

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
 2 COMMISSION  
 3 WASHINGTON UTILITIES AND )  
 4 TRANSPORTATION COMMISSION ) Hearing No. UT-921340  
 5 vs. ) VOLUME II  
 6 INTERNATIONAL PACIFIC, INC. ) Pages 19-121  
 7 ----- )

8 A hearing in the above matter was held on  
 9 June 10, 1993 at 9:30 a.m. at 2420 Bristol Court  
 10 Southwest, 2nd Floor Conference Room, Olympia,  
 11 Washington, before Administrative Law Judge CHRISTINE  
 12 CLISHE.

13 The parties were present as follows:  
 14 WASHINGTON UTILITIES AND TRANSPORTATION  
 15 COMMISSION by JEFFREY T. EVEN, Assistant Attorney  
 16 General, 905 Plum Street, Building 3, Post Office Box  
 17 40100, Olympia, Washington 98504-0100.

18 INTERNATIONAL PACIFIC, INC. by DOUGLAS N.  
 19 OWENS, Attorney at Law, 520 East Denny, Seattle,  
 20 Washington 98122.

21  
 22  
 23  
 24 Lisa K. Nishikawa, CSR, RPR  
 25 Court Reporter

	I N D E X					
	WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS	EXAM
1						
2						
3	S. STILLWELL	22	28	97	115	118
4				118		
5						
6						
7						
8	EXHIBIT	MARKED	ADMITTED			
9	T-1	29	38			
10	2	29	38			
11	3	29	38			
12	4	29	38			
13	5	29	38			
14	6	29	38			
15	7	29	121			
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						

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

2 JUDGE CLISHE: Let's be on the record.  
3 The hearing will please come to order. The Washington  
4 Utilities and Transportation Commission has set for  
5 hearing at this time and place Docket Number  
6 UT-921340, which is captioned the Washington Utilities  
7 and Transportation Commission versus International  
8 Pacific, Incorporated. Today's date is June 10, 1993.  
9 The hearing is being held in the Office of  
10 Administrative Hearings building before Christine  
11 Clishe, Administrative Law Judge.

12 The purpose of today's hearing is to take  
13 testimony and cross-examination from the witnesses of  
14 the staff and the company. At this time I will ask  
15 the parties to offer their appearances beginning  
16 with the Commission.

17 MR. EVEN: My name is Jeffrey, middle  
18 initial T., Even, E V E N, assistant attorney general  
19 for the UTC.

20 JUDGE CLISHE: All right. Thank you.  
21 For the company.

22 MR. OWENS: Your Honor, I'm Doug N. Owens,  
23 attorney at law. My business address is 520 East  
24 Denny, Seattle, Washington 98122.

25 JUDGE CLISHE: All right. Thank you. We

(COLLOQUY)

22

1 discussed briefly before we went on the record about  
2 the estimated time for cross-examination of the  
3 witnesses, which sounds like it may be only a few  
4 hours. We'll see how that develops. Mr. Even, would  
5 you like to call your first witness.

6 MR. EVEN: Thank you, your Honor. I would  
7 call Suzanne Stillwell.

8 JUDGE CLISHE: All right. Ms. Stillwell,  
9 will you raise your right hand, please.  
10 Whereupon,

11 SUZANNE L. STILLWELL,  
12 having been first duly sworn, was called as a witness  
13 herein and was examined and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. EVEN:

17 Q. Could you please give us your name and  
18 spell your last name for the record.

19 A. Suzanne L. Stillwell, S T I L L W E L L.

20 Q. And what is your business address?

21 A. 1300 South Evergreen Park Drive Southwest,  
22 Olympia, Washington, 98504.

23 Q. Have you previously filed testimony in this  
24 matter?

25 A. Yes.

1 Q. Have you had a chance to review prior  
2 to the hearing this morning the testimony that was  
3 previously filed?

4 A. Yes.

5 Q. On review, do you have any changes or  
6 corrections that you would wish to make to the  
7 testimony that was prefiled?

8 A. Yes, I do.

9 Q. Could you please specify for us what  
10 changes those would be. Start with the testimony  
11 itself.

12 A. Okay. On page 7, line 6, after the first  
13 word "violations," instead of a comma make that a  
14 period and strike "and a branding violation."

15 Q. Okay.

16 A. On page 11, line 6, go over to where it  
17 says "10XXX," insert a comma, strike the word "and,"  
18 and after "1-800" insert "and/or 950 numbers" -- or  
19 just insert "and/or 950."

20 Q. The word "numbers" is already on the page.  
21 Is there anything else on page 11?

22 A. Yeah. Line 20, after the word "Vancouver,"  
23 after comma, put an -- excuse me. Strike the comma,  
24 put a period. Strike the next few words, "and one in  
25 Sedro Woolley."

1 Q. Anything else on page 11?

2 A. Line 23, the very last word, change from  
3 "five" to "four."

4 Q. And is there anything else in the testimony  
5 itself?

6 A. One more. On page 15, the penalty --  
7 excuse me. Line 1, "1,807,300," change that to  
8 "1,806,200."

9 Q. Now, there were a number of exhibits also  
10 filed along with the testimony, is that correct?

11 A. Yes.

12 Q. Are there any changes in the exhibits?

13 A. SLS-4, page 1, if you could go to location  
14 1A. Location 1A, the seventh line, which is a  
15 violation of subsection (5) (A), go ahead and strike.  
16 That line would be the last violation under location  
17 1A.

18 Q. Is there anything else in SLS-4?

19 A. Yeah. That would change page 5, the count,  
20 from 1643 to 1642.

21 Q. Anything else in SLS-4?

22 A. That's it.

23 Q. Are there changes to any other exhibits?

24 A. No.

25 Q. In SLS-3?

1           A.     Oh, sorry.  SLS-3, page 1, again the last  
2 violation, subsection (5) (A), strike that entire  
3 line, the entire violation.  Change the 7 to a 6.

4           Q.     And is there anything else in SLS-3?

5           A.     Page 2.  Go to the subsection 4, which is  
6 the branding, that one paragraph where it explains  
7 the violation.

8           Q.     The paragraph that begins -- are you  
9 referring to with the WAC citation 141 (5) (A)?

10          A.     Yes.  Delete that paragraph.  The paragraph  
11 following remains.  That's a notation.

12          Q.     Okay.  And are there any other changes in  
13 SLS-3?

14          A.     Page 68, the last paragraph, second line --  
15 or second sentence, where it says "numbers posted on  
16 the phone," comma, change that comma to a period.  
17 Strike the words "and shown on the extract."

18          Q.     What is the reason for that change?

19          A.     Because the two numbers are posted on the  
20 picture of the phone.  There's only one number on the  
21 extract.

22          Q.     Are there any other changes to prefiled  
23 exhibits?

24          A.     No.  That's it.

25          Q.     Handing you what has been marked on the

1 top -- and also giving a copy to Mr. Owens -- as  
2 SLS-5, is this an additional exhibit that you would  
3 wish to submit this morning?

4 A. Yes.

5 Q. Could you tell us what SLS-5 consists of.

6 A. SLS-5 is in response to a data request in  
7 the competitive filing Docket Number UT-920546, and it  
8 does show by location, by payphone location,  
9 telephone number, the dates that I visited each  
10 location, a revisit, the date that the company was  
11 notified, the date that -- if the LEC was notified,  
12 the date that they were notified, and the date the  
13 phones were put into compliance.

14 Q. The first column on that Exhibit SLS-5  
15 consists of a series of numbers and letters. Do these  
16 correspond with the location numbers that have been  
17 presented elsewhere in your testimony?

18 A. Yes.

19 Q. And calling your attention to the column  
20 that is headed "Date IPI notified," which is the third  
21 column from the left, could you explain what  
22 information is contained in that column.

23 A. The type of information that I would -- I  
24 would advise the company of any violations that I  
25 found during a field investigation. And that -- the



1 dates that are shown there are dates that I called the  
2 company, notified them of violations and our  
3 expectations to bring the phones into compliance with  
4 the rules.

5 Q. And is that done following the  
6 investigation of a particular telephone?

7 A. Yes.

8 Q. What information is conveyed to IPI at the  
9 date that's indicated in that column?

10 A. The type of problems that we found on --  
11 that I found on the phones, the violations that I  
12 found based on investigation of the phones.

13 Q. Thank you. Now, with the changes that  
14 you've indicated this morning, if I were to ask you  
15 each of the questions that's presented in your  
16 testimony this morning, would you answer them as they  
17 are indicated in the modified testimony today?

18 A. Yes.

19 Q. Thank you.

20 MR. EVEN: Your Honor, at this time I would  
21 move for the admission of the testimony of Suzanne  
22 Stillwell together with the five exhibits that have  
23 been submitted along with it.

24 JUDGE CLISHE: All right. Do you have any  
25 objection, Mr. Owens, to any of these exhibits?

1                   MR. OWENS: Ask you to reserve ruling until  
2 after cross.

3                   JUDGE CLISHE: That's fine. I'll rule  
4 after Mr. Owens concludes the cross-examination.

5                   MR. EVEN: I have nothing further at this  
6 time, your Honor.

7                   JUDGE CLISHE: Mr. Owens, do you have  
8 questions of Ms. Stillwell?

9                   MR. OWENS: Yes, your Honor.

10

11                                   CROSS-EXAMINATION

12 BY MR. OWENS:

13           Q.    Ms. Stillwell, you were deposed in this  
14 matter on March 1, 1993, is that right?

15           A.    Mm-hmm.

16           Q.    And you received a copy of the deposition  
17 transcript, did you not?

18           A.    Yes.

19           Q.    You reviewed that and prepared a document  
20 indicating changes to that transcript?

21           A.    Yes.

22           MR. OWENS: I would ask that a one-page  
23 document purporting to be such changes be marked for  
24 identification as the next exhibit in order.

