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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
2 COMMISSION

3 In the Matter of:)
4)
5 CAMELOT SQUARE MOBILE HOME) DOCKET NOS. UT-960832
6 PARK, SKYLARK VILLAGE MOBILE) UT-961341
7 HOME PARK, BELMOR MOBILE) UT-961342
8 HOME PARK,)
9 Petitioners,)
10 vs.) VOLUME 2
11 U S WEST COMMUNICATIONS, INC.,) PAGES 18 - 44
12 Respondent.)
13 -----)

14 A pre-hearing conference in the above matter
15 was held via the conference bridge on May 20, 1997 at
16 2:35 p.m. at 1300 South Evergreen Park Drive
17 Southwest, Olympia, Washington, before Administrative
18 Law Judge MARJORIE SCHAER.

19 The parties were present as follows:

20 THE WASHINGTON UTILITIES AND TRANSPORTATION
21 COMMISSION STAFF, by SHANNON E. SMITH, Assistant
22 Attorney General, 1400 South Evergreen Park Drive
23 Southwest, Olympia, Washington 98504.

24 U S WEST COMMUNICATIONS, INC., by KIRSTIN
25 DODGE, Attorney at Law, 411 - 108th Avenue NE,
Suite 1800, Bellevue, Washington 98004.

CAMELOT SQUARE MOBILE HOME PARK, SKYLARK
26 VILLAGE MOBILE HOME PARK, BELMOR MOBILE HOME PARK, by
27 WALTER H. OLSEN, JR., Attorney at Law, 999 Third
28 Avenue, Suite 3000, Seattle, Washington 98104.

29 Cheryl Macdonald, Court Reporter

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

2 JUDGE SCHAER: Let's be on the record.

3 We're here in the matter of Camelot Square Mobile Home
4 Park, Docket No. UT-960832; in the matter of Skylark
5 Village Mobile Home Park, Docket No. UT-961341; and in
6 the matter of Belmor Mobile Home Park, Docket No.
7 961342. We are here today on the complainant's motion
8 to compel responses to certain data requests and
9 requests for production, and also the complainant's
10 motion for an extension of time to file their rebuttal
11 testimony in this proceeding.

12 Mr. Olsen, would you like to briefly set
13 out your argument and then your comment, if you would,
14 to respond to anything that you wish to respond to
15 also in the documents filed by U S WEST today, please.

16 MR. OLSEN: Thank you, Your Honor. I would
17 like to indicate that I just returned to my office 30
18 minutes ago and received U S WEST's response, which
19 was faxed to my office at 12:17, and so I would have
20 the opportunity to read through it once and am
21 prepared to make some comments, but given the late
22 review of the paperwork submitted by U S WEST I've
23 only had a limited time to review their response. But
24 the petitioner's position is that U S WEST claims that
25 their tariff has not required trenching from the parks

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1 since -- or has required trenching from the parks, I'm
2 sorry, since 1961. We would like to rebut that
3 assertion with records indicating that U S WEST has in
4 fact provided trenching at each of the parks during
5 the period of time from 1967 to as late as 1997.

6 I think U S WEST has taken a very narrow
7 interpretation of their tariff that is inconsistent
8 with their past practices, and believe that with
9 sufficient production of records from U S WEST the
10 petitioners will be able to demonstrate that.

11 In the event that these records are not produced the
12 petitioners would be interested in discussing
13 appropriate stipulation regarding this issue, and
14 regarding the fact that U S WEST has provided
15 trenching at each of the parks.

16 I have some specific questions to U S WEST
17 regarding their effort to produce this information and
18 would like to know whether U S WEST has conducted a
19 review of records regarding their contractors who have
20 provided trenching at the parks, because I think that
21 some of the trenching was provided by contractors, and
22 I am hoping that U S WEST's inability to produce the
23 records isn't just based on the fact that they've only
24 looked at their internal documents as opposed to
25 documents that they may have regarding repairs that

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1 were performed by their contractors, and in the event
2 that they lack this information to us I could be
3 provided just a list of their contractors, I could
4 then file a subpoena and get that information
5 independently.

