

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
HOME PARK, BELMOR MOBILE) UT-961342
HOME PARK,)
Petitioners,)
7)
vs.) VOLUME 3
8) PAGES 45 - 72
U S WEST COMMUNICATIONS, INC.,)
9 Respondent.)
-----)

10

11 A pre-hearing conference in the above matter
12 was held via the conference bridge on May 21, 1997 at
13 4:00 p.m. at 1300 South Evergreen Park Drive
14 Southwest, Olympia, Washington, before Administrative
15 Law Judge MARJORIE SCHAER.

16

17 The parties were present as follows:

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

20

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

22

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

25 Cheryl Macdonald, Court Reporter

00046

1 PROCEEDINGS

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

3 We are here in a discovery dispute and scheduling
4 discussion in Camelot Square Mobile Home Park, et al.,
5 docket No. UT-960832, et al. This is a continuation
6 of yesterday's hearing. And I believe that, Ms.
7 Dodge, you were kind of on first with a report of your
8 timing on being able to obtain certain materials.

9 MS. DODGE: I will tell you the information
10 that I have right now. The information about the
11 cable and pair on the different matrices that was
12 printed out --

13 JUDGE SCHAER: Yes.

14 MS. DODGE: -- I have the answer. The
15 answer is that in all three parks everything is
16 buried.

17 JUDGE SCHAER: So all of those repairs are
18 buried repairs.

19 MS. DODGE: Yeah. Unless -- well, no,
20 that's not correct. The answer to the question
21 whether the cable and pair are buried is that they're
22 buried, but it depends on what repair was done whether
23 it was, you know, I guess what we call buried. For
24 example, some of them reference, you know, repairs to
25 a pedestal or some of them were repaired in the

00047

1 central office, or it depends on what was done whether
2 you can make any inference from the fact that there is
3 a buried cable out there whether it would be
4 considered a buried repair.

5 JUDGE SCHAER: All right.

6 MS. DODGE: Then the question on the
7 January and February printout of the similar matrix
8 for each park, I don't know yet. The person checking
9 on that has not gotten an answer regarding whether
10 those records are available. The sense is that they
11 are likely available, but I don't know that for sure,
12 and the 1996 records took about a week to pull out of
13 the database. This would be significantly less volume
14 because it's only a couple of months, so probably it
15 would take a couple of days to do it.

16 Then on the Portland phone records, and
17 these are the ones that required individual phone
18 numbers, I got the list of Belmor numbers from Mr.
19 Olsen, and those have been faxed to the employee in
20 Portland who is doing this. Managers here have been
21 unable to reach that employee other than exchanging
22 some voice mail, and a request has been put in to have
23 her pull up a couple of -- the first couple of numbers
24 to get a sense of how long that takes, and also to see
25 if we can't get a printout of whatever those records

00048

1 are so they can be looked at to determine whether they
2 have any information that is helpful, and apparently
3 the sense of that employee was that the Belmor
4 records -- and I don't know, were those sent to Ms.
5 Smith or to Ms. Schaer? It's essentially nearly two
6 pages of phone numbers because of the number of spaces
7 involved. The employee sense was that it would take
8 about a day of full-time work to extract all those
9 numbers.

10 JUDGE SCHAER: Speaking for me -- this is
11 Judge Schaer, and I have not seen the numbers nor
12 would I expect to see them.

13 MR. OLSEN: And no, I did not send Ms.
14 Shannon a copy of those numbers either, although I
15 copied her on an E-mail confirming that I had sent
16 those numbers.

17 MS. DODGE: But the idea just being that
18 the volume we're talking about is a couple of pages,
19 and I think it will take about a day is our
20 understanding, but that's a day of full-time hours.
21 It's a matter of carving out those hours to do it, and
22 my understanding that that's proceeding but we don't
23 have -- we haven't had confirmation of that in the
24 sense of having gotten records faxed to us. And I was
25 going to make a suggestion that perhaps I could fax

00049

1 whatever I get early on to Mr. Olsen to see whether he
2 feels that it's something that he would like to
3 perceive. I mean, depending on what comes out of that
4 search, there's perhaps some possibility that they're
5 not helpful at all in which case we wouldn't need to
6 have an employee take the time and expense to go
7 through the remainder of the searching, but that would
8 be, I guess, Mr. Olsen's call at that time.

