

April 8, 2003

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Via 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:

On April 3, 2003, the Administrative Law Judge (ALJ) asked the parties to propose a schedule for additional discovery and testimony based on evidentiary hearings to be held in July. AT&T, WorldCom and Staff filed joint comments. But instead of responding to the ALJ's request, they now propose a different hearing date, and they attempt to confuse the issue by making unsupported allegations about Verizon's "intent" during settlement negotiations. Verizon responds below.

1. The Hearing Dates

During the April 3 conference, AT&T and MCI proposed several different dates for evidentiary hearings, as did the other parties. After a brief recess, the ALJ explained that the Commission was available in early July. Given this, the ALJ asked the parties to submit a schedule for additional discovery and testimony.

Before any comments were filed, AT&T asked Verizon if it could accommodate hearings in early May. Verizon explained why it could not, and Verizon's reasons are set forth in its April 4 filing. Apparently not happy with this answer, AT&T and the other joint commentators are now attempting to force these new hearing dates upon Verizon by making unsupported allegations over Verizon's "intent" in entering into settlement talks. This is inappropriate.

2. The Unsupported Allegations

The Joint Comments state that "AT&T and other intraLATA toll providers in Washington have paid Verizon tens of millions of dollars in excessive and unreasonable

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switched access charges” during the past year.¹ For this reason, the joint commentators claim that the evidentiary hearing should be held in May rather than July. In other words, the joint commentators believe they are correct on the merits of the case, and therefore the hearings should be held sooner.

Tellingly, none of the joint commentators raised this point at the April 3 conference. In any event, their position is nothing more than a self-serving opinion on the ultimate issue in this case. The ALJ should ignore it.

Furthermore, the joint commentators claim that Verizon “has every incentive to delay the hearings and has done so or attempted to do so on multiple occasions, including through its illustrative tariff filing that undermined the Settlement Agreement and necessitated hearings on the merits of AT&T’s Complaint.”² This claim is wrong. It also is unsupported by any evidence, and, like the claim above, was not raised at the April 3 conference. Also, as AT&T and WorldCom acknowledged at the April 3 conference, and as Verizon pointed out at that conference and in its April 4 letter filing, neither AT&T nor WorldCom objected to Verizon’s tariff filing; indeed, they declined to take a position on this issue, characterizing it as a dispute between Verizon and Staff. For AT&T and WorldCom to now suggest that Verizon never intended to negotiate a settlement is simply not credible. For these reasons, the ALJ and the Commission should ignore the Joint Comments.

Thank you.

Sincerely,

GRAHAM & DUNN PC

Judith A. Endejan

JAE/neb
cc: All parties
Administrative Law Judge Schaer

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¹ Joint Comments at 2.

² *Id.* at 3.