seek discovery limited solely to the June 6 testimony until June 13, and all responses to such discovery are due June 20. If any party believes any additional responsive testimony should be permitted, it can file an appropriate request with the ALJ.
5. Hearings begin July 7.
6. Finally, any party can file any new motions (or responses to motions) at any time in accordance with the Commission's procedural rules.

This schedule is contingent upon the Commission's order (or orders) that respond to the pending motions to strike and motions for clarification. For example, if the Commission does not respond to these motions until May, then the proposed schedule may have to be adjusted. Moreover, although Verizon, in accord with the ALJ's instructions, has proposed a schedule that allows new parties to seek discovery and file testimony, it does not agree that any new party should be allowed to do so, and Verizon reserves its right to object to any such discovery or testimony.

AT&T's New Proposal

There is one other point to address. Earlier today, AT&T asked the parties via e-mail whether they would agree to move the hearings from the week of July 7 to May 7 and 8. Verizon explained that it could not agree to these dates. First, several of Verizon's witnesses are not available. Second, the undersigned has an evidentiary hearing on May 9 in an unrelated case in U.S. District Court for which she must prepare. Third, it is unlikely that two days will be sufficient and, therefore, the parties and Commission would have to reconvene at a later date to complete the hearing. Conducting the hearings in a piecemeal way will impose significant additional expenses associated with having to bring witnesses to Olympic for multiple hearing days over several weeks. At yesterday's conference, all parties stated that their witnesses and counsel were available during the week of July 7 except for AT&T's counsel, who is taking a three-month sabbatical beginning in July. He indicated another lawyer would represent AT&T at the July hearings. Verizon regrets that it cannot accommodate AT&T. (Verizon has raised the issue in this pleading because AT&T indicated it would ask in its filing that the hearing dates to be moved to May, and Verizon wanted to make the ALJ aware of its position.)

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Verizon requests the Commission to keep the July 7 hearing date discussed at yesterday's pre-hearing conference. Thank you.

Sincerely,

GRAHAM & DUNN PC

Judith A. Endejan

JAE/neb

cc: All parties

Administrative Law Judge Schaer
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