9 MR. OLSEN: I would not object to reviewing
10 whatever records you get as you get them, but would
11 expect that if they are the same type of records which
12 U S WEST has provided with regard to the one admitted
13 buried repair that we would want records like that for
14 each of the phone numbers given, so -- but not knowing
15 what U S WEST intends to produce with regard to Belmor
16 I would reserve consideration until I see what is
17 produced.

18 JUDGE SCHAER: What's happening with phone
19 numbers on the other two parks?

20 MR. OLSEN: With regard to Camelot Square
21 we are unable to produce phone numbers. The buried
22 repair in question was in 1978, and our records have
23 been discarded for 1978. With regard to Skylark
24 Village, our managers did not return from their
25 vacation until this evening, and I've left a message

00050

1 for them to call me first thing tomorrow morning and
2 would hope that I can provide the remaining phone
3 numbers for Skylark Village sometime tomorrow.

4 MS. DODGE: In terms of the contractors
5 issue, the contractors being utilized now could be
6 printed out and made available tomorrow. That would
7 not -- depending on which of those contractors have
8 worked in past years, you know, we just don't know
9 exactly which of those contractors may have been
10 involved back through 1978 or '74 -- '78, I guess, and
11 some inquiries will also be made tomorrow to see
12 whether there's any source of information for past
13 contractors, so I hope to have contractor information
14 by tomorrow.

15 MR. OLSEN: Are these contractors that are
16 under contract with U S WEST for general repair or are
17 these contractors that have been used at each of the
18 three parks?

19 MS. DODGE: General, I believe.

20 MR. OLSEN: I thought in our conversation
21 yesterday we were trying to find the contractors that
22 were responsible for repair on each of the ten
23 occasions outlined in my motion to compel. Is that
24 everyone else's understanding?

25 MS. DODGE: Well, my understanding is that

00051

1 that's the ideal but that the records that we have
2 don't identify, for instance, if they were
3 contractors.

4 JUDGE SCHAER: My notes from yesterday of
5 what you said, Mr. Olsen, would indicate that you
6 wanted information from contractors and that if you
7 could not obtain information from contractors you
8 would like to get a list of contractors so that you
9 could contact them yourself to see if they had
10 information, and on the areas that were discussed in
11 your data request 53, 54 and 55, which are much
12 broader than the ten instances that were in your
13 motion. That's all that I can recall from yesterday's
14 discussion.

15 MR. OLSEN: Okay. Ideally it would narrow
16 my search if we had the contractors for each of the
17 ten occasions that we know of in our motion to compel,
18 but we'll take anything we can get at this point.

19 JUDGE SCHAER: Okay.

20 MS. DODGE: And on the matter that staff
21 raised about the parts of the code of federal
22 regulations.

23 JUDGE SCHAER: Yes.

24 MS. DODGE: Those concern the uniform
25 system of accounts for telecommunications companies

00052

1 and instructions for balance sheet accounts, expense
2 accounts and so forth and the -- I guess having looked
3 at that, my sense is that staff suggestion is that
4 because U S WEST is required to keep accounts of the
5 cost of, let's see, buried cable accounts, which
6 include original costs of installing buried cable
7 including trenching, underground cable accounts,
8 buried cable expenses and underground cable expenses
9 in general that records ought to be maintained
10 concerning specific trenching and other buried type
11 activities, and the problem is that that's actually
12 not a correct conclusion just in terms of how things
13 -- how the accounting is done.

14 I guess the analogy would be to any
15 business's accounting for office supplies where you
16 don't do it on a bottom-up basis in terms of so-and-so
17 used three sheets of paper for X project and then from
18 that you figure out how much you spent on paper.
19 Instead paper is bottom booked or other supplies, or
20 in this sense conduit and cable and all that kind of
21 thing are all purchased in bulk, and you have a
22 general sense of which departments it's going to and
23 that kind of thing, but it doesn't tell you anything
24 about a specific individual job or where some of that
25 material might be used.

00053

1 JUDGE SCHAER: Did you want to speak to
2 that, Ms. Smith?

3 MS. SMITH: Well, I don't know how U S WEST
4 keeps its records, but the way I read the CFR
5 requirement the company is required to indicate in its
6 general accounting the amount it spends on trenching,
7 and the only way the company can determine the amount
8 it spends on trenching is to know when the company
9 conducted trenching and when the company did not, so
10 to that extent I would imagine that the company would
11 need to know the instances when trenching was done in
12 order to expense the trenching.

