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1           BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
2                                   COMMISSION

3 WASHINGTON UTILITIES AND         )           DOCKET NO. UT-050606  
4 TRANSPORTATION COMMISSION,     )           VOLUME I  
5                           Complainant,     )           PAGES 1-9  
6 V.                             )  
7                           INLAND TELEPHONE COMPANY     )  
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9                   A hearing in the above matter was held on August  
10 11, 2005 at 2:30 p.m. at 1300 South Evergreen Park Drive  
11 Southwest, Olympia, Washington, before Administrative Law  
12 Judge THEODORA MACE.

13

14                   The parties were present as follows:

15                   THE COMMISSION, by CHRIS SWANSON, Assistant  
16 Attorney General, 1400 South Evergreen Park Drive  
17 Southwest, Olympia, Washington 98504-0128, Telephone (360)  
18 664-1220, Fax (360) 586-5522, Email cswanson@wutc.wa.gov.

19                   INLAND TELEPHONE COMPANY, by RICHARD A. FINNIGAN,  
20 Attorney at Law, 2112 Black Lake Boulevard Southwest,  
21 Olypia, Washington 98512, telephone (360) 753-7001, fax  
22 (360) 753-6862, Email rickfinn@localaccess.com.

23                   SUNCADIA RESORT, by JOHN L. WEST, Attorney at  
24 Law, Hillis, Clark, Martin, & Peterson, LLC, 500 Galland  
25 Building, 1221 Second Avenue, Seattle, Washington  
98101-2925, telephone (206) 623-1745, fax (206) 623-1745,  
Email jlw@hcmp.com.

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24 Jennifer Cordner, CCR

25 Court Reporter

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1           INTELLIGENT SERVICES INC., via bridgeline by,  
2           GREGORY J. KOPPA, Attorney at Law, Davis, Wright &  
3           Turaine, LLP, 2600 Century Square, 1501 Fourth Avenue,  
          Seattle, Washington 98101-1688, telephone (206) 628-7692,  
          fax (206) 628-7699, Email, gregkoppa@dwt.com.

4           PUBLIC COUNSEL, by ROBERT W. CROMWELL, JR.,  
5           Assistant Attorney General, 900 Fourth Avenue, Suite 2000,  
6           TB-14, Seattle, Washington 98164-1012, Telephone (206)  
          464-6595, fax (206) 389-2079, Email robertc1@atg.wa.gov.

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

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3 JUDGE MACE: Let's be on the record in Docket No.  
4 UT-0500606. This is the Complaint of the Washington  
5 Utilities and Transportation Commission against Inland  
6 Telephone Company. Today's date is August 11, 2005, and  
7 we are convened for a prehearing conference at the offices  
8 of Washington Utilities and Transportation Commission in  
9 Olympia, Washington. My name is Theodora Mace, I'm the  
10 Administrative Law Judge who's been assigned to this  
11 case.

12 I want to take the oral appearances of counsel  
13 now, and I want to have you give your long form  
14 appearance. That means I need to have your name, address,  
15 who you represent, your telephone, your fax number, and  
16 your Email address.

17 And I might as well begin on this side of the  
18 hearing room, and then we'll go to Mr. Koppa last.  
19 Mr. Cromwell, why you don't you enter your appearance?

20 MR. CROMWELL: Thank you, your Honor. Mr. Koppa  
21 can you hear me?

22 MR. KOPPA: I can, thank you Robert.

23 MR. CROMWELL: Robert William Cromwell, Jr.,  
24 Assistant Attorney General appearing on behalf of Public  
25 Counsel, my address is 900 Fourth Avenue, Seattle,

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1 Washington 98164-1012, my direct line is (206) 464-6595,  
2 my fax number is (206) 389-2058. And my Email address is  
3 Robertc, the numeral 1, all run together, no spaces or  
4 dots, Robertc1@atg.wa.gov.

5 JUDGE MACE: Okay, thank you. Mr. west?

6 MR. WEST: Your Honor, my name is John West, I'm  
7 with Hillis, Clark, Martin, and Peterson appearing on  
8 behalf of Suncadia, LLC. My address is 500 Galland  
9 Building, G-A-L-L-A-N-D, 1221 Second Avenue, Seattle,  
10 Washington 99101, dash, 2925, my telephone is (206)  
11 623-1745, fax number (206) 623-7789, and my Email address  
12 is Jlw@hcmp.com.

13 JUDGE MACE: Thank you, Mr. West, and I notice  
14 that had in your petition to intervene you listed Richard  
15 M. Peterson as another attorney who will be representing  
16 Suncadia in this matter, but I ask you whether or not you  
17 would be the attorney to whom we could send notices  
18 etcetera?

19 MR. WEST: Yes, your Honor, I am the one that you  
20 can send notices to.

21 JUDGE MACE: Okay, go ahead Mr. Finnigan.

22 MR. FINNIGAN: Thank you. Richard A. Finnigan  
23 appearing on behalf of Inland Telephone Company. The  
24 address is 2112 Black Lake Boulevard Southwest, Olympia,  
25 Washington 98152, telephone is (360) 956-7001, Fax is

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1 (360) 753-6862, Email, and this is a new one from the last  
2 time, it is Rickfinn, R-I-C-K-F-I-N-N, @localaccess.com.

3 MR. SWANSON: Chris Swanson appearing for  
4 Commission Staff, assistant attorney General, my address  
5 is 1400 South Evergreen Park Drive, PO Box 40128, Olympia,  
6 Washington 98504-0128, my phone number is (360) 664-1220,  
7 my fax number is (360) 586-5522, My Email is  
8 Cswanson@wutc.wa.gov.