6 I would also like to know whether U S WEST
7 has inquired as to their employees who perform
8 repair work at the parks in order to determine whether
9 trenching was provided. And lastly, U S WEST has
10 produced repair records for the year 1996 at each of
11 the parks which specifically identify cable number and
12 pair with a unique number. If the cable number and
13 pair could be associated to whether that cable number
14 or pair was buried or not, I believe we could
15 demonstrate that if in fact repair was done on a
16 specific cable number and pair that would verify that
17 trenching was provided. Testimony from petitioners
18 that are already on file indicate that they have not
19 provided any trenching whatsoever at the parks, and
20 with that type of information I think we can infer
21 that trenching was provided by U S WEST or its
22 contractors if the petitioners did not provide the
23 trenching.

24 Ultimately, I'm looking for the same type
25 of information that was produced by U S WEST or Belmor

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1 regarding a repair that was done in September or
2 October 1994. There was a drawing that was produced
3 by U S WEST with regard to this repair which
4 specifically references a four-inch PVC, which I would
5 understand to mean conduit, and if in fact PVC is
6 referenced on a drawing I would think that trenching
7 must have been provided in that instance. If we could
8 get that type of information for each of the repairs
9 that have been identified by the petitioner's
10 testimony, that's the kind of information that we are
11 looking for.

12 With regard to U S WEST's response, it
13 appears that there is an alternative source for this
14 information or there may be an alternative source for
15 this information. If petitioners can provide phone
16 numbers to access this information -- I've obtained
17 phone numbers for Belmor Mobile Home Park. I've
18 talked to Camelot Square Mobile Home Park and expect
19 to receive phone numbers from them momentarily. I've
20 left a message with Skylark Village Mobile Home Park
21 for this information. Unfortunately, the managers of
22 Skylark Village are on vacation but will return
23 tomorrow, so I would be able to get this information
24 hopefully tomorrow in order to confirm or deny that
25 U S WEST can access the same kind of information that

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1 they've produced for Belmor regarding a repair in
2 September of 1994 with regard to the other repairs
3 identified in our moving papers.

4 So, in summary, the reason for our motion
5 was we think U S WEST is taking a very narrow
6 interpretation of their tariff that they have only
7 recently adopted given their past practices, and the
8 fact that our testimony indicates that U S WEST has
9 provided trenching from 1967 to as late as January
10 1997.

11 As a final issue, I would point out that
12 U S WEST has only provided repair records with regard
13 to 1996. There was trenching provided in January of
14 1997 at Belmor and would ask that repair records for
15 that work also be provided. And that concludes my
16 opening comments.

17 JUDGE SCHAER: You mentioned at least two
18 items that you would like to get from U S WEST. One
19 was information from contractors or a list of
20 contractors. Is that something that you asked for in
21 a data request?

22 MR. OLSEN: Yes. I have in a data request
23 asked for repair records related to work done by both
24 U S WEST and its independent contractors. They were
25 made part of the second data request.

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1 JUDGE SCHAER: Which request is that? Is
2 that your request No. 53?

3 MR. OLSEN: Yes, as well as 54.

4 JUDGE SCHAER: Okay.

5 MR. OLSEN: As well as 55. I would argue
6 all the data requests 49 through 59 are broad enough
7 to include work done by U S WEST contractors on behalf
8 of U S WEST.

9 JUDGE SCHAER: Okay. And then regarding
10 the cable and pair information and whether it is
11 buried that you indicated you wanted for 1996, is
12 there a data request that specifically addresses that
13 information?

14 MR. OLSEN: Data request No. 51.

15 JUDGE SCHAER: No. 51.

16 MR. OLSEN: That's for all documents
17 related to trenching for underground facilities that's
18 provided by Pacific Northwest Bell, Puget Power and
19 Washington Natural Gas.

20 JUDGE SCHAER: So what time frame does this
21 one cover?

22 MR. OLSEN: There is no time duration
23 indicated on data request No. 51. I think our
24 testimony indicates that U S WEST has been providing
25 trenching from 1967 until the present day.

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1 JUDGE SCHAER: So when you refer in that
2 request to Pacific Northwest Bell were you intending
3 to also refer to U S WEST?