13 MS. DODGE: Well, my understanding is that
14 in terms of major trenching activities or jobs that
15 are done through the group blueprint plan, the kind of
16 thing that was created for Camelot that led to this
17 particular complaint, that there is an accounting
18 based on -- you know, that in the accounting those
19 kinds of blueprints are included, and I'm sorry I
20 can't be totally articulate on this. I've gotten a
21 quick education during the course of the day on how
22 this is done, but the problem is that the kind of
23 trenching activities that are being alleged by Mr.
24 Olsen are likely to be this kind of sort of isolated
25 incident where an employee goes out and there's a

00054

1 repair to be done and potentially goes ahead and digs
2 a couple of feet, makes a repair and leaves and that
3 falls into this informal area that they haven't been
4 required to draw up a full-blown blueprint or they
5 haven't been required to refuse to do the repair and
6 return to the company; although that's what the tariff
7 says they ought to do they just go ahead and make the
8 repair.

9 That's the kind of thing that's just going
10 to fall into with a little extra time for that
11 employee, and it's not being tracked in a kind of
12 manner, you know -- again, it's kind of using up a
13 sheet of paper or something like that in the scope of
14 things.

15 MR. OLSEN: Our allegations of trenching
16 include more trenching than the 300-foot rule that I
17 hear U S WEST proposing an exception for, and in fact
18 the phone numbers that I faxed earlier today or
19 actually yesterday involve trenching from space No.
20 150 through 165 and 183 through 254, which is
21 significant trenching, so I'm not -- the petitioners
22 are not just alleging a few feet of trenching here,
23 and I guess I want the record to reflect that.

24 MS. SMITH: May I ask a question of Mr.
25 Olsen?

00055

1 MR. OLSEN: Sure.

2 MS. SMITH: Regarding that trenching you
3 just mentioned, is that trenching for a new addition
4 or is that repair and maintenance of existing
5 facilities?

6 MR. OLSEN: That's repair and maintenance
7 of existing facilities as opposed to a new addition,
8 and although there are instances in our list of ten
9 that I've included in the motion to compel where new
10 service line was installed, the repair at Belmor in
11 the summer of 1995 was to access and repair buried
12 service line at the park.

13 MS. SMITH: Thank you.

14 JUDGE SCHAER: Ms. Dodge, did you actually
15 have someone pull the records that are kept under
16 these subparts and examine them for you to see if
17 there was any detail?

18 MS. DODGE: Yes.

19 JUDGE SCHAER: And so you have looked at
20 the records yourself.

21 MS. DODGE: I have not looked at the
22 records myself.

23 JUDGE SCHAER: Okay.

24 MR. OLSEN: I guess I would ask that those
25 records be reviewed to determine the detail that are

00056

1 in those records.

2 MS. DODGE: Those records have been
3 reviewed to determine their detail.

4 JUDGE SCHAER: Would you like to have those
5 records provided to you, Mr. Olsen?

6 MR. OLSEN: Yes.

7 MS. DODGE: These are general accounting
8 records is my understanding.

9 MS. SMITH: This is Shannon Smith from
10 staff. It's our understanding that although they're
11 accounting records they could very well lead to the
12 discovery of admissible evidence in this case because
13 those accounts are required to include amounts,
14 capital investments for trenching as well as expenses
15 for trenching, and they may very well lead to the
16 discovery of admissible evidence, and while this is
17 not staff's request for data, staff does have an
18 interest in this case, and would like to see that
19 information produced to the complainant.

20 MS. DODGE: But I guess I don't understand
21 what -- how general accounting information is going to
22 lead to anything regarding specific trenching and
23 specific pieces of property.

24 MS. SMITH: Well, it may lead to the
25 discovery of admissible evidence if the accounts are

00057

1 kept in the manner that staff thinks the accounts are
2 kept in, and if the accounts aren't kept in that
3 manner and the complainant cannot receive admissible
4 evidence from that information then that's fine, but
5 if that information does include -- if those accounts
6 do include information regarding trenching and there
7 is information in those accounts that backs up the
8 amount that's expensed for trenching it could very
9 well lead to the discovery of admissible evidence.