9 JUDGE MACE: Mr. Koppa?

10 MR. KOPPA: Thank you, your Honor, Gregory J.  
11 Koppa of the Law Firm of Davis, Wright, Turaine, LLP, on  
12 behave of Intelligent Community Services, Inc., my address  
13 2600 Century Square, 1501 Fourth Avenue, Seattle,  
14 Washington 98101, dash, 1688, voice (206) 628-7692, fax  
15 (206) 628-7699, Email, Gregkoppa, G-R-E-G-K-O-P-P-A,  
16 @dwt.com

17 JUDGE MACE: Thank you. And for the benefit of  
18 Mr. West, when the prehearing order comes out, you'll have  
19 an appendix that shows everybody's contact information.

20 I have a list of items that we usually go through  
21 during a prehearing conference order, and that's what I'm  
22 going to do right now, is go through the list.

23 The first item is petitions to intervene. I have  
24 received petitions to intervene on behalf of Suncadia, and  
25 a petition to intervene of behalf of Intelligent Community

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1 Services. Is there any objection to the granting of those  
2 two petitions to intervene?

3 MR. WEST: No.

4 JUDGE MACE: No objections. Then I'll grant  
5 them. All right. Moving right along. Next item is  
6 whether or not the parties wish to have the Commission  
7 enter a protective order in this proceeding

8 MR. FINNIGAN: Yes, I'll request a protective  
9 order.

10 JUDGE MACE: All right, I'll indicate that a  
11 protective order should be issued. And next whether or  
12 not the parties seek to engage in discovery.

13 MR. SWANSON: Yes, Commission Staff does wish to  
14 seek discovery.

15 JUDGE MACE: Very well, I'll indicate that the  
16 discovery rule should be invoked. Well, that went very  
17 smoothly.

18 Really the next item is the question of  
19 scheduling, and I understand the parties have not talked  
20 about scheduling before we went on the record today, so  
21 you'll need some time to do that. I would like to have  
22 you include in your schedule some type of settlement  
23 conference or some way of indicating that you have talked  
24 about settlement, and arrived at a conclusion one way or  
25 the other. But the settlement conference, that's include

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1 and the schedule, is something that you all would arrange  
2 amongst yourselves. I just want to make sure there is  
3 something like that in the schedule.

4           You should know that for the month of January, I  
5 have been assigned to another proceeding that will take up  
6 the bulk of that month, in case a time you're thinking  
7 about scheduling a hearing. Other than that, there may be  
8 days that are better than others, and I would have to  
9 consult with the Commission's overall calendar in order to  
10 determine whether what you select as your hearing date is  
11 something that we can actually use.

12           So do you have any questions, or anything you  
13 want to bring up before we break so you can discuss  
14 scheduling?

15           Have you talked about settlement at all? Has  
16 anybody broached the subject?

17           MR. CROMWELL: I don't we've broached the subject  
18 at this time, but certainly we can schedule something.

19           JUDGE MACE: Allright, then I think I can give  
20 you 15 minuets, would that be enough time?

21           MR. FINNIGAN: That's a good start.

22           JUDGE MACE: Well, I can always let you have more  
23 time, no doubt about that. 15 minutes then.

24           MR. CROMWELL: Thank you, your Honor.

25           (A break was taken.)

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1           JUDGE MACE: Back on the record. The parties  
2 have spent extensive time discussing scheduling, and have  
3 come up with a schedule that calls for a settlement  
4 conference on September 20th; company direct filing, and  
5 by company, we're talking about Inland and Suncadia on  
6 October 31st; responses to that filing by Intervener Staff  
7 and Public Counsel on December 16th, possibly also  
8 responses from Inland about Suncadia's filing, and  
9 Suncadia about Inland's filing; a second settlement  
10 conference dated January 5th; company rebuttal -- and I'm  
11 assuming that that's Inland and Suncadia on February 3rd;  
12 hearing to take place March 2nd and 3rd; opening briefs  
13 March 24th; replies April 3rd; and the expiration of the  
14 tariff suspension date May 1st.

15           We spent quite a bit of time discussing the  
16 problem that I will entering an initial order in this  
17 case, and that it would be impossible to get to the point  
18 of entry of a final order by May 1st based on this  
19 schedule. So we talked about asking Inland whether or not  
20 it would either waive an initial order in this case, or  
21 waive the suspension date by two months to give additional  
22 time so the Commission can enter a final order.

23           And Mr. Finnigan, for Inland, will get back to me  
24 August 16th about whether the Company would be willing to  
25 do one of those two things, either waiving initial order,



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1 or waiving the suspension of the tariff. Also, I'm  
2 reminded by Mr. Cromwell, that he will be unavailable next  
3 week because of -- well, will be unavailable. So if we  
4 are going to have revisit the schedule, we will probably  
5 do that beginning the week of August 22nd. I think that  
6 that pretty much covers the question of scheduling in this  
7 proceeding.

8 I will be sending you a prehearing reference  
9 notice as soon as we actually finalize the schedule, to  
10 let you the know the contact information and also  
11 information about how many copies you need to file,  
12 documents with the Commission, and also information about  
13 meeting information for electronic filing if that becomes  
14 an issue etcetera.

15 Are there any other question or comments anything  
16 else we need to discuss before we adjourn.

17 MR. CROMWELL: Your Honor, I think the only other  
18 thing would be parties have agreed amongst themselves for  
19 the electronic exchange of documents.

20 JUDGE MACE: Very well. Thank you for telling me  
21 that. Okay. Thank you very much, and I look forward to  
22 hearing from you about what the Company comes up on those  
23 two options. Thank you Mr. Koppa.

24 MR. KOPPA: Thank you, you Honor.

25 (Hearing adjourned at 3:30 p.m.)