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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3 In the Matter of the) DOCKET NO. UT-051291
) VOLUME: II
4 Request of Sprint Nextel) PAGES: 23-46
 Corporation for an Order)
5 Declining to Assert)
 Jurisdiction over or, in)
6 the Alternative,)
 Application of Sprint)
7 Nextel Corporation for)
 Approval of the Transfer)
8 of Control of United)
 Telephone Company of the)
9 Northwest and Sprint Long)
 Distance, Inc. from Sprint)
10 Nextel Corporation to LTD)
 Holding Company.)

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13 A hearing in the above matter was held on January
14 30, 2006 at 10:30 a.m. at 1300 South Evergreen Park Drive
15 Southwest, Olympia, Washington, before Administrative Law
16 Judge DENNIS MOSS.

17 The parties were present as follows:

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25 Court reporter

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1 P R O C E E D I N G S

2 JUDGE MOSS: Let's be on the record. Good
3 morning everyone, my name is Dennis Moss, I'm an
4 Administrative Law Judge with the Washington Utilities and
5 Transportation Commission where we are convened today in
6 the matter styled -- well, I won't read the style, but
7 it's concerning Sprint Nextel's application for approval
8 of the divestiture of its local Alarmi operations. Our
9 Docket No. is UT-051291.

10 I'll take appearances. I'll start with those
11 here in this room who I believe constitute all these
12 parties, and then we'll see if there's anyone on the
13 conference bridge line who wishes to be recognized, or if
14 we just have those who are interested in listening in to
15 what will no doubt be a stiltulating conference.

16 So let's begin with the Company and
17 Mr. Hendricks.

18 MR. HENDRICKS: Tre Hendricks on behalf of
19 Sprint.

20 MR. KOPTA: Gregory J. Kopta of the law firm
21 Davis, Wright, Tremaine LLP on behalf of Sprint.

22 MR. FFITCH: Simon ffitch, Assistant Attorney
23 general for the Public Counsel.

24 MR. TRAUTMAN: I'm Greg Trautman, Assistant
25 Attorney General for Commission Staff.

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1 JUDGE MOSS: All right. And that brings us to
2 the conference bridge line. Is there anyone there who
3 wishes to be recognized as appearing today? Apparently
4 not.

5 All right. First of all, I want to say I
6 appreciate very much the fact that you all, one, filed
7 your briefs a little bit early on Wednesday, which kept me
8 from having to sit here on Wednesday night to draft a
9 memorandum for the Commissioner, so I appreciate that, got
10 it done during the work day.

11 And second, I appreciate your cooperation in
12 being here today on short notice so that we could get this
13 decision out orally from the bench, and I think that
14 serves everyone's interest.

15 It is in my experience a relatively new process
16 that we've done a couple times now under our new
17 administration at the Commission. And we'll probably want
18 to talk to the parties informally perhaps at a bench bar
19 conference to see whether this is an effective process,
20 change.

21 I personally am rather attracted to it, although
22 they say ruling from the bench is a little rather risky.
23 We took the time in this instance to deliberate carefully
24 over the briefs that were filed, I deliberated with the
25 Commissioners. The decisions that I announce today will

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1 be the Commission's decisions on the scope of the issues.

2 I want to -- well, I should probably ask if
3 there's any other business before we get to the discovery
4 in the matter that anybody wants to raise. Apparently
5 not.

6 Okay. I'll start by giving you my brief list of
7 issues. These are the potential issues, I should say,
8 that I summarize on the basis of the testimonies that have
9 been prefiled.

10 There are issues concerning LTD Holdings capital
11 structure and associated with that, ring fencing, the
12 subject of ring fencing. There are issues concerning
13 certain affiliated interest contracts, whether existing or
14 prospective, there are issues raised concerning quality of
15 service, there are issues raised concerning directory
16 publishing, specifically the imputation of revenues
17 associated with that. And that is one of the two we will
18 announce a decision on today at the brief.

19 And the other as to which we will decide today,
20 announce the decision of today, is announce the decision
21 of access charges and rate rebalancing, put that one
22 together as one issue.

23 So my question is, have I fairly captured it or
24 is there something else that someone would identify as a
25 discrete issue outside of this list?

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1 MR. TRAUTMAN: Your Honor, on the directory
2 publishing, imputation was one of the ways to recognize
3 the gain, but it's within the larger issue of directory
4 publishing.