10 MS. DODGE: How does the amount that's
11 expended overall in the company for trenching have
12 anything to do with this particular complaint?

13 MS. SMITH: If the company is backing up
14 its accounts it ought to.

15 MR. OLSEN: For instance, if the general
16 accounting records include line items for backhoe
17 rental or other equipment used in excavation then it
18 may be that an inference is created regarding U S
19 WEST's practice regarding trenching, and if the line
20 items for the rental of excavation equipment
21 correspond with the dates of repair at each of the
22 parks that may create another inference.

23 JUDGE SCHAER: I'm going to require, then,
24 that the information which is available as stated on
25 these subparts as listed in Ms. Smith's letter be made

00058

1 available to the complainant. How far back is the
2 company required to keep that information by the
3 uniform system of accounts? Does anyone here know?
4 Ms. Smith, do you know?

5 MS. SMITH: I don't know, Judge Schaer, but
6 I could attempt to find that information from reading
7 part 72.

8 JUDGE SCHAER: Ms. Dodge, do you know?

9 MS. DODGE: I'm sorry, Judge Schaer, I
10 don't know. I was just looking at the CFR right now
11 and it's not readily -- doesn't appear readily.

12 JUDGE SCHAER: Well, I don't know either
13 off the top of my head, but I'm certain that there is
14 some kind of a retention schedule provided somewhere,
15 and I am going to ask that these be provided for that
16 time period.

17 MS. DODGE: Could I suggest that perhaps it
18 makes sense for Mr. Olsen to look at these records
19 before they're copied and provided to him, because I
20 don't have a sense of the volume we're talking about,
21 and I am pretty sure that when he sees it he's not
22 going to want it because we're talking about a company
23 with hundreds of thousands of orders, and I just don't
24 know that he's going to be able to find the detail
25 that he's looking for, although I'm sure that the

00059

1 records fully comply with the CFR. So perhaps if he
2 can look at them at U S WEST's offices and then make a
3 determination of whether they're at all useful, that
4 would avoid some unnecessary expense.

5 JUDGE SCHAEER: Mr. Olsen.

6 MR. OLSEN: I'm not opposed to that
7 suggestion, but would ask that the information if it's
8 computer-based be reported in a form that's consistent
9 with petitioner's claims, and what I mean by that is
10 I'm not interested in seeing U S WEST's general ledger
11 account for trenching as it relates to nationwide
12 trenching. To the extent that it can be reported by
13 Western Washington or by some other level that would
14 be more likely to have the detail that we are looking
15 for, I would ask that it be provided in that form.

16 MS. DODGE: Well, I don't know if that's
17 available or not. I don't believe -- if it isn't I
18 believe the obligation generally in discovery is to
19 provide what's available and not to have to provide
20 particular formats or reports or create records in a
21 format that don't already exist.

22 MS. SMITH: This is Shannon Smith from
23 Commission staff. If it's possible for U S WEST to
24 provide the accounting for the trenching expense for
25 the state of Washington I think that's what Mr. Olsen

00060

1 is asking for, and it's my understanding that many of
2 the company's accounts can be state-specific in order
3 for the company to report to the state regulators on
4 those matters that are regulated. So to the extent
5 it's available for the state of Washington I'm sure
6 that that would be sufficient for Mr. Olsen's data
7 request.

8 MR. OLSEN: And I would agree. I am
9 interested in seeing whatever the state would see if
10 they were auditing U S WEST's books with regard to
11 satisfaction of their obligation under the CFRs.

12 JUDGE SCHAER: Ms. Smith, are you
13 interested in having someone from staff perhaps
14 participate in this review?

15 MS. SMITH: Yes.

16 JUDGE SCHAER: So sounds like then we need
17 to set up a time when these records can be made
18 available to the complainant and the Commission staff,
19 and that to the extent that U S WEST is able to use
20 any kind of a screening instruction that would screen
21 this even at a minimum to the state of Washington, but
22 if you are able even to screen it to certain exchanges
23 or anything further by push of a few buttons by
24 someone who knows what they're doing, I would suggest
25 that whatever you can do in your capability to make

00061

1 this handleable, but I will require that it at least
2 be broken down to the state of Washington level.

3 Would you like to set a time in this
4 hearing for this document review or is that something
5 the parties think they can handle on their own?