25           JUDGE CLISHE: I might note that prior to

1 that I will mark for identification as Exhibit T-1 the  
2 testimony -- prefiled testimony of Ms. Stillwell and  
3 mark for identification as Exhibit 2 what's identified  
4 as SLS-1, mark for identification as Exhibit 3 what  
5 has been referred to as SLS-2, mark for identification  
6 as Exhibit 4 what's been identified as Exhibit SLS 3,  
7 mark for identification as Exhibit 5, SLS-4, and as  
8 Exhibit 6, SLS-5, and I will mark for identification  
9 as Exhibit 7 a one-page document which appears to be  
10 signed at the bottom by Ms. Stillwell.

11 Mr. Owens, would you like to go ahead.

12 (Marked Exhibits Nos. T-1, 2, 3, 4, 5, 6,  
13 and 7.)

14 Q. Ms. Stillwell, is what's been marked as  
15 Exhibit 7 the document that you just referred to in  
16 your prior answer?

17 A. Yes.

18 Q. And that's your signature at the bottom of  
19 the page?

20 A. Yes.

21 Q. Now, you were sworn in this hearing to tell  
22 the truth, the whole truth, and nothing but the truth,  
23 were you not?

24 A. Mm-hmm.

25 Q. And you took a similar oath on March the

1 1st, did you not?

2 A. Mm-hmm.

3 JUDGE CLISHE: I think you are going to  
4 have to speak louder, I think, maybe both of you.

5 Q. And do you recall that I asked you in your  
6 deposition whether you agreed that if you didn't tell  
7 me that you don't understand a question and you  
8 answered a question, I'm going to assume that you  
9 understood it and that you're answering fully and  
10 completely to the best of your knowledge? Do you  
11 recall that? This is at page 5 of your deposition.

12 A. Yes. I recall that you asked me that.

13 Q. Now, directing your attention to the bottom  
14 of Exhibit 7. Would you read that statement.

15 A. "As a general matter, I've noticed that on  
16 further reflection and comparison with my notes, some  
17 answers were not complete or precise. Please refer to  
18 my written testimony and exhibits in this docket  
19 UT-921340."

20 Q. Now, in that statement, were you referring  
21 to any matters in addition to the specific items  
22 listed above that statement?

23 A. I found that there may have been some need  
24 for further clarification.

25 Q. So the answer is yes?

1           A.     Repeat the question.

2           Q.     In discussing as a general matter that some  
3 answers were not complete or precise, did you refer to  
4 any matters in addition to those specific items listed  
5 above that statement?

6           A.     Yes.

7           Q.     Now, some of the items listed above that  
8 statement were items that you didn't actually say  
9 during the deposition.  Would that be a true  
10 statement?

11          A.     Yes.

12          Q.     For example, where it says on page 40, line  
13 1, everything after the word "right" wasn't actually  
14 said during the deposition, is that right?

15          A.     That is correct.

16          Q.     So it would be correct, would it not, that  
17 your statement in response to the question that you  
18 answered at page 40 would not have been a complete  
19 answer?

20          A.     I'm sorry.  Could you repeat that?

21          Q.     It's true, isn't it, that the statement that  
22 you made during the deposition in response to the  
23 question that was answered beginning at page 40, line  
24 1, was not a complete answer?

25          A.     Correct.

1                   MR. OWENS: Your Honor, at this time I  
2 move to exclude the testimony of Ms. Stillwell on two  
3 bases; first, that the witness has apparently  
4 demonstrated an inability to comply with the terms of  
5 the oath to answer completely and fully to the best of  
6 her knowledge, which renders her an incompetent  
7 witness; and, second, that our right of discovery in  
8 the deposition of the only evidence that supports a  
9 claim for \$1.8 million in penalties was compromised  
10 because this witness now says in Exhibit 7 that  
11 answers -- unspecified answers that were given in  
12 response to our questions in discovery were not  
13 complete or precise and that any answers apparently  
14 that indicate that her written testimony is incorrect  
15 are to be disregarded.

16                   And I would cite you to Boeing Company v.  
17 Cierracin Corp., 108 Wn.2d 38, 738 P2d 665, decided in  
18 1987, in which a court's refusal to admit testimony  
19 based on failure to provide reasonable discovery was  
20 upheld by the Supreme Court.

21                   JUDGE CLISHE: Any response, Mr. Even?

22                   MR. EVEN: Yes, your Honor. The Commission  
23 staff has responded to every discovery request, every  
24 legitimate discovery request that's been made in this  
25 case. Mr. Owens has had Exhibit 7 in his possession

1 for some time now, so there's no question of prejudice  
2 as to that.

3 To the extent that Mr. Owens' point may  
4 relate to arguments concerning credibility, he's  
5 certainly free to make any arguments he cares to make  
6 regarding that, but the question of excluding  
7 testimony is simply harsh and unreasonable in this  
8 particular matter.

9 MR. OWENS: May I briefly respond?

10 JUDGE CLISHE: Yes.

11 MR. OWENS: I would take grave issue with  
12 the notion that we haven't been prejudiced. We asked  
13 to take Ms. Stillwell's deposition again and were  
14 denied that right after we had Exhibit 7 in our hands.

15 JUDGE CLISHE: Do you have anything else?

16 MR. OWENS: No.

17 JUDGE CLISHE: When did you request that,  
18 Mr. Owens, for the second deposition, do you recall?

19 MR. OWENS: It was in a phone conversation  
20 with Mr. Even. I believe it was in the month of  
21 April, but I can't tell you a day. I could go back to  
22 my office and get my records that would show a  
23 conversation with him.

24 JUDGE CLISHE: Let me look here. It seems  
25 to me that I have in the file a copy of correspondence

1 between you and Mr. Even. I think there's one of  
2 April 23, 1993 from Mr. Even to you. Let me see if  
3 that's what it referred to. There's also another  
4 letter of April 28 which referred also, I think, to a  
5 telephone conversation or voice messages or whatever.

6 MR. EVEN: The April 28 letter is relevant  
7 at this point.

8 JUDGE CLISHE: I see in the third  
9 paragraph. Do you have that letter, Mr. Owens, which  
10 starts "Regarding the deposition"?

11 MR. OWENS: Yes.

12 JUDGE CLISHE: I think that must be what  
13 you referred to.

14 MR. OWENS: Yes. That's correct.

15 JUDGE CLISHE: I notice in that letter Mr.  
16 Even responded with the request for a second  
17 deposition, I assume of Ms. Stillwell, that it was  
18 untimely under the Commission rules. Do you have any  
19 response regarding that?

20 MR. OWENS: Well, I guess I would say that  
21 the prior deposition was worked out between counsel  
22 without five days' notice as an accommodation to both  
23 parties, and I suppose I could have given five days'  
24 notice. My intent was to try to make the matters  
25 regarding discovery work as easily and informally



1 as possible, and I believe that's consistent with the  
2 spirit of the Commission's rules.

3           It was indicated that the basic thrust of  
4 the objection was that a second deposition would not  
5 be allowed, regardless of whether or not I gave five  
6 days' notice, and so it didn't appear worthwhile to go  
7 through the form of giving five days' notice.

8           JUDGE CLISHE: Do you have any  
9 recollections about that, Mr. Even?

10           MR. EVEN: Yes, I do, your Honor. There  
11 are several points. First, Mr. Owens indicated at  
12 that time that he would anticipate filing a motion for  
13 an order that a second deposition would be taken,  
14 which in fact he did not do but could have done.

15           But what's really most important about that  
16 discussion is where it falls in the course of events  
17 in the course of the schedule that was in place in  
18 this case at that time. As of the time Mr. Owens  
19 decided that he needed to -- or informed me that he  
20 wanted to take a second deposition of Ms. Stillwell,  
21 Ms. Stillwell's testimony had already been prefiled.

22           It was at approximately the point in time  
23 that the company's testimony was due to be prefiled at  
24 that case. We were coming up on it at that point, a  
25 date for the prefiling of prehearing briefs, and the

1 hearing was set for the 18th and 19th of May at that  
2 point. The deposition of Ms. Stillwell that we're  
3 talking about here was taken on March 1, 1993.

4           And at the time of this conversation, Mr.  
5 Owens indicated that his reason for wanting to do a  
6 second deposition -- he didn't mention this revision  
7 sheet, Exhibit 7. What he mentioned were the fact  
8 that at the March 1 deposition Ms. Stillwell had  
9 referred to some notes which he asked to have copies  
10 of.

11           Copies of those notes were provided to him  
12 later the same week, three or four days after, as I  
13 recall, the taking of the deposition. And it was on  
14 those notes that Mr. Owens wished to base a second  
15 deposition.

16           Now, given the point in time at which this  
17 comes and the lengthy period of time during which Mr.  
18 Owens had knowledge of all of this and could have done  
19 further discovery if he had thought that was  
20 important, this was simply untimely and late. From  
21 March 1, 1993 to April 28, 1993, certainly he could  
22 have done something within that period of time if he  
23 really thought they were critical.

24           Frankly, the answer given here in the  
25 context of everything that's taken place in this case

1 at around that point in time, the request for a  
2 deposition really suggests more of a delaying tactic  
3 than actually an effort to secure further discovery,  
4 but Mr. Owens certainly could have pursued if he  
5 thought that were important. Nothing further.

6 JUDGE CLISHE: All right. Thank you. Did  
7 you have any response to those comments?

8 MR. OWENS: I certainly haven't been  
9 attempting to delay anything, and I don't think  
10 there's any basis for that representation. We offered  
11 to file the testimony at a time that would be  
12 convenient to everyone regardless of what decision was  
13 made on when the hearing would happen so that there  
14 wouldn't be a concern that the company was gaining  
15 some advantage by having additional time. I don't  
16 believe that's well founded.