5 JUDGE MOSS: Right. Okay, apparently you've
6 captured the universe, Mr. Kopta, you have one to add.

7 MR. KOPTA: No, your Honor, I believe that in
8 general terms covers the issues that have been raised.

9 JUDGE MOSS: All right. Very good. Well then, I
10 will begin by shrinking the universe. Despite the laws of
11 physics that tell us it is ever expanding, we will in this
12 case shrink it in this fashion.

13 Access charges and rate rebalancing will not be
14 considered in this proceeding for a number of reasons.

15 In the Commission's view the Staff has failed to
16 establish a sufficient nexus between its access charge
17 adjustments and rate rebalancing proposal, and the
18 transaction before us in this proceeding. These issues in
19 the Commission's view would best be considered in a
20 general rate proceeding brought either by the Company via
21 a TARA filing or by the Staff via a complaint that would
22 give the Commission a full record of the relevant facts as
23 far as rates are concerned.

24 It would allow for appropriate notice to
25 customers, and it would alleviate the concerns the

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1 Commission has with the problems associated with single
2 issue rate making.

3 The Commission rejects Staff's suggestion for
4 alternative relief in the form of a condition requiring a
5 filing, so that will not be coming out of this
6 proceeding.

7 Another point that we want recognized in this
8 connection is one that public counsel states in its brief,
9 and that is that the Federal Communications Commission has
10 issued a, quote, "further notice of proposed rule making
11 in the matter of developing a unified intercarrier
12 compensation regime" that was issued on March 3rd, 2005.
13 And the Commission considers that in light of this ongoing
14 process at the Federal level it would be premature to
15 adjust United's access charges in this proceeding.

16 All right. That is the Commission's ruling on
17 that matter. This brings us to a related question, and
18 that is the question of the testimony. Since we have not
19 convened our evidentiary proceedings yet, it seems to me
20 that the most efficient way is to simply have you all
21 discuss amongst yourselves what would be appropriate or
22 not to offer. We certainly don't need to have testimony
23 offered that is on these subject matters. I think perhaps
24 just off the top of my recollection Mr. Zawislak's
25 testimony, I think, is exclusively devoted to these issues

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1 and probably could not be offered. There may be some
2 other witnesses that who touch on these issues, and
3 certainly the Company has evidence on these, but I think
4 it's intermixed with other evidence. So you all can work
5 on that.

6 And this will save the need for motions to
7 strike, and for me having to march through all of this
8 stuff, undertaking my least favorite task in this job.
9 And, of course, that's with no prejudice with anyone and
10 if there's a dispute about it, we certainly will be able
11 to resolve it. Mr. ffitch?

12 MR. FFITCH: I'll just note, your Honor, that we
13 attempted to identify the testimony that we thought would
14 be stricken or withdrawn if such a ruling were made by the
15 Commission, and we hope it's accurate. We'd certainly be
16 willing to confer with other counsel to make sure that it
17 is complete.

18 JUDGE MOSS: All right. I appreciate your
19 reminding me of that, I knew it was in somebody's brief,
20 but I wasn't sure if it was in yours or the Company's. I
21 appreciate that, and yes, that should facilitate the
22 task.

23 All right, any questions on that before we move
24 to the question of directory publishing?

25 Okay. The Commission will take out the directory

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1 publishing issues.

2 The Commission is frankly puzzled and concerned
3 that Sprint's disposition of the directory publishing
4 business in a transaction to which United was a party is
5 not brought before the Commission for approval in 2002,
6 2003.

7 We must agree with public counsel that the
8 Company took a considerable risk in not seeking either our
9 disavowal of jurisdiction or our approval of the
10 transaction. The Company's failure to file is
11 particularly difficult to understand in light of the
12 circumstances at that time.

13 During 2003, the Commission was actively
14 considering a similar transaction in Docket No. UT-021120
15 in which Qwest was proposing to sell its directory
16 publishing affiliate, Dex.

17 The Commission had only recently concluded
18 several proceedings under Chapter 80.12 RCW, including the
19 Pacific Corps Scottish Power merger in Docket No.
20 UV-981627 in October 1999, the GTE Bell Atlantic merger,
21 Docket No. UT-981367 in December of 1999, and the U.S.
22 West Qwest merger, Docket UT-991358 June 2000.