6 MS. DODGE: I think we can probably handle
7 that on our own.

8 MR. OLSEN: I would agree.

9 JUDGE SCHAEER: Okay. Well, Ms. Dodge,
10 looking at what you've told me about when you think
11 it's likely that things could be made available, what
12 do you think is -- is there a deadline that we can
13 place for provision of this information? Complainant
14 had asked that you respond, provide information by May
15 23rd, which is this Friday, and then had asked for an
16 extension of time until May 30th to file its rebuttal.
17 You had wanted rebuttal by May 23rd and then to allow
18 the complainants to supplement their rebuttal within
19 three days after any new information was provided.

20 Knowing where we are now, when do you think
21 is a likely date that we could give for you to provide
22 the January/February printout, the Portland phone
23 records and the list of contractors? I believe you
24 said the list of contractors could be provided
25 tomorrow; is that correct?

00062

1 MS. DODGE: Yes. The current contractors.
2 Given the accounting records and --

3 JUDGE SCHAER: Let's leave that until last.
4 Let's talk about first the January and February
5 printout which you said were likely to be available.
6 Although you weren't certain they would be available
7 you indicated they would probably take a couple of
8 days to produce.

9 MS. DODGE: Yes.

10 JUDGE SCHAER: Can we agree that if those
11 are available they should be provided by this Friday?

12 MS. DODGE: Well, I think that will be
13 cutting it tight.

14 JUDGE SCHAER: Okay. What would you
15 suggest?

16 MS. DODGE: Perhaps the 28th.

17 JUDGE SCHAER: 28th is next Wednesday. How
18 about the Portland records? You indicated that that
19 would take a full eight hours for this employee to
20 accomplish but that she probably couldn't just drop
21 everything else and do this for one day but would need
22 to spread it over a few days; is that correct?

23 MS. DODGE: And we're also expecting those
24 additional phone numbers.

25 JUDGE SCHAER: Additional phone numbers.

00063

1 MS. DODGE: Which we'll probably get --

2 JUDGE SCHAER: Have kind of a check back to
3 see if more is wanted before those are provided, so
4 should we set a time for the first set or for the
5 first portion to be provided so that you know whether
6 to proceed?

7 MS. DODGE: We could perhaps set Friday for
8 that.

9 JUDGE SCHAER: Why don't we say that by
10 this Friday, May 23rd, you will provide a first report
11 based on a portion of the Belmor numbers to Mr. Olsen
12 and that he will then inform you if he wants you to go
13 further. And then if he says he wants you to shall we
14 set the 28th for getting the rest of that?

15 MS. DODGE: I would be a little more
16 comfortable with the 30th given that if he wants more
17 at that point then we'll click into the need for a
18 full seven point whatever hours plus the additional
19 for the additional phone numbers.

20 JUDGE SCHAER: Okay. The contractors
21 list is going to be provided on the 22nd, and that
22 brings us to the viewing of the system of accounts
23 information which I believe was going to be scheduled
24 among the parties. Are you going to try and have that
25 take place this week or --

00064

1 MS. DODGE: I am likely to want to do that
2 early next week given my schedule. I don't know about
3 others' schedules.

4 JUDGE SCHAER: Well, let's just say
5 hypothetically if you have the viewing on Tuesday and
6 copies are wanted, could those be made available then
7 by Wednesday or how long will it take to get --

8 MS. DODGE: It will depend on the volume.

9 JUDGE SCHAER: Well, I'm going to ask the
10 three of you to work together to schedule a viewing,
11 and I'm going to require that if any copies are needed
12 that they be provided by the 30th so that that will be
13 a final day for everything to be provided.

14 I take it with that information, Mr. Olsen,
15 you might want a couple of days past the 30th to file
16 your rebuttal.

17 MR. OLSEN: Yes.

18 JUDGE SCHAER: What is the first day of
19 hearing in this matter?

20 MS. SMITH: The 10th, I believe.

21 MR. OLSEN: I believe it's June 10th, and
22 I'm concerned with the production of documents by the
23 contractors. To the extent that they have documents
24 that will require a records deposition and a subpoena
25 that will likewise require a nominal notice to give

00065

1 contractors sufficient time to produce these records
2 who aren't on the same case schedule that we are. If
3 I get the contractors list tomorrow and put someone on
4 the phone to contact each of the contractors and
5 determine whether they've done work at the three parks
6 I should be able to have a list of relevant
7 contractors by Friday.