17 JUDGE CLISHE: I don't want to encourage on  
18 and on and on. At this point I am going to overrule  
19 the objection to the Exhibits T-1 through 6, I  
20 believe, and admit the Exhibits 1 through 6, T-1  
21 through 6, into the hearing record.

22 At some point if it appears that there is  
23 some other information or basis, Mr. Owens, you may  
24 make your objection again to that. I think at this  
25 point I will allow the testimony and exhibits, in and

1 certainly you can ask Ms. Stillwell questions  
2 regarding this problem with the depositions.

3 (Admitted Exhibits Nos. T-1, 2, 3, 4, 5 and  
4 6.)

5 MR. OWENS: Thank you, your Honor.

6 Q. Referring to Exhibit 6 and on the second  
7 page of that, which is actually the first page that  
8 has some numbers on it, you show at lines 1A through  
9 10A a complaint number with an initial visit of May  
10 21, 1992, is that correct?

11 A. Yes.

12 Q. And International Pacific was not notified  
13 of any alleged violations at that location until June  
14 19, is that correct?

15 A. Yes.

16 Q. And it's correct, isn't it, that you could  
17 have notified International Pacific on May 21?

18 A. I could have, although we do not do that in  
19 our normal --

20 Q. Yes or no? Is it correct you could have  
21 notified them?

22 A. I could have, but in our investigations we  
23 typically go back and recheck the phones to see if  
24 they are in the same order or if possibly they have  
25 been corrected due to maintenance or procedures that a

1 company has in place to check the phones.

2 Q. And you revisited this location on June the  
3 12th, is that right?

4 A. Yes.

5 Q. And you have no evidence on what conditions  
6 existed at any of those ten locations on May 22, 1992,  
7 is that right?

8 A. I presume that they are the same in between  
9 those dates.

10 Q. I'm not asking you your presumption. I'm  
11 asking you what knowledge you have of the conditions  
12 at any of those ten locations on May 22, 1992. Do you  
13 know what the conditions were?

14 A. I do not have evidence what the conditions  
15 are. I presume --

16 MR. OWENS: I'm sorry. I'm going to object  
17 as nonresponsive to the answer about her presumption.

18 JUDGE CLISHE: Any comments on the  
19 objection?

20 MR. EVEN: No, your Honor.

21 JUDGE CLISHE: I'm going to sustain the  
22 objection. And Ms. Stillwell, although she already  
23 has said yes or no, and then I'm sure Mr. Even will  
24 follow it up if he wishes with cross-examination.

25 Q. So just to clarify this, you don't know

1 what the placards said, if any, on the payphones at  
2 those ten locations on May 22, 1992, is that true?

3 A. True.

4 Q. And would your answer be the same for every  
5 day between May 21, 1992 and June 12, 1992?

6 A. True. The way your question is asked.

7 Q. Now, addressing the issue of the kind of  
8 service that was provided on those phones, do you know  
9 whether or not anyone attempted to use one of those  
10 ten payphones on May 22, 1992 to make a calling card  
11 call or a bill-to-third-number call and was told that  
12 they couldn't; that only a collect call could be  
13 made?

14 A. Well, here again I can assume that --

15 Q. No. I'm not asking your assumption, ma'am.

16 A. There's 400 people that --

17 Q. I'm asking your knowledge. Do you know  
18 whether anyone made such a call and had that result?

19 A. I do not know that that was attempted. I  
20 can assume that --

21 MR. OWENS: No. Objection to an  
22 assumption.

23 JUDGE CLISHE: All right. I think if you  
24 just indicate the first answer, and then if Mr. Even  
25 wants to clarify it on cross-examination, but the part

1 about the assumption thing I'm going to sustain the  
2 objection.

3 MR. OWENS: Thank you.

4 JUDGE CLISHE: I think she's answered the  
5 first portion -- or your question, Mr. Owens.

6 Q. And would your answer to that question be  
7 the same for every day between May 21, 1992 and June  
8 12, 1992?

9 A. Yes.

10 Q. And, in fact, do you know whether anyone  
11 obtained any operator services from International  
12 Pacific on any day between May 21, 1992 or June 12,  
13 1992 at those ten locations?

14 A. I do not have that information.

15 Q. Now, moving to this second -- or the third  
16 page of Exhibit 7 and directing your attention to  
17 locations P through T on that page. You initially  
18 visited those locations on September 16, 1992, is that  
19 correct?

20 A. Yes.

21 Q. And as indicates of the prior questioning,  
22 it would have been possible for you to notify  
23 International Pacific on or about September 16, 1992  
24 of the conditions you discovered there, correct?

25 A. Yes.

1 Q. You subsequently visited those locations on  
2 September 30, 1992, is that correct?

3 A. Yes.

4 Q. And if I were to ask you the same questions  
5 that I asked about locations 1A through 10A concerning  
6 the days between September 16, 1992 and September 30,  
7 1992 about your knowledge of the conditions at those  
8 locations, would your answers be the same?

9 A. Yes.

10 Q. And would your answers also be the same if  
11 I were to ask you the question whether you have any  
12 knowledge that anyone obtained operator services from  
13 International Pacific at any of those locations on any  
14 of the days between September 16, 1992 and September  
15 30, 1992?

16 A. Yes.

17 Q. Now, you also visited locations, going back  
18 to the second page of Exhibit 6, 1B through 4B on June  
19 17, 1992, is that correct?

20 A. Yes.

21 Q. And you notified International Pacific on  
22 July 30, 1992 of the conditions you found there, is  
23 that right?

24 A. Yes.

25 Q. Now, on the three days -- namely, June 19,



1 1992, July 30, 1992, and October 12, 1992 -- when you  
2 notified International Pacific of the conditions at  
3 the locations that are described in Exhibit 6, did you  
4 have any reason to believe that International Pacific  
5 was then aware of the conditions at those locations?

6 A. The locations at Sedro Woolley, I would say  
7 yes.

8 Q. All right. Do I understand that for other  
9 than Sedro Woolley, which would be 1B through 4B, and  
10 -- I'm sorry -- and P through U and O, that the answer  
11 is no?

12 A. Correct.

13 Q. All right. Now, you said that at Sedro  
14 Woolley you believed that International Pacific was  
15 aware, and is that based on conversations you had  
16 with Mr. Hall of the Job Corps?

17 A. I was told by International Pacific  
18 operators, as stated in my testimony in exhibit -- it  
19 shows in exhibit -- I believe it's SLS-3. On several  
20 occasions International Pacific operators were telling  
21 me the phones were blocked and they could only provide  
22 calling card -- or excuse me -- collect calls.

23 Q. All right. How about the placarding issues  
24 at Sedro Woolley? Do you have any reason to believe  
25 International Pacific was aware of the placards and

1 what they said on June 19, 1992?

2 A. No. They -- could you rephrase the  
3 question?

4 Q. Do you have any reason to believe that  
5 International Pacific was aware of what the placards  
6 on locations 1A through 10A said when you notified  
7 International Pacific on June 19, 1992?

8 A. No.

9 Q. Now, addressing Sedro Woolley, that is a  
10 facility operated by the United States Government, is  
11 it not?

12 A. Yes.

13 Q. And specifically an agency of the United  
14 States Government known as the Job Corps?

15 A. I believe so, yes.

16 Q. Which is an instrumentality of the  
17 Department of Labor?

18 A. I'm not sure about that.

19 Q. You physically, obviously, went to that  
20 facility to do your inspection, did you not?

21 A. Yes.

22 Q. Now, is there a fence around the facility?

23 A. I don't recall seeing a fence.

24 Q. Did you have to go to a gate attended by a  
25 guard in order to gain entrance to that facility?

1           A.     Yes.  You had to check in.

2           Q.     Did you have to tell the guard what your  
3 business was at the facility in order to get onto the  
4 premises?

5           A.     Yes.  You have to have a reason for being  
6 there.

7           Q.     And physically these ten telephones are  
8 located in dormitories, are they not?

9           A.     Nine of them are in dormitories; one of  
10 them is in a recreation facility.

11          Q.     And the dormitories and recreation facility  
12 are for the use of the students at the Job Corps, is  
13 that right?

14          A.     Not necessarily just the students.  They  
15 are for -- they are students, counselors, contractors,  
16 you know, various members of the public that may have  
17 reason to be.

18          Q.     Did you ever see a contractor use one of  
19 these telephones?

20          A.     I didn't physically see a contractor use a  
21 phone, but I know the purpose of the phones.

22          Q.     And the counselors would be employees of  
23 the Department of Labor, would they not?

24          A.     Yeah, staff.  Why don't we call them  
25 staff.  Not necessarily counselors.  Teachers,

1 counselors.

2 Q. They would all be employees of the Job  
3 Corps, would they not?

4 A. Staff would be, yes, unless they're  
5 subcontracting them.

6 Q. Directing your attention to Exhibit 6,  
7 location 1B. With regard to the charge that  
8 International Pacific did not provide a second brand,  
9 that telephone is located outside, is it not?

10 A. Yes, it is.

11 Q. And the call you made was in mid-morning,  
12 is that right?

13 A. I would have to look back at my bill  
14 records, if you've got the time and --

15 Q. Sure. Go ahead.

16 A. (Reading.) Yes. Around 10:30ish.

17 Q. And that phone is located adjacent to a  
18 street, is that right?

19 A. It's next to a retail establishment off --  
20 it's right off the store, and then there's a big  
21 parking lot and then there's a street.