23 The orders in those proceedings included detailed
24 discussions concerning the extent of the Commission's
25 jurisdiction and responsibilities under Chapter 80.12

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1 RCW.

2 In light of this, it seems that Sprint knew or
3 should have known that a filing should have been made in
4 connection with its sale of United's directory publishing
5 affiliate. Given, however, that no such filing was made
6 at the time of sale, the time certainly is over ripe now
7 to review the sale, at least in terms of its implications
8 vis a vis the revenue imputation and United's rates going
9 forward.

10 Now, I don't want to leave any confusion there,
11 we are not suggesting that we will adjust rates in this
12 proceeding, but insofar as the imputation as a feature, if
13 you will, and United's current rates as it is through the
14 imputation to which the parties agreed back in the -- was
15 it the 1980's sometime -- quite a while ago. It in that
16 sense is a sense in which I referred to the rates.

17 Having decided to consider this issue, the
18 Commission has reviewed, or I should say re-reviewed, the
19 prefiled testimony on this subject in some detail. We
20 frankly find the potential record is somewhat sparse
21 considering the significance of the issue, or the issues I
22 should say.

23 While there seems to be some dispute concerning
24 the amount of the gain on sale, that is properly allocable
25 to Washington, some dispute concerning whether zero

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1 percent, 100 percent, or some amount in between should be
2 imputed for the benefit of rate payers, and some
3 differences and dispute concerning discount rates,
4 amortization periods, and so forth, we're concerned that
5 the prefiled material, testimony and exhibits, even
6 supplemented by cross-examination may be inadequate to our
7 needs in terms of deciding the issues.

8 Accordingly, I want to give the parties an
9 opportunity today to discuss among themselves and with the
10 bench what we might do to flesh out that record so the
11 Commission will have a complete and full record for
12 decision, which is of paramount interest.

13 I'm prepared to go off the record to allow that
14 discussion to go forward among the parties. And I'm
15 willing to participate in that with you informally, and
16 then perhaps we'll go on the record as appropriate. But
17 before I go off the record, I'll ask if there are
18 questions, concerns, or comments that anyone wishes to
19 make. And I see that Mr. ffitch has something for us.

20 MR. FFITCH: Just a point of clarification on the
21 ruling on the directory publishing matter, your Honor. I
22 just wanted to understand whether the issue of the gain on
23 sale and distribution of the gain on sale is going to be
24 taken up in addition to the imputation issue, which I
25 guess at least we viewed as two components of the overall

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1 directory publishing issue.

2 JUDGE MOSS: Well, it's difficult to capture in
3 one or two words the scope of the issue, and so I don't
4 want to imply to that I am restricting it by using the
5 imputation language. The gain on sale seems to me to be a
6 a part of what's been presented as a piece of the issue.
7 So perhaps I should just say the directory publishing
8 issues certainly. The interest, I think, I think it's
9 fair to say going outside the sort of formal ruling there,
10 Commission's interest is that we establish at this time
11 the appropriate information so that if United files a rate
12 case in the future, or if Staff brings a complaint and we
13 have a rate case at some point in the next year, or two,
14 or five, whatever, that we will have preserved in this
15 record the appropriate information concerning that sale,
16 and so that would certainly include the questions I
17 mentioned, for example, as to which I think there is some
18 dispute.

19 This was, of course, a nationwide business that
20 was sold, I'm sure there's a lot of data sitting out
21 there. And the Company's files that may be worth taking a
22 look at under the circumstances, in which we decided to
23 take these issues up.

24 Anything else?

25 MR. TRAUTMAN: No, I wanted to clarify that too

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1 because there were differences in how to distribute the
2 gain, to make sure the testimony -- so that's all still
3 part of it?

4 JUDGE MOSS: Yes, and again, we're not going to
5 take away action in this case, but we certainly would
6 preserve the record on those points as well. Anything
7 else? All right. Well, why don't we go off the record
8 then.

9 (Discussion off the record.)

10 JUDGE MOSS: All right. I've come back on the
11 record. I want to address questions that Mr. Kopta has
12 just raised with me. I'm sorry, I turned my microphone
13 off again, I'm sorry.