4 MR. OLSEN: U S WEST is the successor in
5 interest to Pacific Northwest Bell.

6 JUDGE SCHAER: Yes, I understand that, but
7 I just wondered by using Pacific Northwest Bell you
8 were defining a time period when they were the phone
9 company or whether this did extend through 1996.

10 MR. OLSEN: To be honest with you, I was
11 not confining data request No. 51 to a specific time
12 period by use of the word "Pacific Northwest Bell." I
13 think data request No. 54 supplements No. 51 and that
14 it asks for the production of all documents regarding
15 trenching by U S WEST or any other person under
16 contract with U S WEST at each of these parks from
17 1967 to the present day. That's probably a more
18 appropriate data request to refer to with regard to
19 that question.

20 JUDGE SCHAER: Ms. Dodge, would you have
21 any brief response in addition to your written
22 material?

23 MS. DODGE: Yes. I think that Mr. Olsen's
24 explanation of what he's looking for and his theory
25 just generally demonstrate that they're trying to do a

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1 lot and looking for a lot that just -- that doesn't
2 exist. You know, he's been unable to point to
3 anything specifically that U S WEST has done in terms
4 of not complying with data requests. You know, we've
5 produced the records that are there.

6 The records clearly show what's already
7 been testified to, which is that the records just
8 don't contain trenching information, not, you know,
9 for whatever reason included in these historical
10 records. Obviously any document held by contractors
11 aren't held by U S WEST, so it's not something that we
12 could turn over if they existed and provide any
13 information.

14 Also, I think that the cable and pair
15 information and things like that are again -- they're
16 more extracting inferences than trying to get
17 information out of raw documents that don't have that
18 kind of information. You know, we believe that the
19 data requests have been complied with and we've gone
20 above and beyond the call of duty in some sense; in
21 fact, that Belmor, the specific documents that he
22 refers to that were produced with regard to Belmor
23 were not contained in general records but was the
24 result of some follow-up by the manager in charge of
25 rounding these up who followed up on a lead and found

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1 additional documents and turned them over. So, I
2 think that there's no reason, really, for the motion
3 to compel.

4 The other issue is that to the degree that
5 he wants information created or to dig into
6 information that's only tangentially related to this
7 in the hope that he can maybe find additional sources
8 of information or bits and pieces to put together,
9 we're really straying away from the fundamental
10 question, which is what does the tariff say in this
11 case. There's been testimony already that as a
12 practical matter oftentimes where employees have gone
13 out to a job, if there's a short trench to dig, under
14 300 feet, they just go ahead and dig it. It's not in
15 the tariff, they're not required to do it, they could
16 easily bill the property owner, but apparently it's
17 just been dug because it's more efficient and saves
18 everybody a lot of hassle, you know.

19 So to the degree that even if we were to
20 find that certain trenching had been provided over
21 time, it still doesn't really tell you -- it's not
22 going to tell you what's in the tariff and what's
23 required in this case where that's not the kind of
24 situation that we have. So we're starting to get into
25 information that really is only tangentially relevant,

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1 if at all, and we're going to start talking about
2 increased burden and cumulativeness and greater and
3 greater expense on an issue that doesn't warrant that
4 kind of expense.

5 JUDGE SCHAER: Let me ask you more
6 specifically, looking at data request No. 53 where
7 you're asked to identify all persons under contract to
8 provide repairs, I'm inclined to grant that request
9 and then let Mr. Olsen do his follow-up with the
10 contractors as he suggested rather than trying to seek
11 that information through you. How long will it take
12 you to compile that information?

13 MS. DODGE: Is he asking for all
14 information of all persons under contract of U S WEST
15 back to 1967?

16 JUDGE SCHAER: Well, do you have his
17 request No. --

18 MS. DODGE: I do. There's no limitation on
19 geography. There's no limitation on time.

20 JUDGE SCHAER: How long would it take you
21 to obtain this for the last five years?

22 MS. DODGE: I don't know. I would have to
23 check.

24 JUDGE SCHAER: I'm going to require that --
25 Mr. Olsen, to hear from you, how far back were you

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1 seeking the information in No. 53?