22 Q. So there was traffic noise going on at the  
23 time you made your call?

24 A. There may have been, but I didn't notice  
25 it.

1 Q. It's possible that the operator said  
2 International Pacific and you didn't hear it?

3 A. No.

4 Q. That's not possible?

5 A. I know what I heard -- or didn't hear.

6 Q. Well, nobody else heard both sides of that  
7 conversation other than you and the operator, is that  
8 right?

9 A. That's true.

10 Q. Now, at page 12 of Exhibit T-1 you state  
11 that you make sample test calls, and at the bottom of  
12 the page you indicate that sample test calls are taken  
13 on approximately 1 and 10 phones. Can you identify  
14 which phones on Exhibit 6 had sample test calls?

15 A. I can. It's going to take a little bit of  
16 time.

17 Q. Okay.

18 A. Okay.

19 THE WITNESS: Can we --

20 JUDGE CLISHE: Sure. Let's be off the  
21 record while Ms. Stillwell finds all this.

22 (Off the record.)

23 JUDGE CLISHE: Let's be back on the record  
24 after a short break to allow the witness to get some  
25 references which I think will assist with the answers.

1 All right, Mr. Owens, would you like to go ahead.

2 Q. I'm waiting for an answer to the question  
3 of --

4 A. Okay. I didn't know if you were referring  
5 to all the phones on the exhibit or just the ones we  
6 found not in compliance, so which would you prefer?

7 Q. Just the ones you found not in compliance.

8 A. Okay. On location 1A there is a test call,  
9 a completed test call on June 20.

10 Q. What do you mean completed?

11 A. Excuse me. June 12. Test call where a  
12 call actually completed and was billed.

13 Q. Completed means that somebody answered, is  
14 that right?

15 A. Yeah. It was billed. One minute or more.

16 Q. All right.

17 A. 11A, 12A, 13A, 1B, 2B, 3B, 4B.

18 Q. You did test calls on 1B, 2B, 3B, and 4B?

19 A. Mm-hmm. A, B, J, and U. I'm going to  
20 read off -- I didn't correlate the number with all the  
21 phones. I'm going to take my invoice and tell you so  
22 that you have that as a cross-reference. On 454-9020,  
23 which is T.

24 Q. So you did a test call on T?

25 A. Yeah. 9019, Q. 9824 is O. 9839 is E.

1 9867 is D. I think we got all the rest.

2 MR. OWENS: Just for clarification, and I  
3 guess this is a question to counsel, by introducing  
4 Exhibit 6 you're not renewing your claim of violation  
5 on location E, is that correct?

6 MR. EVEN: That is correct.

7 MR. OWENS: Thank you.

8 Q. Now, returning briefly to the subject of  
9 the Job Corps facility, contractors would be  
10 contractors working for the Federal government, is  
11 that right, that are on the premises?

12 A. They may have a contract with the  
13 government, but they might be a contractor or a  
14 plumber, you know, somebody -- there's a need for them  
15 to be at the facility to do work, fix something, you  
16 know, just as in any organization has ongoing  
17 services.

18 Q. Well, they are pursuant to a contract with  
19 the government to service that facility?

20 A. I don't know who pays who.

21 Q. Well, they don't work for free, do they?

22 A. No.

23 Q. So when you use the term "contractor," you  
24 meant to include people who contract with the Federal  
25 government to service that facility, is that right?

1           A.     They may also have their own staff that  
2 does that type of work.  It's a vocational school.

3           Q.     When you use the term "contractor," that's  
4 what you meant, isn't it?

5           A.     Yeah.  Someone from the public, a business  
6 that's providing service to the facility.

7           Q.     Under a contract with the government?  
8 That's what you meant by the word "contractor,"  
9 correct?

10           MR. EVEN:  Objection.  This witness  
11 testified she doesn't know the specific financial  
12 relationship.  I think that's been asked and answered.

13           MR. OWENS:  Your Honor, I'm entitled to  
14 inquire into this witness's intention in using the  
15 word "contractor."  This is the sole witness on a \$1.8  
16 million case, and I believe I'm entitled to examine  
17 into her use of that term.

18           JUDGE CLISHE:  I'll overrule the objection  
19 and allow Ms. Stillwell to answer the question, which  
20 I think you already did.  Or did you think that you  
21 got an answer?

22           MR. OWENS:  I didn't think that I got an  
23 answer.  I'm asking if that was her intent in using  
24 the word "contractor" in response to an earlier  
25 question.  That is somebody with a contract with the



1 Federal government to service that facility.

2 A. Well, yes and no. Yes, I think -- also a  
3 contractor -- you and I could be a contractor  
4 performing the services. They have teachers up there.  
5 It's a vocational school. They teach skills, such as  
6 painting and building. You know, could be one of  
7 their teachers doing that type of work.

8 Q. I'm not asking you if others than  
9 contractors could do the work. I'm only asking you  
10 when you use the word "contractor" in response to my  
11 prior question, you meant people with a contract with  
12 the Federal government to service that facility.

13 A. Yes. Although I don't know if the  
14 contract's with the Federal government. I don't know  
15 that.

16 Q. It's true, isn't it, that the dormitories  
17 where nine out of the ten payphones are located are  
18 locked during the day?

19 A. The phones are locked while the students  
20 are in class so people can't get into their rooms.  
21 They are unlocked after school and available, and  
22 anyone that has need to be in those dorms is provided  
23 access to those dorms during the day.

24 Q. But again, the only people who have need to  
25 be in those dorms would be employees, direct employees

1 of the Federal government or contractors with the  
2 Federal government, isn't that true?

3 MR. EVEN: Objection. There's no basis for  
4 this witness to know the answer to that question.

5 JUDGE CLISHE: Any comments?

6 MR. OWENS: She's testified that others  
7 than students have access to the dorms. I'm entitled  
8 to cross-examine what knowledge she has in order to  
9 make that statement.

10 JUDGE CLISHE: I'm going to overrule the  
11 objection and allow Ms. Stillwell to answer, but I'm a  
12 little unclear about what the basis is for this  
13 various knowledge, although you probably are going to  
14 inquire of this witness regarding that as far as  
15 whether she's been told these things, observed them  
16 herself, or has some other way to know when the dorm  
17 is locked, what contractors might be there and that  
18 sort of thing.

19 MR. OWENS: Very well.

20 JUDGE CLISHE: Okay. So you can first, I  
21 guess, Ms. Stillwell, answer the question that Mr.  
22 Owens asked last.

23 A. Could you reask the question?

24 Q. The only people who have a need to be in  
25 the dorm other than the students would be employees --

1 direct employees of the Federal government, which  
2 would include staff, teachers, or other directly  
3 employed service personnel and contractors who have a  
4 contract with the Federal government, isn't that true?

5 A. I don't know if that's totally true. You  
6 know, I've been told that there are counselors. There  
7 are -- word was called a screener. There are visitors  
8 that tour the facilities. You know, there are reasons  
9 for people to be there other than just the students  
10 and the staff.

11 Q. But you've never seen any of such people  
12 use any of these pay telephones, is that right?

13 A. I've not seen them use the telephone, but  
14 I've seen people in the dorms when I've been there.

15 Q. But you don't know whether any of these  
16 people were other than employees of the Federal  
17 government or contractors, is that right?

18 A. Well, the students certainly aren't  
19 employees of the Federal government --

20 Q. Or other than the students.

21 A. -- and the contractors.

22 Q. Other than the students.

23 A. I wouldn't know who they are. I didn't ask  
24 them their purpose. They probably wondered what my  
25 purpose was.

1 Q. Now, the complaint alleges that  
2 International Pacific failed to include in its  
3 contract with aggregators and enforce a requirement to  
4 comply with the Commission's rules. And with regard  
5 to locations 1A through 10A as to that claim, what  
6 specific action should International Pacific have  
7 taken?

8 A. Mr. Owens, you asked me that six or seven  
9 times during the deposition.

10 Q. I'm asking you now.

11 A. And I told you the same thing. You know,  
12 we expect a registered AOS company, of which that rule  
13 regulates or they fall under the jurisdictions of  
14 those rules -- we expect them to be responsible, take  
15 actions for compliance to the rules.

16 Q. What you finally answered after about the  
17 sixth time was that International Pacific should have  
18 itself posted telephones or hired someone to do that.  
19 Do you recall that statement?

20 A. Yes. I recall that statement, and it was  
21 in the context of you to ask me six or seven times,  
22 and I basically was saying we don't care how it's  
23 done, but someone needs to do it.

24 Q. Well, I'm --

25 A. Someone needs to take responsibility and

1 take action to make sure that the phone's posted  
2 correctly; that there is no block on the phone, et  
3 cetera.

4 Q. My question is specific action. Do you  
5 have any specific action other than this action that I  
6 just described that you can contend International  
7 Pacific should have done to avoid what you contend are  
8 violations of the Commission's rules?

9 MR. EVEN: Objection. Asked and answered.

10 MR. OWENS: It has not been asked and  
11 answered. I asked her if that was her statement and  
12 she answered we don't -- that was in the context of we  
13 don't care how it's done. I submit that isn't an  
14 answer to my question of what specific action does the  
15 State of Washington contend my client should have done  
16 in order not to be subject to the \$1.8 million in  
17 penalties. I think I'm entitled to an answer to that  
18 question.

19 MR. EVEN: Clear, your Honor, that was an  
20 answer to the question.

21 MR. OWENS: No, it wasn't.

22 JUDGE CLISHE: I'm not sure I understood  
23 the response. I'll overrule the objection and you can  
24 answer the question, Ms. Stillwell. Do you need it  
25 repeated?

1 THE WITNESS: No. I've been asked this  
2 many times.

3 A. We expect the AOS company, in this case  
4 International Pacific, to be responsible --

5 MR. OWENS: I'm going to be -- I'm  
6 objecting that that answer is nonresponsive. The  
7 question was any specific action. She's now starting  
8 to go into an answer that is not specific. It's  
9 general. It's as we expect the AOS to be responsible.  
10 That's a status, not an action.

