

August 31, 2004

VIA Electronic Mail & Federal Express Overnight

Carole Washburn
WUTC
1300 S. Evergreen Pk. Dr. S.W.
PO Box 47250
Olympia, WA 98504-7250

RE: WUTC v. Verizon
Docket No: UT-040788

Dear Ms. Washburn:

Public Counsel and WeBTEC support Staff's Motion to Strike Verizon's Northwest Response to Bench Request No. 5. Counsel WeBTEC has authorized this joint statement with Public Counsel. I was unable to contact counsel for AARP. We are particularly concerned about the apparent conduct of Verizon in withholding information during the discovery process which then is made available after the hearing, when opportunities for discovery and rebuttal are limited or non-existent. This type of conduct undermines the viability of the entire hearing process and should not be permitted. Striking the bench request response is the appropriate sanction.

Sincerely,

Simon J. ffitc
Assistant Attorney General
Public Counsel

SJf:cjw

cc: Service List (E-Mail & First Class Mail)