2 MR. OLSEN: I have identified I think 12
3 different instances of repair where we believe
4 trenching was required in my moving papers and they
5 have dates referenced to each repair. The dates go
6 back to 1978 at Skylark Village perceived through
7 January of 1997.

8 JUDGE SCHAEER: I'm interested in how we can
9 limit No. 53. Are you indicating that if we limited
10 the request to finding out if there are contractors
11 involved in those 12 instances that that would satisfy
12 what you're searching for?

13 MR. OLSEN: Yes. If I could have
14 information regarding the contractors, if there were
15 contractors that provided the repair in each of the
16 ten occasions in my moving papers, then I could follow
17 up with the contractors for this information. I would
18 also like to suggest that we continue to pursue U S
19 WEST's internal records.

20 JUDGE SCHAEER: Right now I'm looking just
21 at specific statements that you made that you want
22 information to contractors or a list of contractors,
23 and, Ms. Dodge, I'm inclined to have you search your
24 records for a longer period of time but more narrowly
25 just for the ten instances that are listed on pages 3

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1 and 4 of the motion by the complainant to determine
2 whether contractors were involved in any of those
3 instances, and if they were to provide what
4 information you have about those contractors to Mr.
5 Olsen and his clients.

6 And one reason I'm asking about how quickly
7 things can be done is because I have a second problem
8 to deal with here, which is how long of a continuance
9 should be allowed before rebuttal is filed. So
10 keeping that in mind, how long do you think it would
11 take you to find out what you can about that?

12 MS. DODGE: Probably by the end of the day
13 tomorrow.

14 JUDGE SCHAER: Okay. So 5:00 on May 21st?

15 MS. DODGE: Are you saying how long it will
16 take to find out how long it will take or how long it
17 will take to produce anything that exists?

18 JUDGE SCHAER: I was asking how long it
19 will take to produce.

20 MS. DODGE: Well, I don't know. My
21 understanding is that we've produced what we can, and
22 in terms of going back and doing additional searching
23 to see whether there may be separate lists of
24 contractors or something like that, that can be done,
25 and then depending on what's turned up it will just

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1 come down to that. I mean, whether they're in a
2 warehouse in Denver somewhere or in one of hundreds of
3 boxes that have to physically be opened, it's hard to
4 say.

5 JUDGE SCHAER: Well, then, would you like
6 to have a check back at the end of the day tomorrow to
7 see what that time line would be?

8 MS. DODGE: Yes. I think that makes sense.
9 And I would also -- if Your Honor is willing to
10 entertain it at that time, also, depending on what we
11 find out, if we could revisit the issue of the burden
12 of doing this, again depending on whether this is a
13 matter of -- what's going to be involved in trying to
14 extract this kind of information.

15 JUDGE SCHAER: Well, the only information I
16 have about that right now is the sentence that says,
17 "U S WEST objects to this request on the basis that
18 it's overly burdensome to produce and the information
19 is not readily available." And I am going to
20 overrule that objection at this point because I don't
21 think you've made a sufficient showing that it is
22 unduly burdensome, and I think that there is a need
23 for this information to be produced if it can be done,
24 and if you want to provide more information on that, I
25 guess I could allow you to do that at 5:00 tomorrow,

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1 but I really would like you to look at this more in
2 terms of finding the information and going forward and
3 producing it rather than trying to bolster your claim
4 that it's overly burdensome, if you could do that.

5 MS. DODGE: Okay.

6 JUDGE SCHAEER: Then looking back to the
7 question about the repair records for 1996, Mr. Olsen
8 indicated in his comments today that he would like to
9 see some cable and pair information attached to those
10 records so that he could determine whether or not
11 there's a buried line involved, and looking at the
12 requests that you say supports the -- I don't see
13 anything so specific or so related to 1996 when you
14 were U S WEST that I would have necessarily thought
15 that this individual question was being asked, and it
16 appears to me that this might not be that burdensome
17 to provide. This is recent information and you've got
18 the line numbers. Is that a correct assumption on my
19 part or am I missing something?

