ATTACHMENT 9

E-mails between Donald T. Trotter and Judith Endejan re Staff Data Request No. 277, dated July 21, 2004, and July 23, 2004 (2) and July 27, 2004

Don Trotter/WUTC
07/21/2004 02:19 PM

To jendejan@grahamdunn.com
cc
bcc Paula Strain/WUTC@WUTC; Greg Trautman/WUTC@WUTC; Chris Swanson/WUTC@WUTC
Subject Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

This communication is made in a good faith attempt informally to resolve what appears to be a discovery dispute. Hopefully, we can resolve this amicably.

In Staff Data Request No. 277, Staff requested Verizon to supply the specific information relating to a sale of a Verizon local exchange business in the state of Hawaii. Verizon responded that the information requested was "not relevant."

First, "relevance" does not accurately reflect the applicable standard for data requests. The applicable standard is whether the "information is relevant to the issues in the adjudicative proceeding, or that may lead to the production of information that is relevant." WAC 480-07-400(4).

Second, the information is relevant, or may lead to the production of information that is relevant, because the Hawaii sale includes the sale of the directory associated with that local exchange business. Directory revenues (or, per Verizon's direct case, the lack of directory revenues) are at issue in Docket No. UT-040788. Verizon has offered at least 2 witnesses on the subject.

How Verizon, or the market, values a directory business associated with a local exchange business is directly relevant to an analysis of the value of such a business in Washington. The information requested seeks documents that likely contain that information, or would likely refer to documents that contain that information.

If it is Verizon's belief that the documents requested contain no information whatsoever about the directory business, then please so advise, and explain the basis for Verizon's belief.

Please consider this email at your earliest convenience. This information is needed by Staff, and I need to know promptly whether the Company is willing to provide the requested information.

Thank you for your cooperation.

Donald T. Trotter
Assistant Attorney General
Counsel for WUTC in Docket No. UT-040788

360-664-1189

Don Trotter/WUTC
07/23/2004 08:45 AM

To <JEndejan@GrahamDunn.com>
cc
bcc
Subject RE: Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

Thanks Judy.
<JEndejan@GrahamDunn.com>

<JEndejan@GrahamDunn.com>
07/23/2004 07:58 AM

To <DTrotter@wutc.wa.gov>
cc <tom.parker@verizon.com>, <gregg.diamond@verizon.com>, <chuck.carrathers@verizon.com>
Subject RE: Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

Don, I am sorry--I have been out in deps in another case for the past two days. I will forward this immediately to my client and try to get you an answer as soon as I can! Thanks. Judy

-----Original Message-----
From: Don Trotter [mailto:DTrotter@wutc.wa.gov]
Sent: Wednesday, July 21, 2004 2:20 PM
To: Endejan, Judith A.
Subject: Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

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Donald T. Trotter
Assistant Attorney General
Counsel for WUTC in Docket No. UT-040788

360-664-1189

Don Trotter/WUTC
07/23/2004 12:48 PM

To <JEndejan@GrahamDunn.com>
cc
bcc
Subject RE: Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

Thanks for the response. I hope to discuss (today) with my client ways to respond to your request.

DTT
<JEndejan@GrahamDunn.com>

<JEndejan@GrahamDunn.com>
07/23/2004 11:48 AM

To <DTrotter@wutc.wa.gov>
cc <tom.parker@verizon.com>, <chuck.carrathers@verizon.com>
Subject RE: Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

Don, I've had a chance to speak with my client and I suggest that take a slightly different tack.. It seems like you want more specific information about the Hawaii sale as it pertains to the directory associated with the local exchange business. I'm not clear on whether that is what you rally want. Would you be kind enough to re-write your data request to specify exactly what you want form the Hawaii sale and then we can take a closer look at it and get back to you? Thanks so much, Judy

-----Original Message-----
From: Don Trotter [mailto:DTrotter@wutc.wa.gov]
Sent: Wednesday, July 21, 2004 2:20 PM
To: Endejan, Judith A.
Subject: Verizon rate case, Docket No. UT-040788; Company's response to Staff Data Request No. 277

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Donald T. Trotter
Assistant Attorney General
Counsel for WUTC in Docket No. UT-040788

360-664-1189

Don Trotter/WUTC
07/26/2004 02:01 PM

To jendejan@grahamdunn.com
cc
bcc
Subject Staff Data Request No. 277

After discussions, Staff has attempted to narrow its request for documents regarding the Hawaii sale. See attached document. Thank you for your attention to this matter. We are confident this can be resolved amicably.

Please review and contact me as soon as possible.

DTT

- Doc2.doc → see next page for this document

Regarding Staff Data Request No. 277:

Verizon NW has asked Staff to refine its request. Staff is willing to do so, as follows:

> Without waiving any right to seek further documents under this data request, Staff would ask that the Company provide, from the universe of documents covered by Staff Data Request No. 277 as written, supply:
>
> 1) any document that mentions directory operations, and
> 2) a list of the documents responsive to Staff Data Request as written that are not being produced under item 1).
>
> A non-exclusive list of examples of the meaning of "mention" for purposes of Item 1) include: described in writing in text, or in a dollar figure, or identified in an omitting phrase, such as "this value does not include directory operations."

Don Trotter/WUTC
07/27/2004 03:51 PM

To <JEndejan@GrahamDunn.com>
cc
bcc
Subject Re: DR 277 Hawaii issues

Thanks. A small comment: You use the phrase "address the directories" while the "refined" DR asked for documents that "mentioned" the directory operations. I assume Verizon will not attache interpretive significance to the difference.

Thanks again

DTT
<JEndejan@GrahamDunn.com>

<JEndejan@GrahamDunn.com>
07/27/2004 03:43 PM

To <DTrotter@wutc.wa.gov>
cc
Subject DR 277 Hawaii issues

Tom, I am speaking with Don and he wants us to lists the docs that we aren't giving to him and to provide any docs that refer or relate to the directory business in connection with the sale of the business--transaction-related documents that address the directories. Are there such beasts? What does the prospectus or offering doc say about the directories, for example. I'm not sure I read the revised DR 277 correctly to understand that that us what Staff really wants.

-----Original Message-----
From: Don Trotter [mailto:DTrotter@wutc.wa.gov]
Sent: Tuesday, July 27, 2004 3:40 PM
To: Endejan, Judith A.
Subject: Please provide a listing of all other economic entities (other than Bremerton-Kitsap Airporter) which Richard Ashe has any ec

(See attached file: Verizon General 277-280.doc)