11 MR. EVEN: Your Honor, if I can clarify  
12 this, I believe that this is as responsive to the  
13 question we can get. I believe the witness has made  
14 clear that the UTC does not dictate to the companies  
15 how they comply with the rule.

16 The position is that the AOS company is  
17 responsible for compliance with that rule. Now, I  
18 believe that's already been the answer of the witness  
19 and that that's the answer to the question. The  
20 answer can't be tailored in any other way to respond  
21 to the question.

22 MR. OWENS: The question certainly can be  
23 answered.

24 JUDGE CLISHE: All right. What about  
25 phrasing it in this way: Other than the company being

1 responsible, are there any specific actions that the  
2 Commission expects the company to take? I don't  
3 know if that will get you an answer that will be --

4           MR. OWENS: Let me make an argument here.  
5 My client is being held before this Commission and  
6 this Commission is being asked to enter a judgment  
7 that my client is liable for \$1.8 million in penalties  
8 on the basis of alleged failure to do something, and I  
9 believe my client is entitled to know with specificity  
10 what specifically -- that's redundant -- but what it  
11 is that the Commission contends my client should have  
12 done and did not do.

13           It is not sufficient to tell a company in  
14 this position that it is subject to penalties based on  
15 some vague notion that it is vicariously responsible  
16 for somebody else's conduct. Terms of the complaint  
17 allege that my client failed to enforce a provision.

18           I think my client is entitled to know  
19 specifically what acts would have constituted  
20 enforcement as that is meant in order for this  
21 prosecution to have any semblance of fairness, which I  
22 don't believe it has anyway, but even on its face that  
23 seems to me to be fundamentally required.

24           MR. EVEN: Your Honor, perhaps Mr. Owens  
25 should have read the rule. The rule specifies the

1 conditions that the phones are supposed to be  
2 maintained in and specifies that the AOS company is  
3 responsible for them being maintained in that  
4 condition. Now, it sounds like what Mr. Owens is  
5 asking for here is a legal interpretation of what the  
6 rule means. That's abundantly clear on its face is  
7 it says what condition the telephones have to be in.

8           Now, this witness has already responded is  
9 that she does not care -- the UTC does not care who  
10 does what and how this is done, provided that it is  
11 done. That's the beginning and the end.

12           JUDGE CLISHE: All right. Thank you. I'm  
13 going to overrule the objection and the witness can  
14 answer with as much specificity as possible.

15           A. What specific action do we expect of the  
16 company?

17           Q. Yes.

18           A. Well, you know, in my Exhibit SLS-3 there  
19 are numerous examples of what was wrong with the  
20 phone. Posting was wrong; phones needed to be posted  
21 correctly. Phones were blocked; phones need to be  
22 unblocked. There were, you know, various problems. I  
23 don't know how specific. I'm not going to tell you  
24 how to do your business. I'm not going to tell your  
25 company how to run their business. That's not what



1 we're here for.

2                   But the rule clearly states the way the  
3 phones need to be properly post -- what the phones  
4 have to do. We expect that they are in compliance  
5 with the rules, so however the company would like to  
6 ensure that those phones are in compliance is their  
7 responsibility. It's their manner in which, you know,  
8 their policies that they want to develop to ensure  
9 ongoing compliance.

10           Q.     You have no reason to believe that  
11 International Pacific knew of the condition of the  
12 placards at these locations when you notified them,  
13 correct?

14           A.     Other than the ten --

15           Q.     The placards at locations 1A through 10A.

16           A.     Correct.

17           Q.     So if they didn't know, what action would  
18 you say they should have done in order to avoid the  
19 violation?

20           A.     Mr. Owens, companies have compliance  
21 programs where they send people out to look at their  
22 -- to monitor different aspects of their business,  
23 auditors. There's a lot of things a company can do.  
24 I'm got going to sit here and tell the company how to  
25 do their business.

1 Q. All right. Let's assume that the company,  
2 contrary to fact, did know. What should it have  
3 done?

4 MR. EVEN: Objection. Asked and answered.

5 MR. OWENS: It hasn't been asked and  
6 answered.

7 MR. EVEN: We've been through this  
8 thoroughly.

9 JUDGE CLISHE: I'm going to overrule the  
10 objection. I think that if you're following up on  
11 your previous question, I don't think that was clearly  
12 answered. You want to have the question repeated?

13 THE WITNESS: Yes.

14 Q. Assuming, contrary to fact, that the company  
15 did know of the conditions of the placards at  
16 locations 1A through 10A, what should it have done?

17 A. Well, if it was my company, I would have  
18 got on the phone immediately and called my customer up  
19 and told him -- excuse me -- asked him to bring the  
20 phones into compliance as specified in the rules.

21 Q. And so the fact that -- and you have no  
22 dispute that International Pacific did exactly that as  
23 soon as it was notified by you of the conditions at  
24 locations 1A through 10A, is that right?

25 A. Yes. They worked to bring the phones into

1 compliance.

2 Q. So the reason why they are now charged for  
3 violation is that they didn't know about it before you  
4 did, is that right?

5 MR. EVEN: Objection. Argumentative.

6 JUDGE CLISHE: Any comments?

7 MR. OWENS: I don't believe it's  
8 argumentative. She stated that what they should have  
9 done if they knew about it was exactly what they did  
10 do after they knew about it, so I think I'm entitled  
11 to find out what fact it is that she relies on that  
12 indicates that notwithstanding that they did do  
13 everything she said they should have done in order to  
14 avoid being in violation, they're charged with a  
15 violation.

16 JUDGE CLISHE: I'm going to overrule the  
17 objection and allow the witness to answer the  
18 question.

19 A. Could you restate the question?

20 Q. So you've agreed that International Pacific  
21 did everything that you say they should have done to  
22 avoid being in violation after they knew about the  
23 conditions at these locations. And so my question is,  
24 is the reason they're charged with a violation that  
25 they didn't know about the conditions before you did?

1                   MR. EVEN: Your Honor, I will renew my  
2 objection on the basis of relevance. The rule clearly  
3 establishes as a matter of law whose responsibility it  
4 is to maintain these telephones in the condition that  
5 the law requires, and that responsibility is that of  
6 the AOS company. It is not as a matter of law the  
7 duty of the UTC to inform AOS companies of the  
8 conditions of their telephones. The question is  
9 irrelevant.

10                   MR. OWENS: I think it's --

11                   JUDGE CLISHE: Any comment?

12                   MR. OWENS: I think it's entirely relevant,  
13 your Honor. This witness volunteers in her testimony  
14 that she's required to be conversant with the  
15 Commission's rules. She describes the Commission's  
16 rules, and she is the sole witness in support of this  
17 \$1.8 million complaint, and she's just stated in  
18 answer to prior cross-examination that what IPI should  
19 have done in order not to be charged with these  
20 violations is exactly what they did do after they  
21 found out about the conditions at these locations.

22                   And I think it's certainly relevant to at  
23 least the claim later in her testimony that it is the  
24 number, severity, and duration of these violations  
25 that justify not only the filing of this complaint but

1 the seeking of the maximum penalty allowed under law.  
2 I think it's clearly germane to that inquiry alone.

3 JUDGE CLISHE: I think that the question  
4 asks for information which is relevant to this matter  
5 and I'll overrule the objection.

6 A. We perform -- or I performed investigation  
7 of three different cities on -- we found a significant  
8 percentage of their phones not in compliance with our  
9 rules.

10 Q. That's not responsive. I asked you about  
11 locations 1A through 10A. Is the reason why they're  
12 charged with a violation that you found out about the  
13 conditions at those locations before they did?  
14 Because you testified previously that exactly what  
15 they should have done not to be in violation they did  
16 do as soon as they found out about it.

17 MR. EVEN: Your Honor, there's no factual  
18 basis for this question. There's been no evidence  
19 presented that the company did not know about this.  
20 There's frankly no context for this question.

21 MR. OWENS: Ms. Stillwell testified that  
22 she had no basis to know -- no basis to believe that  
23 they did know, and so I'm asking her, based on her  
24 knowledge of IPI's knowledge, why they are now being  
25 charged with a violation when as far as she knew they

1 had no knowledge of the conditions at this location  
2 before she notified them.

3 JUDGE CLISHE: I'm going to overrule the  
4 objection and the witness can answer the question. Do  
5 you want to have the question stated again?

6 A. At this point I guess I'm a little bit  
7 confused with what you're asking me. I don't know how  
8 to answer what you're asking me at this point.  
9 Maybe --

10 Q. So the answer is you don't know?

11 THE WITNESS: I don't know proper procedure  
12 here, but can I consult with my counsel?

13 JUDGE CLISHE: Well, in fact, this might be  
14 a good time for a morning break. And if you want to  
15 have the court reporter read back the question which  
16 might be clearer, we can do that when we come back.  
17 Good time for a break. Let's come back at, oh, five  
18 after 11:00. We'll be off the record.

19 (Recess.)

20 JUDGE CLISHE: Let's go back on the record  
21 after our morning break. And did you want to have the  
22 question read back, Ms. Stillwell? I think that's  
23 where we were regarding the last question.

24 (Record read as requested.)

25 A. The reason we filed the complaint is

1 because of the violations. The phones were not in  
2 compliance. The fact that you didn't know -- or  
3 excuse me -- International Pacific did or did not know  
4 is irrelevant. The phones were not in compliance.

5 Q. So you're not contending that International  
6 Pacific should have filed a lawsuit against Public  
7 Communications of America in order to enforce the  
8 condition in the contract, is that right?