14 I wanted to address questions that Mr. Kopta has
15 raised to me concerning the type of information the
16 Commission is interested in receiving considering the
17 ruling on the rate rebalancing and access charges, which
18 the Company had been viewing, at least to a certain
19 degree, as interwoven, if you will, with these other
20 issues.

21 I can give you some guidance on that, although,
22 not a great deal perhaps because, of course, these things
23 are under the parties control. Perhaps what I can do most
24 usefully, because I don't have a specific list, is to say
25 that I think -- my view is that the Company probably has a

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1 fair amount of information concerning the sale in terms of
2 the dollars and cents involved on the overall sale, and
3 the sense of how it thinks those should be allocated, and
4 why.

5 At this point we really just only have sort of
6 one side of that picture. I'm thinking the Company's
7 approach to this issue in this case has been, well, it
8 shouldn't be in this case, and when I say that the
9 Commission finds the potential record somewhat sparse, I
10 think it's a reflection of that attitude. And we don't
11 want to prejudice anybody as a result of the circumstances
12 being what they are, but we do want the information. We
13 do want to know Sprint's view on these data, these
14 details, so we that have a full record, and say, yes, we
15 think it's \$11 million, or we think it's 15, or we think
16 it's nine, or whatever.

17 And maybe there's no dispute about it, perhaps
18 everybody's calculations, or the two that we have are
19 fairly close. So there's that type of thing that I think
20 would be very helpful to have.

21 We have competing evidence concerning the use of
22 the analysis, if you will, that ought to be applied in
23 terms of perhaps we'll need to think about setting up some
24 kind of amortization or something along those lines, which
25 would require the application of a discount rate, and here

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1 we have, I think, one party suggesting 7.8 percent on the
2 basis of the study that Sprint had performed in connection
3 with this transaction by Hulihan Locci. And then I think
4 we have on the other hand a suggestion of 8.5 percent on
5 the basis of something else, I don't recall.

6 Anyway, so, you know, to the extent that the
7 parties want to flesh that piece out, that could be useful
8 information to have as well.

9 One thing that is not entirely clear to me, and
10 I'm speaking for myself now, but I will be advising them,
11 so it's useful to have me be clear. In Staff's proposals,
12 for example, we have testimonies, a couple testimonies,
13 and it's not entirely clear to me in terms of the
14 relationship between the existing revenue imputation, and
15 the proposal with respect to treatment of gain on sale. I
16 think Mister -- who's your witness, Mr. ffitch?

17 MR. FFITCH: Mr. Brosh.

18 JUDGE MOSS: Mr. Brosh, thank you. Mr. Brosh I
19 think, speaks of this idea as a substitute substituting
20 the gain on sale attribution or amortization basis, and
21 the one time credit and so forth for the imputization,
22 that's a proposal. That won't be acted on one way or the
23 other, since we're not doing rates in this case, but it's
24 something that we need to understand clearly what the
25 options are, and I think that will serve to inform,

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1 perhaps, in a future rate case should there be one.

2 And Staff might wish to clarify where it is on
3 this question of whether it's additive as the Company
4 asserts in its rebuttal or whether it substitutes as
5 public counsel's position in the case.

6 I don't feel like I'm giving you very much of a
7 response, Mr. Kopta. Is there a specific point that you
8 had in mind that you'd like to ask about, or is that
9 helpful what I've said?

10 MR. KOPTA: I believe it is indirectly, if not
11 directly, it seems to me that what the Commission would
12 like for us to do is to take the idea that this is going
13 be to be an issue in this case, and look at our testimony
14 in that light, and see if there's additional information
15 that we would want the Commission to consider in light of
16 the fact that it is going to be an issue as opposed to
17 sort of perhaps holding back, if you will, because our
18 initial position is an issue that should be considered in
19 this case.

20 JUDGE MOSS: I think it is fair to say that we
21 certainly want to -- one of the concerns we have is
22 analogous to the concerns we have in prudence cases, where
23 we are sometimes asked to review the prudence of a
24 transaction five years after it occurred, or ten years
25 after it occurred. This is a challenge as you all know,

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1 if you've ever been involved in these proceedings, I know
2 some of you have, because data is stale, data is lost,
3 people have moved on to other jobs, what have you. We
4 want to avoid that kind of situation here. And so that's
5 an important piece of this is to have the information in
6 this record while the transaction is still relatively
7 recent.

