

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

SANDY JUDD AND TARA)	DOCKET UT-042022
HERIVEL,)	
)	ORDER 11
Complainants,)	
)	
v.)	ORDER GRANTING MOTION TO
)	AMEND SCHEDULING ORDER
AT&T COMMUNICATIONS OF THE)	
PACIFIC NORTHWEST, INC., AND)	(Motions to Compel now due
T-NETIX, INC.,)	Wednesday, November 26, 2008)
)	
Respondents.)	
.....)	

MEMORANDUM

- 1 **SYNOPSIS.** *This Order grants the Motion to Amend the Procedural Schedule filed by Sandy Judd and Tara Herivel (Complainants) and consented to by all of the parties, and extends the deadline for filing motions to compel by one week.*

- 2 **NATURE OF PROCEEDING.** Docket UT-042022 involves a formal complaint filed with the Washington Utilities and Transportation Commission (Commission) by Complainants against AT&T Communications of the Pacific Northwest, Inc. (AT&T), and T-Netix, Inc. (collectively with AT&T, Respondents), 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.¹

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). On October 23, 2008, the Commission entered Order 10 granting the Motion and extended the procedural schedule deadlines by approximately two weeks.

7 **REQUEST TO AMEND PROCEDURAL SCHEDULE.** On November 12, 2008, Complainants filed a request with the Commission to amend the procedural schedule. Specifically, Complainants ask that the deadline for filing motions to compel be extended from Wednesday, November 19, 2008, to Wednesday, November 26, 2008.

8 By formal letter filed on November 12, 2008, Complainants requested an extension of the time to file motions to compel, explaining that counsel for Complainants will be having surgery on November 13, 2008, and that the recovery time for the procedure does not allow a full and thorough review of the written discovery responses received, conference with counsel, and the ability to file any motions to compel by the November 19, 2008, deadline. Complainants assert that Respondents have agreed to the schedule modification, and none of the other deadlines established by the Commission in this matter will be affected.

9 Under WAC 480-07-385(2), the Commission will grant a continuance if the requesting party demonstrates good cause for the continuance and the continuance will not prejudice any party or the Commission. Complainants' request extending only the deadline for the filing of motions to compel is reasonable based on counsel's medical situation. Respondents do not object to the one week extension, so none of the parties are prejudiced by the request. As a result, the request should be granted.

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

ORDER

- 11 THE COMMISSION ORDERS that the Request to Amend the Scheduling Order, filed by Sandy Judd and Tara Herivel is granted. Parties must file motions to compel with the Commission by Wednesday, November 26, 2008.

Dated at Olympia, Washington, and effective November 12, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. RUSSELL
Administrative Law Judge

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

REVISED PROCEDURAL SCHEDULE

Event	Current Date	Modified Date
Motions to Compel	November 19, 2008	November 26, 2008