8 And if we set up a records deposition -- I
9 suppose if I set up a records deposition for the
10 following Friday that won't make me any friends, but
11 will probably be sufficient for purposes of giving
12 them notice in time to respond to a subpoena. And I
13 don't see any other alternative in light of the fact
14 that our first day of hearing is on June 10.

15 JUDGE SCHAER: I am very unwilling to move
16 the hearing date in this matter.

17 MR. OLSEN: Well, then, let's proceed
18 according to the plan that I've just identified and
19 we'll do the best we can.

20 JUDGE SCHAER: So what date would you
21 suggest for filing your rebuttal testimony then?
22 Tuesday the 3rd?

23 MR. OLSEN: I would suggest Wednesday the
24 4th.

25 JUDGE SCHAER: Commission staff and

00066

1 U S WEST, what is your reaction to that?

2 MS. SMITH: Staff would not object to
3 receiving that testimony as late as close of business
4 on June 5th.

5 JUDGE SCHAER: Ms. Dodge.

6 MS. DODGE: Well, that's cutting it awful
7 close for the hearings the following Tuesday. Even
8 the 4th I think is cutting it very close. I would
9 think that -- well, again, perhaps we could look at
10 possibly bifurcated rebuttal in the sense that if the
11 delay is for any information from contractors that the
12 rebuttal could be provided even as early as the 2nd
13 and then any specific follow-up in terms of the
14 contractors just on that particular issue or any
15 documents that actually come from contractors that
16 that could be provided the 4th or 5th.

17 JUDGE SCHAER: Well, I have a lot of
18 concern about not getting the Portland phone records
19 completely until the 30th and not getting the CFR
20 information completely until the 30th with making the
21 2nd the deadline. I can see either pushing up those
22 dates to like the 28th and then maybe going with the
23 2nd, or if you leave it on the 30th then going with
24 something more like the 4th. What are your thoughts
25 on that?

00067

1 MS. DODGE: Well, we could certainly try to
2 get them done by the 28th. I would try to avoid
3 putting my client -- setting them up to be in
4 violation of any order just due to circumstances that
5 are possibly beyond what anybody foresees, but we can
6 certainly try to get those out by the 28th.

7 JUDGE SCHAER: How about if we do this? We
8 set the deadline as the 28th with a drop dead date of
9 the 30th. If you can't get it out by the 28th you may
10 extend it to the 29th or 30th but every day that you
11 extend providing your information extends the time for
12 filing rebuttal. Does that seem fair to everybody?

13 MS. SMITH: That seems acceptable to staff.

14 MR. OLSEN: I would agree to that.

15 MS. DODGE: Okay.

16 JUDGE SCHAER: Ms. Dodge, does that seem
17 fair to you?

18 MS. DODGE: Yes.

19 JUDGE SCHAER: And that will give you
20 hopefully as much flexibility as we can give you at
21 this late date in the process. Is there anything else
22 that we need to go over today?

23 MS. DODGE: And then the rebuttal would be
24 due on which day?

25 JUDGE SCHAER: If you get all of your

00068

1 information that we've talked about in the five
2 different categories to the complainants by the 28th
3 then rebuttal testimony will be due on the 2nd with a
4 possible supplementation for information obtained from
5 contractors couple of days later. If you don't get
6 your information in finally until the 29th rebuttal
7 will be due on the 3rd. If you don't get your
8 information in until the 30th rebuttal will be due on
9 the 4th.

10 MR. OLSEN: I have one additional issue to
11 raise if we're finished with scheduling issues.

12 JUDGE SCHAEER: Yes, please, go ahead.

13 MR. OLSEN: And I apologize for not raising
14 this issue as Ms. Dodge discussed them, but I thought
15 I would let her finish with the status of her search
16 with regard to all of the issues first before I
17 responded, but with regard to the identification of
18 the cable and pair that is buried, I can appreciate
19 the fact that all of the service cable at the parks
20 are buried. That's something that I kind of knew from
21 the outset, but I would ask that with regard to the
22 matrixes that we referred to yesterday, the mass
23 markets repair data matrix, which is attached as
24 Exhibit A to my motion to compel, that I would suggest
25 that U S WEST is certainly in a better position to

00069

1 identify which of the repairs involved trenching.