8 Now, you did ask the question as to whether we
9 would be reviewing the transaction in the sense of going
10 back and doing what we might have done back in 2003 if the
11 Company had applied at that time, I don't see that, no.

12 You know, this juncture -- time has passed, water
13 has flowed under the bridge. I don't think we want to go
14 back and try to revisit, have a full blown Qwest, Dex type
15 of proceeding. So does that give you a satisfactory sense
16 of it?

17 MR. KOPTA: Yes, your Honor, thank you. There is
18 one other issue, since you've raised public counsel's
19 testimony. When you are informing us the Commission will
20 not be dealing with rate issues, would that also include,
21 for example, a one time distribution of the proportion of
22 the gain as part of this proceeding, or do you not
23 consider that to be a rate issue?

24 JUDGE MOSS: I don't know the answer to that
25 question.

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1 MR. KOPTA: Fair enough.

2 MR. FFITCH: Your Honor, I think we would view
3 that as not strictly a rate issue, per se, but as a
4 distribution of gain on sale issue. And that would be in
5 the case for the Commission to dispose of.

6 JUDGE MOSS: I won't preclude it to being argued
7 unless there are further developments which cause me to do
8 so, or I should say cause the Commission to do so.

9 MR. TRAUTMAN: Your Honor, I just want to clarify
10 from the Staff perspective the items that you might want
11 additional information as well.

12 JUDGE MOSS: Yes, Staff and public counsel both
13 presented some numbers in their case, which is important,
14 numbers are important. I don't know, I want you to
15 decide. If you feel that you have presented the data that
16 you have, the data that is sufficient to the Commission's
17 needs, then I won't say that you need specifically to
18 supplement your data. We're a little bit walking here in
19 uncertain territory offering the opportunity for
20 supplementation, and that's one reason I wanted you all to
21 have a chance to discuss among yourselves and consult with
22 your clients to consider what you think might be necessary
23 so that we can then come back on the record and set up
24 some process to accomplish that. And if your answer is
25 we're satisfied with the record we have produced in terms

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1 of the facts, then that's fine.

2 But we want you to have this opportunity,
3 understanding that we feel that there is no doubt of some
4 of the additional information out there concerning this
5 fairly important transaction we simply don't have.

6 What Staff and public counsel presented, I think,
7 was fair to say was a distillation of data. Now, perhaps
8 that distillation was made by the Company and presented to
9 you in the form of responses to data requests, or perhaps
10 it is the product of your own analysis of a broader set of
11 data, I, of course, have no way of knowing, and don't
12 particularly want to know. But you all know and you know
13 whether you feel that you need to have some broader set of
14 data, and to have that in the record. And the Company, of
15 course, is in that position where it knows what
16 transactional data it has.

17 MR. FFITCH: Your Honor, in terms of addressing
18 our options, it would help to have some sense of your
19 procedural flexibility. You mentioned starting late or
20 later in the week, next week or perhaps even later. So I
21 guess I'm inquiring whether -- one option where the
22 Commission has a later hearing time available still within
23 this March 24th deadline.

24 JUDGE MOSS: I think we can make some
25 arrangements, excuse me, I have not reserved any specific

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1 times as of today because I, of course, need to hear from
2 you all first.

3 As I mentioned we do currently have scheduled 6,
4 7, 9 and 10. If the parties are of the opinion that, you
5 know, what needs to be supplemented is fairly succinct, or
6 you all decide, well, we're all going to stand on the
7 record as it is and let the chips fall where they may,
8 then we can certainly go ahead and next week, if
9 appropriate, to start on 6th, or perhaps if you only have
10 a couple days of cross collectively, we can start on the
11 9th to give you a little more time, but just a little more
12 time.

13 Now, if there is a consensus or it's put to me to
14 decide, and we think a little more time is needed, I think
15 we'd be slipping the hearing time probably into -- looks
16 to me like we might be able to do something on the 21st,
17 22nd, or the following week.

18 MR. FFITCH: There is a holiday, I'm not sure --

19 JUDGE MOSS: Yes, a holiday on the 20th.

20 MR. FFITCH: 20th, okay.

21 JUDGE MOSS: Another holiday -- that's back in
22 January, flip my calendar, the wrong way. Yes, the last
23 week of February and segueing into the first week of
24 March, looks pretty good, I don't see any Commissioner
25 conflicts there. Following week looks pretty good too,

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1 that would be -- I wouldn't want to slip it any later than
2 that, and probably would prefer to try to get it done a
3 little bit earlier. That gives you some sense of the
4 calendar anyway.