9 A. I'm not contending that.

10 Q. And you're not contending that Section 480-  
11 120-141 (2) (a) applied requiring International  
12 Pacific to withhold compensation on a  
13 location-by-location basis based on a reasonable  
14 belief that the aggregator is blocking access, is that  
15 correct?

16 A. Can you restate how you asked the question?

17 Q. You're not contending WAC 480-120-141 (2)  
18 (a) applied requiring International Pacific to  
19 withhold compensation on a location-by-location basis  
20 based on a reasonable belief that the aggregator was  
21 blocking access?

22 A. The company had that option.

23 Q. Wait a minute. You indicated you didn't  
24 have any information from which you could allege that  
25 International Pacific had a reasonable belief that the

1 aggregator was blocking access, isn't that right?

2 A. Earlier in my testimony I indicated on the  
3 phones in Sedro Woolley that I believed that they did  
4 have knowledge because the International Pacific  
5 operators told me that the phones would only allow  
6 live collect calls and the phones were blocked.

7 Q. You don't know that International Pacific  
8 knew that access to other carriers was being blocked  
9 at the phones, do you?

10 A. That the comments that the International  
11 Pacific operators gave me said that.

12 Q. Is it possible that what the operator said  
13 was that if the call gets to the International Pacific  
14 network that International Pacific will only handle  
15 calls on a collect basis?

16 A. The operators read information off their  
17 screens and that information said -- I mean, I can  
18 pull out the comments from the testimony, but they  
19 said the phones at Sedro Woolley are blocked and the  
20 only option is collect. So based on that information  
21 that was given to me by International Pacific  
22 operators, I believe that International Pacific did  
23 know.

24 Q. Do you know what action International  
25 Pacific could have taken to have unblocked the phones



1 at locations 1A through 10A?

2 A. They could have asked their customer to  
3 unblock the phones.

4 Q. And again, the fact that they did that  
5 after June 19, 1992 instead of before is the basis why  
6 they're charged with violation?

7 A. They are charged with the violation because  
8 when I investigated the phones they were out of  
9 compliance.

10 Q. But you're not saying that International  
11 Pacific itself could have physically unblocked the  
12 phone, are you?

13 A. I've never indicated that.

14 Q. Are you saying that International Pacific  
15 should have filed a lawsuit against its customer to  
16 enforce the contract requirement?

17 A. I'm not saying what International Pacific  
18 needs to do in relation to a lawsuit with -- potential  
19 lawsuit with their customer.

20 Q. Do you know of any other way to enforce a  
21 contract other than to file a lawsuit?

22 MR. EVEN: Objection. Called for  
23 speculation. It's irrelevant.

24 MR. OWENS: It's certainly relevant. The  
25 complaint alleges that my client has failed to enforce

1 a contract. I'm entitled to know what actions the  
2 Commission believes the company could have done and  
3 didn't do that would constitute enforcement if the  
4 Commission knows.

5 JUDGE CLISHE: I'll overrule the objection.  
6 And the question is only whether you have any  
7 knowledge, is that correct?

8 MR. OWENS: That's right.

9 JUDGE CLISHE: If you don't, of course you  
10 can say so.

11 A. Question again?

12 Q. Do you know of any other way to enforce a  
13 contract besides filing a lawsuit?

14 A. I can give an example of some things that  
15 they could do. In your contract you could have a  
16 contract with your customer that allows you to fix the  
17 phones, placard the phones. You could hire companies  
18 that do that. You could have those kinds of things in  
19 your contract.

20 Q. That wasn't my question. My question was,  
21 do you know of any other way to enforce a contract  
22 besides filing a lawsuit?

23 A. I don't know.

24 Q. And you don't know what the terms are of  
25 any of International Pacific's contracts with any of

1 the aggregators whose phones are listed on Exhibit 6  
2 is that right?

3 A. Do I know their terms of their contracts?

4 Q. Yes.

5 A. I don't know their specific terms of their  
6 contracts. I understand they are handshake  
7 agreements.

8 Q. So the answer is you don't know?

9 A. Right.

10 Q. Now, with regard to locations P through U,  
11 would your answers be the same if I were to ask you  
12 the same question about what International Pacific  
13 could have done not to be in violation there as you've  
14 given with regard to locations 1A through 10A?

15 A. Yes.

16 Q. Now, at locations P and T on September  
17 30th, 1992, you called the operator and received  
18 dialing instructions to reach Sprint and MCI using  
19 their 800 numbers, correct?

20 A. Yes.

21 Q. And, in fact, you dialed those numbers and  
22 the calls completed to Sprint and MCI, or at least you  
23 got access to their operators, correct?

24 A. Yes.

25 Q. On September 30?

1           A.     Yes.

2           Q.     And at those two phones on that day, there  
3 was not posted on the phone any instruction on how to  
4 get an 800 number, is that right?

5           A.     There were no instructions on the phone as  
6 to how to reach another carrier, other than AT&T was  
7 posted.

8           Q.     And there's nothing that would have  
9 prevented you from making that same call to the  
10 operator at locations Q, R, S, and U that day, is that  
11 right?

12          A.     That same type of call?

13          Q.     Yes.

14          A.     I myself made the call, but another person  
15 may not have made that type of call. There were no  
16 instructions on the phone that indicated that one  
17 could call the operator for information on their  
18 preferred carrier.

19          Q.     I'm going to object as not being  
20 responsive. I asked, was there anything that  
21 prevented you from making that same call to the  
22 operator at locations Q, R, S, and U on that day?

23          A.     No.

24          Q.     And indeed, there's nothing that prevented  
25 you from making the same call to the operator at those

1 same locations on September 16 including locations P  
2 and T, is that right?

3 A. There are no instructions on that phone  
4 that would indicate to call for instructions on a  
5 preferred carrier. I was blocked on those phones  
6 through 10XXX.

7 MR. OWENS: Objection. Not responsive.  
8 I simply asked was there anything that prevented  
9 Ms. Stillwell from making that same type of call to  
10 the operator at those locations including locations P  
11 and T on September the 16th.

12 JUDGE CLISHE: Did you understand the  
13 question, Ms. Stillwell?

14 THE WITNESS: Yes.

15 A. No.

16 Q. Now, directing your attention to page 14 of  
17 Exhibit T-1, you state that the number, severity, and  
18 continued nature of the violations, all contrary to  
19 the Commission rules in your view, justified filing a  
20 complaint, and then further down at the bottom of the  
21 page you state that the same reasons are why you  
22 recommend the penalty of up to \$1,100 for each  
23 violation.

24 Now, you say a penalty of up to. Is there  
25 any lower amount that you're recommending or is it the

1 full amount?

2 A. We would consider a lower amount coupled  
3 with -- I should say a lower or suspended amount  
4 coupled with a very specific compliance program.

5 Q. All right. And you said that in the  
6 alternative, a lower or suspended amount. Is there  
7 some specific condition that would govern whether you  
8 chose the lower amount or the suspended amount?

9 A. Maybe I should have said lower and  
10 suspended.

11 Q. What specific monitoring actions should  
12 International Pacific perform in order to merit a  
13 recommendation by the staff for a suspended or lower  
14 amount -- suspended and lower amount?

15 MR. EVEN: Your Honor, perhaps I should  
16 clarify for the record that this witness is a fact  
17 witness and not a policy witness. Now, to the extent  
18 she feels comfortable in discussing matters that have  
19 been discussed internally among staff, that's fine,  
20 but really the point of bringing this witness in is to  
21 discuss the conditions of the particular telephones at  
22 the time.

23 JUDGE CLISHE: All right. Thank you. Did  
24 you find the information, Ms. Stillwell?

25 THE WITNESS: Can I consult quickly?

1 JUDGE CLISHE: Sure. Let's be off the  
2 record for a couple minutes.

3 (Recess.)

4 JUDGE CLISHE: Let's be back on the record  
5 after a break of a couple minutes to find some  
6 information or to consult with counsel. Go ahead, Ms.  
7 Stillwell.

8 A. Okay. You asked if there was some specific  
9 actions that the company could take that would  
10 potentially reduce the amount of the penalty, is that  
11 correct?

12 Q. Yes.

13 A. Okay. We have very specific ideas that a  
14 company could do to monitor compliance on their phones  
15 and a compliance program -- we would expect a  
16 compliance program where the company agrees to  
17 dedicate a full-time equivalent staff person to  
18 inspect pay telephones served by International Pacific  
19 in the state of Washington for compliance with the  
20 Commission's rules on an ongoing basis and that this  
21 person would serve until subsequent agreement between  
22 the Commission and International Pacific.

23 The type of inspection and audits we would  
24 expect be reported to the Commission on a monthly  
25 basis until further notice. The type of information

1 to be included is indicate whether statements posting  
2 required into -- excuse me -- in WAC 480-120-141,  
3 subsection (4) (a), (b), (b) (i), (b) (ii), (b) (iii),  
4 were or were not in place, indicate if the instrument  
5 allowed access to 1-800 and all available  
6 interexchange carriers to include 10XXX, 950, and  
7 1-800 numbers as required by subsection (4) (c).

8           We would also expect this compliance staff  
9 person to contact the operator for rate quotes, place  
10 test calls, include -- you know, I could continue to  
11 read this. Maybe it would be easier just to make a  
12 copy of it or --

13       Q.    I would like to hear it.

14       A.    Okay. The type of information that for  
15 test calls would include the origination, termination  
16 number of the call, length of call, to exceed the  
17 minimum buffer; indicate whether the call was branded  
18 twice, once at the beginning of the call and again  
19 prior to completion, using International Pacific's  
20 name as registered with the Commission; include the  
21 rate quote information provided by the operator for  
22 both operator handled calling card calls and customer-  
23 dialed calling card calls, information indicating what  
24 tariff rate schedule the instruments served under,  
25 the mileage band of the test call.