20 MS. DODGE: I guess I need an explanation
21 again of what Mr. Olsen is looking for that's not
22 already provided.

23 JUDGE SCHAEER: Mr. Olsen, would you like to
24 speak to that directly?

25 MR. OLSEN: Yes. Attached to my moving

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1 papers -- actually attached to my declaration in
2 support of the present motion to compel as Exhibit A
3 -- are various data requests and specifically request
4 No. 12 asked for repair records, and in response
5 U S WEST provided what looked like computer-generated
6 matrix for each park which purports to identify repair
7 for the period of time January 1, 1996 through
8 December 31, 1996. The first page in response appears
9 to be a summary of various repairs. I'm referring to
10 the second page in.

11 There's a matrix which I'm looking at,
12 Belmor Mobile Home Park or Mobile Home Court related
13 repair tickets. It's a table by row with various
14 headings across the top. The first two columns are
15 titled cable number and pair number, and I take each
16 of these rows to represent some type of repair being
17 performed at the parks and am asking for information
18 regarding each of the cable number and repair with
19 regard to whether that cable number and pair is buried
20 or not, and when I say "not" I would assume aerial as
21 opposed to buried. And that would be true for each of
22 the records provided for each of the parks, not just
23 Belmor but also Skylark and Camelot Square.

24 In my moving papers the table of ten
25 repairs that we're especially interested in,

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1 specifically repair 5 in my moving papers refers to a
2 repair that was done in Skylark Village in January of
3 1996. Repair 6 regards Skylark Village repair done in
4 February of 1996, and actually as I review this it
5 looks like it's only Skylark Village that had repair
6 in 1996. So that would further narrow U S WEST's
7 effort to identify whether the cable and wire is
8 buried or not.

9 MS. DODGE: Your Honor, isn't this going
10 beyond the existing data requests, because what you're
11 asking for it sounds like is not -- is a whole
12 separate category of records that aren't repair
13 records but are more, oh, I don't know, general
14 engineering plans or something like that.

15 JUDGE SCHAEER: Well, I think it's a
16 reasonable extension of the request. The request
17 asked for information on repairs and any trenching
18 involved with the repairs. The response was that you
19 didn't keep information about whether or not there was
20 trenching, and I believe that a logical follow-up to
21 that is then to find out, well, which of these were
22 repairs that were to underground or buried facilities,
23 because they would help focus on which ones were more
24 likely to be ones where there was some trenching
25 involved. I think also this would agree on at least

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1 that if you have an overhead wire probably we aren't
2 worried about it in this proceeding. And since it is
3 for a defined one-year period and a period for which
4 it appears you have fairly complete records, doesn't
5 look like the ideal information that Mr. Olsen would
6 seek is available, I'm trying to figure out what is
7 available that could be relevant and useful in
8 analyzing the problems before us in this proceeding.

9 MS. DODGE: Even if a cable and pair is
10 buried and so you make the inference that if there was
11 a repair to it someone opened up a trench to get to
12 it, we're still a step removed from what Mr. Olsen is
13 trying to show which is that U S WEST dug a trench.

14 JUDGE SCHAEER: What we're looking for is
15 for information that is more likely than not to lead
16 to relevant information in the proceeding, and I can
17 see that this might be a task that would lead to
18 relevant information and am inclined to require that
19 information be provided.

20 MS. DODGE: Okay. So these are the Skylark
21 Village -- well, essentially the 1996 specific
22 incidents on pages 3 and 4 of the motion.

23 JUDGE SCHAEER: I'm looking at something
24 that is called request No. 12, and then I'm looking at
25 I think four pages of information about Belmor Park,

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1 three pages of information there and one page about
2 Skylark and at six pages at Camelot Square. Am I
3 looking at the right thing?

4 MS. DODGE: I guess my understanding from
5 what Mr. Olsen said -- and maybe you can correct me if
6 I'm wrong, Mr. Olsen -- is that in looking at these,
7 my understanding was that you had then focused in on,
8 you really want to know where the cable and pairs are
9 buried with those specific incidents you've mentioned
10 where you believe that U S WEST provided the
11 trenching, and those are found at pages 3 and 4 of
12 your list. You mentioned that all of those just
13 happened to be located in Skylark's because those are
14 the 1996 Skylark repairs where you believe U S WEST
15 provided the trenching. Is that correct?