5 And of course, whenever I start making tentative
6 commitments about hearing dates, it's always subject to my
7 consultation with the Commissioners, and find out, gee,
8 that wasn't on my calendar.

9 MR. FFITCH: I think, you Honor, there's a
10 hearing on the Inland matter sometime in March.

11 JUDGE MOSS: I did see that, is the Commission
12 sitting on that?

13 MR. FFITCH: I'm not sure.

14 MR. TRAUTMAN: I doubt it, but those hearings are
15 scheduled for March 2nd and 3rd.

16 JUDGE MOSS: Yes, I had assumed that was with --
17 and I don't know who's handling that. Okay. Anything
18 else you need for me? Let's go back off the record then.

19 (Discussion off the record.)

20 JUDGE MOSS: All right. We're back on the
21 record. The parties had an opportunity to discuss some
22 scheduling options, and I suppose we need to talk about
23 the process as well so we know exactly what we're doing
24 with the time available. Does someone want to report?

25 MR. KOPTA: I will, your Honor.

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1 JUDGE MOSS: Thank you, Mr. Kopta.

2 MR. KOPTA: First, let me just give you some
3 dates that we had worked out. In response to the
4 direction from the Commission, we determined that any
5 party that wishes to supplement its testimony with respect
6 to the directory issues will need to file that by Monday,
7 February 6th. And then if any responses, any party that
8 wants to respond to any testimony that is filed on the
9 6th, that would need to be provided by February 13th.

10 In the interest of keeping the schedule
11 compressed, we also agreed that if a party propounds data
12 requests on February 6th testimony by noon on February
13 7th, that is in respect to Sprint we would endeavor to
14 provide a response by close of business by February 9th.

15 We also propose that because, at least with
16 respect to Sprint, our contemplation is that many of the
17 data requests and responses that we have provided to our
18 parties will be included as exhibits to our supplemental
19 testimony on the 6th. We would hope that there would be
20 much fewer cross-examination exhibits, and therefore, we
21 can have those due with the Commission on February the
22 16th, with the hearing scheduled to begin on February
23 21st, and as I understand our off the record conversation
24 continuing on the 27th and 28th.

25 And we also agreed on a single round of

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1 simultaneous post hearing briefs, which would be due on
2 March 10th, and we would revise our requests of the
3 Commission to have an order issued by March 31st.

4 JUDGE MOSS: Anybody have anything to add?

5 MR. FFITCH: Your Honor, just a couple of
6 additional comments to gloss on that, I think we're all in
7 agreement. I believe we have an agreement, that there is
8 a two day discovery turnaround, and it would operate in
9 the way Mr. Kopta's indicated. We get the RDRs to them on
10 the 7th, but in the event that we don't we still would be
11 operating under a two day discovery turnaround from the
12 6th through the hearing.

13 The second point, just to clarify, is that as we
14 understand the direction or request from a the bench, the
15 supplemental testimony by all parties will be limited to
16 the directory publishing issues. That's the area that
17 we've been requested to supplement. I think everybody was
18 talking about that, I just wanted to make that
19 clarification on the record.

20 JUDGE MOSS: Anything else anybody wants to add?

21 Okay. Well, everything I've heard sounds good.
22 Yes, the supplemental is limited to directory publishing
23 issues revising that on the two day discovery turnaround
24 with the point illustrated by Mr. Kopta's discussion about
25 the 6th and so forth.

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1 Briefs on March 10th, ordered by March 31st,
2 appreciate the offer of the extra time, testimony dates
3 sound fine, hearing dates I have confirmed that we can
4 work those out. So good work, worth the time, well
5 spent.

6 So any other business we need to conduct today?
7 I think I'll memorialize this through a notice, just so I
8 can send that out to you, and you can tell me what
9 mistakes I make. So we're going to be certain we're on
10 the same base. But I don't see the need for an order
11 otherwise, does anyone?

12 MR. KOPTA: No, Your Honor.

13 JUDGE MOSS: Okay, very good. I certainly
14 appreciate the cooperative spirit of the parties and
15 helping us out.

16 We're off the record.

17 (Hearing adjourned at 12:00 p.m.)

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