1                   That type of information, that reporting  
2 information we would also be -- have the ability to  
3 periodically be provided the bill invoices to verify  
4 compliance with the test calls. That would be what we  
5 would expect a compliance staff person, full-time  
6 staff person to do.

7                   We would recommend that you pay the  
8 Commission a penalty relating to the violations as  
9 alleged in this testimony in a sum of \$52,000 coupled  
10 with an additional penalty of \$52,000 which shall be  
11 suspended for a period of 18 months subject to payment  
12 if International Pacific fails to achieve substantial  
13 compliance with the Commission rules.

14           Q.     When you say substantial compliance with  
15 the Commission rules, did you have any specific rules  
16 in mind? I mean, were they the rules that are at  
17 issue in this case?

18           A.     The rules that are at issue here, the ones  
19 that I just discussed.

20                   MR. OWENS: Can we go off the record?

21                   JUDGE CLISHE: Purpose? Discuss?

22                   MR. OWENS: Consult with my client.

23                   JUDGE CLISHE: All right. Let's be off the  
24 record for a few minutes.

25                   (Recess.)

1                   JUDGE CLISHE: Let's go back on the record.  
2 I'm advised by the parties that they wish to begin  
3 some discussion regarding a possible settlement that  
4 may or may not be reached at this, and we determined  
5 that we will take our lunch hour at this time, return  
6 at 1:30, which will have given the parties time to  
7 discuss what they wish to discuss, and if it looks  
8 like we need to go on with cross-examination, we'll  
9 do that at that time. All right. Let's be off the  
10 record until 1:30.

11                   (Lunch recess taken at 11:35 a.m.)

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1                                   AFTERNOON SESSION

2                                   2:00 p.m.

3                   JUDGE CLISHE: All right. Let's be back on  
4 the record after our lunch break. And at this point  
5 by agreement since the parties have spent some hours  
6 discussing a possible settlement or a partial  
7 settlement, we'll continue with Ms. Stillwell's  
8 testimony until Mr. Fletcher returns. Since he isn't  
9 able to be here tomorrow, we'll finish with him today  
10 so that we haven't lost that chunk of testimony, and  
11 then we'll proceed with the end of Ms. Stillwell's  
12 testimony. Okay. Mr. Owens, would you like to go  
13 ahead with questions of Ms. Stillwell?

14                   MR. OWENS: Thank you, your Honor. This  
15 would be a question directed to counsel. On your  
16 letter of May 10, 1993 concerning locations P, Q, R,  
17 S, T, and U, you indicate that it's unnecessary to  
18 bring forward additional evidence. Is it satisfactory  
19 to you that we simply include a copy of this letter in  
20 the brief as opposed to introducing it as an exhibit?

21                   MR. EVEN: Or for that matter the  
22 stipulation could be read into the record. I don't  
23 have my copy at my fingertips.

24                   MR. OWENS: I'll hand it to Ms. Stillwell.  
25 She can read it into the record. (Handing.)

1 Q. Ms. Stillwell, do you see the indented  
2 paragraph that discusses those locations that I just  
3 mentioned in that letter from Mr. Even to me?

4 A. Yes.

5 Q. Could you just read that into the record.

6 A. "At locations, P, Q, R, S, T, and U, on and  
7 between the dates of September 16, 1992, and September  
8 30, 1992, access by the method of dialing a 10XXX  
9 access code, was blocked to all available  
10 interexchange carriers except A.T. & T. Access to  
11 all available interexchange carriers was available  
12 through 1-800 numbers, and to A.T. & T. by 10XXX0."

13 Q. Thank you.

14 MR. EVEN: Do we agree to that as a  
15 stipulation between parties?

16 MR. OWENS: Yes.

17 JUDGE CLISHE: All right. It might be  
18 helpful when we have a break or something to get a  
19 copy of that for me. I know that it isn't being  
20 included as an exhibit, but it would be helpful to  
21 have that. And what was the date of that?

22 MR. OWENS: May 10, 1993.

23 JUDGE CLISHE: All right. Thank you.

24 Q. Now, Ms. Stillwell, returning to page 14 of  
25 Exhibit T-1 where you state that the number, severity,

1 and continued nature of the violations justified  
2 filing a complaint and also the maximum penalty  
3 that's requested. Now, it's true, isn't it, that you  
4 didn't file a similar complaint against GTE?

5 A. That's true.

6 Q. And you did, however, at least with regard  
7 to the Job Corps site, notify GTE just as you notified  
8 International Pacific of the conditions at those pay  
9 telephones, correct?

10 A. Yes.

11 Q. And to your knowledge, did GTE itself  
12 physically post the pay telephones with the correct  
13 placarding at the Job Corps site after you notified  
14 them?

15 A. No, they did not.

16 Q. Was it your intent to file a complaint  
17 against GTE?

18 A. I don't make the decisions on who we file  
19 complaints against.

20 Q. Well, your testimony at page 14 answers a  
21 question that asks you, Why did you file a formal  
22 complaint against IPI? Are you testifying that you  
23 don't have any knowledge as to why a formal complaint  
24 was filed against IPI?

25 A. Maybe the question should have been

1 rephrased to why did the Commission file.

2 Q. Well, but you have apparently testified  
3 here that you have knowledge that these factors  
4 justified filing a complaint against IPI in this case,  
5 is that right?

6 A. Yes.

7 Q. And are you saying that you have no  
8 knowledge as to why a complaint was not filed against  
9 General Tel?

10 A. My investigation was specifically on  
11 International Pacific. I'm assigned to investigate  
12 particular companies.

13 Q. Is there --

14 A. Investigation was done on International  
15 Pacific.

16 Q. So if in the course of an investigation of  
17 one company you uncover evidence of violations by  
18 another company, you don't do anything with that?

19 A. There has been no decision to file a formal  
20 complaint against another company, but certainly we do  
21 things -- if there's a problem with another company we  
22 would open up, as we did here with this company, an  
23 informal complaint to bring the phones back into  
24 compliance, but that doesn't mean that we would file a  
25 formal complaint against the company.

1 Q. What I'm trying to get to is, you've  
2 indicated that the number, severity, and continued  
3 nature of these violations which we discussed are in  
4 your view the failure of International Pacific to  
5 enforce provisions of the AOS rule against the  
6 aggregators and also violations of the LEC's duty  
7 also to enforce those rules, aren't they?

8 A. They -- yes. They also enforce -- there's  
9 a clause in the 138 section that gives them the -- or  
10 allows them to enforce compliance with the aggregator.

11 Q. It's their responsibility under the rule,  
12 is it?

13 A. But as I had mentioned earlier, you know,  
14 the investigation and the complaint was filed against  
15 International Pacific, was specifically an  
16 investigation on International Pacific.

17 Q. I understand that. So I'm asking you, if  
18 in the course of an investigation of one regulated  
19 public service company you uncover violations not only  
20 by that company but by another company, is it your  
21 policy to ignore those violations?

22 A. We don't ignore them. As I mentioned, we  
23 would open up an informal complaint and resolve the  
24 problem as well. The decision to go forward with the  
25 formal complaint is not my decision to make.

1 Q. Did you have personal knowledge to answer  
2 the question on page 14 that begins at line 12?

3 A. I performed the investigation. I made  
4 recommendations to the effect of what I wrote.

5 Q. No. That's not what I'm asking you. The  
6 question asks you, Why did you file a formal complaint  
7 against IPI. Did you have personal knowledge of why  
8 the decision was made to file a formal complaint?

9 A. Due to the number, severity, and continued  
10 nature of the violations.

11 Q. But you didn't make that decision, is that  
12 what you're telling us?

13 A. I made the recommendation. Someone else  
14 made the decision.

15 Q. So did you make a representation that a  
16 formal complaint be filed against GTE?

17 A. No.

18 Q. Why not?

19 A. I wasn't investigating GTE.

20 Q. So my question is again, if you uncover  
21 evidence of violations by a public service company in  
22 the course of an investigation that's assigned to you  
23 of another public service company, do you simply  
24 ignore those violations?

25 A. No. As I mentioned earlier, we would open



1 up a complaint, file an informal complaint. Do you  
2 understand the distinction between informal and  
3 formal? The informal complaint being our consumer  
4 affairs informal complaints that we as staff either  
5 open up based on an investigation or from a consumer  
6 filing a complaint, an informal complaint.

7 Q. So the only difference, as I understand it,  
8 in circumstances between the facts which were the  
9 number, severity, and continued nature of violations  
10 that resulted in a formal complaint being filed  
11 against International Pacific and not against General  
12 Tel is that you, the investigating person who  
13 uncovered these facts, were assigned to investigate  
14 International Pacific and the result was that only an  
15 informal complaint was opened against General Tel, is  
16 that right?

17 A. That's right. And if you look at my  
18 testimony, you'll see that I went to three different  
19 cities -- excuse me -- four different cities and found  
20 violations in four different cities on phones that  
21 International Pacific serves.

22 You're relating GTE to the phones strictly  
23 in Sedro Woolley, and this is why I said because of  
24 the number and the types, severity being the type, we  
25 found it in four different -- we found violations on

1 International Pacific's phones in four different  
2 cities on the majority of the phones that I checked in  
3 my test.

4 Q. Now, you haven't conducted any such  
5 compliance investigation of either payphones or AOS  
6 providers generally, is that correct?

7 A. Generally, yes, that's correct.

8 Q. So you don't really know whether the  
9 conditions that you discovered were severe or  
10 commonplace in the payphone industry, isn't that true?

11 A. Well, based on the number of phones that I  
12 looked at and the majority of them were out of  
13 compliance, that to me was severe, severe not in  
14 compliance. You take a sampling of phones and the  
15 sampling of phones is significantly out of compliance,  
16 that is severe -- severely out of compliance.

