

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.,

Complainant,

v.

VERIZON NORTHWEST, INC.,

Respondents.

DOCKET NO. UT-020406

COMMISSION STAFF'S  
ANSWER IN OPPOSITION TO  
AT&T'S MOTION TO  
SUPPLEMENT THE RECORD

1           The Commission Staff (Staff) opposes the motion of AT&T Communications of the Pacific Northwest, Inc. (AT&T) to supplement the record with an affidavit of Lee Selwyn that also was filed in Docket No. UT-030395.

2           Staff takes this position even though it shares the concerns of AT&T regarding the price squeeze created by Verizon's proposed unlimited toll offering in Docket UT-030395. Had Verizon offered the plan at the time AT&T filed its complaint more than a year ago, the plan would have aptly illustrated the problem with Verizon's access charge levels. Staff nonetheless opposes inclusion of this evidence at this time because of the complications that could result in both this complaint proceeding and the Commission's review of the tariff filing itself through the open meeting process.

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With hearings less than two weeks away, Staff believes the inclusion of additional evidence could cause further delay in the hearing schedule, should Verizon or any other party wish to conduct discovery on this additional evidence. Staff is opposed any delay in the hearing schedule and is concerned that admission of this evidence in the record in Docket UT-020406 may result in delay in obtaining a prompt order on the merits.

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In addition, inclusion of the affidavit in this record could complicate the Commission's consideration of the tariff filing itself, which is pending Commission discussion at the April 30, 2003 p open meeting. While both the tariff filing and the complaint case involve similar fundamental questions about whether Verizon's toll rates are discriminatory and anti-competitive, Staff believes the two cases can and should be addressed separately. Staff is concerned that including an open meeting discussion item on the record in a contested case may have the unintended result of the Commission fully considering the tariff filing in the open meeting process. For example, if the affidavit is included in the record in Docket No. UT-020406, it becomes subject to the ex parte rule, which may prevent the Commission from fully discussing it in Docket No. UT-030395.

Dated: April 23, 2003

CHRISTINE O. GREGOIRE  
Attorney General

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