16 MR. OLSEN: Yeah. I think I referenced the
17 table on page 3 and 4 of my moving papers to indicate
18 that given the repair records that we've received so
19 far it's only Skylark Village that had repairs in
20 1996. These are the repairs that the petitioners are
21 aware of, but I can see that it would be just as
22 relevant if any of the repairs done in 1996 at any of
23 the three parks involve buried cable. Just because we
24 don't know about it -- I think my discovery request
25 was broad enough to encompass that request also.

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1 JUDGE SCHAER: So what is it that you're
2 asking for? Are you asking for information from --
3 looking at your -- I'm looking at a document attached
4 in Exhibit A, request No. 010012, and the supplemental
5 response dated 1-28-97, and I am looking at the pages
6 that are more of a matrix from the source MTAS mass
7 market repair data. Are you asking for this
8 information on all those?

9 MR. OLSEN: Yes. I'm asking for this
10 information on each row identified in the mass market
11 repair data matrix for each of the three parks.

12 JUDGE SCHAER: And what you're asking is
13 that someone sit down and go through these and put a
14 check mark or some identification data by the ones that
15 involved the cable and pair that's buried; is that
16 correct?

17 MR. OLSEN: Yes.

18 JUDGE SCHAER: I'm inclined to require that
19 as well.

20 MR. OLSEN: I would also ask that U S
21 WEST's response be supplemented to include 1997 to
22 date because our moving papers also identify repairs
23 that were performed in 1997 at Belmor.

24 JUDGE SCHAER: You indicated earlier that
25 you would like to see January of 1997.

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1 MR. OLSEN: Yes.

2 JUDGE SCHAER: And I am much more inclined
3 to grant that than 1997 to date.

4 MR. OLSEN: Okay. How about February of
5 1997 then to --

6 JUDGE SCHAER: You have an incident in
7 February that you've identified?

8 MR. OLSEN: Yes, at Skylark Village, repair
9 No. 7 on page 3 of my moving papers.

10 JUDGE SCHAER: Ms. Dodge, are those records
11 available?

12 MS. DODGE: I don't know.

13 JUDGE SCHAER: January and February of this
14 year.

15 MS. DODGE: I don't know, but I can find
16 out.

17 JUDGE SCHAER: Do you want to report back
18 on that tomorrow as well?

19 MS. DODGE: Okay.

20 JUDGE SCHAER: I believe that in your
21 response, Ms. Dodge, you indicated that the company
22 had made an offer to the complainants that if they
23 were to provide phone numbers for the parks that you
24 might be able to find some additional information; is
25 that correct?

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1 MS. DODGE: Right. We have an additional
2 source that we can search. It's not just the numbers
3 for the parks but for each of the service addresses,
4 since they all have different phone numbers, different
5 service records, and I believe when we have those
6 we'll run the search.

7 JUDGE SCHAER: And I believe that you
8 indicated that it was your understanding that you were
9 going to be provided those phone numbers by tomorrow,
10 by the complainant; is that correct?

11 MS. DODGE: That was my latest
12 understanding, although apparently one of the managers
13 is only returning about that time so I don't know if
14 it will take him any additional time.

15 JUDGE SCHAER: Mr. Olsen, can you provide
16 information about two of the parks for certain
17 tomorrow and perhaps the third as well?

18 MR. OLSEN: Yes. I can provide information
19 on Belmor today because I'm looking at the list as we
20 speak. As soon as we finish our conference call I
21 will call Camelot Square and obtain the same
22 information, and first thing in the morning I will
23 call Skylark Village and do the same with them.

24 JUDGE SCHAER: So by the time we get
25 together again tomorrow at the end of the day you will

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1 know whether all of that has been provided.