2 Not to ask them to assign the
3 responsibility for the trenching or to admit that they
4 provided trenching, but if simply stated they could go
5 through the report and put an asterisk next to the
6 rows that required trenching regardless of who
7 provided it, that is the information that I ultimately
8 sought in asking U S WEST yesterday to identify the
9 buried cable in these reports, and would request that
10 that information be provided.

11 JUDGE SCHAER: Ms. Dodge.

12 MS. DODGE: I don't know -- I feel like I'm
13 working on a moving target here because that wasn't my
14 understanding of what was sought yesterday.

15 MR. OLSEN: Well, it's kind of a new
16 request based on your response today that no -- that
17 all of it's buried but that doesn't mean all that
18 required trenching. I think our data requests asked
19 that the repair that required trenching be identified.

20 MS. DODGE: Well, I believe the response
21 was that the repairs don't identify which required
22 trenching and so we provided the records that we had.

23 MS. SMITH: This is Shannon Smith from
24 Commission staff, and apparently there is a last
25 column that's filled in on these matrices that says

00070

1 "technician's narrative," and it may be possible for
2 U S WEST to determine from that narrative whether or
3 not the repair was made to the cable itself, which
4 would require trenching, or if that repair was made to
5 the pedestal or if that repair was made at the central
6 office. That would be responsive to the data
7 requests, and the only person who could really discern
8 what those technicians' narratives mean is U S WEST.

9 MR. OLSEN: Could the narrative include
10 abbreviations and various codes that the petitioners
11 would lack information necessary to interpret the
12 narrative? In fact, there is a blank column in the
13 last column of each of these tables. If a technician
14 could review the remarks and determine whether
15 trenching was required or whether the work involved
16 service cable that was buried as opposed to work that
17 was performed to the pedestal or some other point
18 that's above ground that could be interlineated by
19 just making an X next to the row that required
20 trenching.

21 JUDGE SCHAER: Ms. Dodge, this is Judge
22 Schaer. Looking at the technician's narrative it
23 appears that there are some codes used. (Inaudible)
24 appears frequently. Seven appears frequently. Do you
25 know if there's any kind of index to what these codes

00071

1 mean?

2 MS. DODGE: The only thing that I am aware
3 of is just the disposition code that appears on the
4 first page of each of those printouts. I don't know
5 in terms of the technician's narratives there's a
6 table or an index available.

7 JUDGE SCHAER: Well, could you provide the
8 index of the disposition codes. Could you check and
9 see if there is a code for the other information and
10 if there is could you provide that, but I'm not going
11 to require that you do anything further than that. My
12 notes from yesterday indicate that the question here
13 was whether this was something that was buried or
14 aerial.

15 You've responded to that question, and I
16 don't think -- I don't want to look at a new data
17 request being made today to go farther than that. I
18 think we're too far along the line for that to happen,
19 but, as I say, I know that when I get something in
20 some of my cases where the Commission investigators
21 have examined something, they have a series of
22 numerical codes, and if you have a key to those codes
23 you have a pretty good idea what they have done and if
24 you don't have a key you are lost. And if you could
25 get those keys for the disposition code and if there

00072

1 is one for the technician's narrative I think that
2 would be appropriate.

3 MS. DODGE: The disposition code key is
4 found at the first page of each of those matrices.

5 JUDGE SCHAER: So that's already been
6 provided. Then could you just check to see if there
7 is a key for these codes in the narrative and if there
8 is one, provide it, and if there isn't one let the
9 parties know that.

10 MS. DODGE: Okay.

11 JUDGE SCHAER: Is there anything else that
12 we need to do here today?

13 MR. OLSEN: Not from the petitioner's
14 perspective.

15 JUDGE SCHAER: Anything from U S WEST?

16 MS. DODGE: No, Your Honor.

17 JUDGE SCHAER: Commission staff?

18 MS. SMITH: Nothing.

19 JUDGE SCHAER: Well, then we will be off
20 the record and good luck everyone in getting all of
21 this done.

22 MR. OLSEN: Thank you, Your Honor.

23 MS. DODGE: Thank you, Your Honor.

24 JUDGE SCHAER: Off the record.

25 (Hearing adjourned at 4:40 p.m.)