2 MR. OLSEN: Yes.

3 JUDGE SCHAER: Okay. Does the Commission
4 staff wish to address any of the issues that have been
5 brought up?

6 MS. SMITH: Commission staff would like to
7 briefly address one issue raised by U S WEST in its
8 responsive pleading. Specifically U S WEST statement
9 at page 3 beginning in line 23 that U S WEST records
10 simply do not contain information regarding whether
11 U S WEST provided trenching in connection with its
12 provision of any service. It's staff's position that
13 that is information that U S WEST would be required to
14 keep under part 47 CFR with respect to records it's
15 required to keep pursuant to FCC regulations that
16 contends that U S WEST should have that information,
17 what work was performed on each job and what was done
18 to complete the job, including all trenching, and that
19 should be available pursuant to CPR-WOS which requires
20 record keeping on a basis that should allow U S WEST
21 to provide the information requested in the data
22 request.

23 JUDGE SCHAER: Ms. Dodge, do you have any
24 brief response?

25 MS. DODGE: I don't. I didn't quite get

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1 the citation and would need to look into it.

2 JUDGE SCHAER: Well, perhaps after this
3 meeting is over Commission staff could write those
4 comments up very briefly and fax them to the parties
5 so that you can look into that and report back again
6 tomorrow since we're getting back tomorrow it appears.

7 MS. SMITH: Yes. Staff will fax something
8 to Ms. Dodge by the end of today.

9 JUDGE SCHAER: And to complainants's
10 counsel.

11 MS. SMITH: And to complainant's counsel as
12 well. Staff did have one more question relating to
13 this issue. There was a letter sent by Judge Schaer,
14 I believe it was last week or the week before, asking
15 what attorney would be the attorney of record for
16 U S WEST in this case, and to be sure that I get all
17 documents and information to the correct attorney I
18 would like some clarification on who that would be.

19 JUDGE SCHAER: Ms. Dodge.

20 MS. DODGE: Well, in terms of who is the
21 attorney of record, Lisa Anderl and myself. In terms
22 of who needs to get copies it's fine to just send them
23 to me.

24 MS. SMITH: And who will be representing
25 the company at the hearing?

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1 MS. DODGE: That is of yet to be
2 determined, but it will be either Lisa Anderl or
3 myself or other attorney from Perkins Coie.

4 JUDGE SCHAER: Well, does it make any sense
5 to talk right now about the continuance question or
6 should we wait until we have a little bit more
7 information tomorrow about when things can be
8 provided?

9 MR. OLSEN: I would suggest that we wait
10 until tomorrow when we have more complete information
11 regarding how long it would take to produce this
12 information, if it can be produced.

13 JUDGE SCHAER: Does that make sense to
14 everyone else?

15 MS. SMITH: Yes.

16 JUDGE SCHAER: Ms. Dodge.

17 MS. DODGE: Yes.

18 JUDGE SCHAER: Okay. Is everyone available
19 at 4:00 tomorrow?

20 MS. DODGE: Yes.

21 JUDGE SCHAER: And I know you had indicated
22 you needed until 5 tomorrow to find out some of this
23 information. Can we move that deadline up to 4?

24 MS. DODGE: That's fine.

25 MR. OLSEN: And I am available at 4, too.

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1 JUDGE SCHAER: Right.

2 MS. SMITH: Yes, I'm available.

3 JUDGE SCHAER: I have a hearing in Tacoma
4 tomorrow that I believe should be concluded by then.
5 If for some reason it is not are people available
6 Thursday in the early afternoon like at 1:00 or 1:30?

7 MS. DODGE: I will be available beginning
8 at 2.

9 MR. OLSEN: I am available all afternoon.

10 JUDGE SCHAER: Are you available Thursday?

11 MS. SMITH: Yes. I'm available Thursday
12 until 3:00.

13 JUDGE SCHAER: I think between 2 and 3
14 would be sufficient time. I'm very hopeful that I
15 will be back in Olympia and able to take this up again
16 at 4:00 tomorrow.

17 Is there anything more that we need to
18 discuss today before we go off the record?

19 MR. OLSEN: No.

20 JUDGE SCHAER: Then this hearing will be
21 continued until 4 p.m. tomorrow, Wednesday, May 21st,
22 and if for some reason I am unable to return to my
23 office by that time my staff will contact you to let
24 you know that it will be continued again to Thursday,
25 May 22nd at 2 p.m. Thank you. We're off the record.

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(Hearing adjourned at 2:35 p.m.)

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