17 Q. So that's what the word "severe" means?

18 A. In this context and the type of the  
19 violations.

20 Q. But you don't know whether any other AOS  
21 provider exhibits a similar proportion of out of  
22 compliance phones, is that true?

23 A. On the investigations that I have done, the  
24 severity is -- number of phones out of compliance is  
25 not as great.

1 Q. I asked you about the proportion, not the  
2 number.

3 A. That's the proportion of the phones that I  
4 have investigated among other companies is not -- has  
5 not been as great as with International Pacific.

6 Q. How many other companies have you  
7 investigated?

8 A. Two.

9 Q. When were those investigations?

10 A. One concluded -- off the top of my head I  
11 can't answer, but I believe that one of them was  
12 concluded in approximately January or February of this  
13 year. The other concluded -- this is just off the top  
14 of my head -- April or May.

15 Q. And how many phones were investigated for  
16 each of those?

17 A. I believe if you refer back to the docket  
18 920632, Paytel Northwest, that that information is there  
19 on Paytel Northwest. And, I mean, off the top of my  
20 head I can't answer, but there were -- I'm not going  
21 to say right now. If you would like that information,  
22 I can get it to you.

23 Q. Would that have been approximately 20  
24 phones?

25 A. No, no. I believe it was probably double

1 that or more.

2 Q. What about the other investigation?

3 A. Approximately 20 phones.

4 JUDGE CLISHE: Just a minute.

5 Clarification. You investigated 20 phones or 20  
6 phones were out of compliance?

7 THE WITNESS: I investigated approximately,  
8 in the first case, 40 or more, and in the more recent  
9 one I investigated approximately 20. I'm not going to  
10 guess at the percentages of noncompliance.

11 JUDGE CLISHE: Sorry to interrupt you, but  
12 I wanted to have that clear.

13 THE WITNESS: Thank you.

14 Q. The phones you selected to examine for  
15 International Pacific were not selected in accordance  
16 with any statistical protocol to obtain a  
17 representative random sample, were they?

18 A. They were not chosen due to any statistics,  
19 no.

20 Q. So you have no way of knowing whether the  
21 proportion that you examined which you determined to  
22 be out of compliance is representative of the  
23 proportion of all of International Pacific's phones,  
24 all approximately 2,000, is that true?

25 A. I believe that, you know, when I went out

1 and found 22 out of 40 phones not in compliance, that  
2 is a sampling, and we expect greater than that be in  
3 compliance.

4 Q. Are you an expert in statistics?

5 A. No.

6 Q. So you're not qualified to judge whether or  
7 not the sample you picked is representative of the  
8 total universe of International Pacific's phones,  
9 isn't that true?

10 A. No. Although we went to four geographic  
11 areas and that's pretty representative, pretty varied  
12 areas, and that's awfully representative of typically  
13 -- typical payphones in the state.

14 Q. I think you answered no, but I think you  
15 meant yes. I asked you if that wasn't true and you  
16 answered, no, but. I think you meant to answer, yes,  
17 but.

18 A. Maybe you can --

19 MR. OWENS: Would you read back the  
20 question, please.

21 (Record read as requested.)

22 A. Your question was asking whether I was  
23 qualified to make that kind of judgment.

24 Q. Yes.

25 A. And I felt that I was, so you're right. I

1 should have answered yes. Maybe I misunderstood  
2 the question.

3 JUDGE CLISHE: You mean, yes, it is true  
4 or, no, it isn't true?

5 MR. EVEN: Could I ask one question that I  
6 think might clarify?

7 JUDGE CLISHE: Yes.

8 MR. EVEN: Are you testifying today as an  
9 expert in statistics? Are you claiming that status?

10 THE WITNESS: No.

11 MR. EVEN: Now, is that the point that --

12 MR. OWENS: Yes.

13 MR. EVEN: Thank you.

14 Q. You didn't look at any phones in Spokane,  
15 did you?

16 A. No.

17 Q. Tri-Cities?

18 A. No.

19 Q. Bellingham?

20 A. No.

21 Q. Okanogan?

22 A. No.

23 Q. It's correct, isn't it, that at your  
24 proposed penalty level of \$1,100 apiece the alleged  
25 violations at the Job Corps account for approximately

1 two-thirds of the total \$1.8 million? Would you  
2 accept that subject to check?

3 A. Subject to check.

4 Q. So \$1.2 million was not numerous, severe,  
5 or continuous enough to justify a complaint against  
6 GTE, and to justify a complaint against GTE, the  
7 difference was the 600,000?

8 A. As I explained earlier, I was investigating  
9 International Pacific. I was not in a position to  
10 make a decision to file a complaint -- or to make a --  
11 I'm not the person to make the decision whether or not  
12 to file a complaint against GTE. You're asking the  
13 wrong person.

14 Q. But you are the person to say that the 1.8  
15 million was severe enough, numerous enough, and  
16 continuous enough to complain against International  
17 Pacific, is that right?

18 A. Yes. There were -- what was it -- 1600 or  
19 -- there were numerous violations of phones up there.

20 JUDGE CLISHE: Of what?

21 THE WITNESS: There were numerous  
22 violations of the phones at Sedro Woolley.

23 Q. Are you aware of any Commission penalties  
24 issued in the past in the amount of 1.8 million or  
25 higher?

1           A.     I'm not aware.

2           Q.     You indicated that the continuous nature of  
3 the violations was one of the factors that you rely on  
4 as justifying both the filing of the complaint and  
5 the maximum penalty.  And that, I take it, is your  
6 position even though you've indicated that you have no  
7 reason to believe that, other than as to the branding  
8 and the blocking complaints at the Job Corps, that  
9 International Pacific knew about these complaints at  
10 the time or about these alleged violations at the  
11 time?

12          A.     It's based on the fact that I was there on  
13 two different dates and I presume that the phones have  
14 not changed in between those dates.

15          Q.     But you have no evidence of that, have you?

16          A.     I have no physical evidence.  I presume  
17 that between, you know, dates A and B.

18                 MR. OWENS:  I'm going to object.  Not  
19 responsive.  I asked if you had any evidence.

20                 JUDGE CLISHE:  Pardon me.  I'm sorry.  I  
21 couldn't hear you.

22                 MR. OWENS:  She answered with a  
23 presumption.  I asked her if she had any evidence.  
24 Similar issue to a prior question.

25                 JUDGE CLISHE:  Any comments?  I believe



1 that it was my understanding that Ms. Stillwell  
2 answered and then she continued on with "I assume" or  
3 "I presume" or something.

4 THE WITNESS: I did.

5 JUDGE CLISHE: Any comments? I think we  
6 can strike the last part of the answer as not  
7 responsive.

8 MR. EVEN: As far as the discussion of a  
9 presumption goes, I think we can establish that at the  
10 appropriate time as a matter of law that that  
11 presumption arises; however, I don't think that really  
12 is the point of this colloquy.

13 JUDGE CLISHE: Okay.

14 Q. What figures, if any, did you do of the  
15 maintenance practice of the aggregators involved at  
16 the locations described at Exhibit 6?

17 A. We don't have jurisdiction over the  
18 aggregator. Oftentimes I don't even know who they  
19 are if it's not posted correctly. We would have no  
20 reason to do an investigation on the aggregator.

21 Q. So the answer is none?

22 A. None.

23 Q. Did you mark any of the placards on the  
24 phones on your first visit with some distinctive  
25 characteristic that enabled you to identify those

1 placards as being the same specific placards that you  
2 had seen when you revisited those locations?

3 A. No. But I took a photograph each time I  
4 was there.

5 Q. Is it possible from your photographs to  
6 tell whether those placards are the identical -- not  
7 similar, but identical -- placards in each case on the  
8 second visit as were there on the first visit?

9 A. I think if you looked close enough you  
10 would find that they are identical.

11 Q. All right. Let's look at Exhibit --

12 A. If you look at the actual photograph.

13 Q. -- 4.

14 MR. EVEN: Your Honor, if we could be clear  
15 for the record, I would like the record to reflect Ms.  
16 Stillwell has retrieved actual photographic copies of  
17 those photos rather than looking at photocopies, and I  
18 believe the originals of those were submitted with the  
19 prefiled testimony as well.

20 JUDGE CLISHE: All right. What I have is  
21 the xerox. Is that what you have, Mr. Owens?

22 MR. OWENS: Yes.

23 JUDGE CLISHE: And I suppose in any case  
24 where the original shows up a little better than the  
25 photograph perhaps we could all look at the photograph

1 at some point if we need to.

2 MR. EVEN: There are in existence two  
3 copies of the prints. Ms. Stillwell has one and the  
4 other was filed as the original of Exhibit 4 when the  
5 testimony was filed.

6 JUDGE CLISHE: Okay.

7 MR. OWENS: If the witness is going to be  
8 looking at the photograph I guess I need to see the  
9 photograph too --

10 JUDGE CLISHE: Are these the photographs --

11 MR. OWENS: -- the originals.

12 JUDGE CLISHE: Are you referring to any  
13 specific number or just the entirety?

14 MR. OWENS: Well, you said there were two  
15 sets of original photographs, is that right?

16 MR. EVEN: Yes.

17 JUDGE CLISHE: One which is filed.

18 MR. EVEN: Right. I didn't see the other  
19 one physically in the room.

20 JUDGE CLISHE: Do you want to use the  
21 photocopies since you're more familiar with this than  
22 we may be? If the originals do in fact show a little  
23 more clearly, Mr. Owens could look at those if he  
24 wishes.

25 A. Maybe I should back up today. My answer:

1 If you look close enough at the photograph, if we all  
2 got our magnifying glass out here, I think you would  
3 find that they are the same posting, the same placard.

4 Q. Well, I want you to tell me what  
5 identifying marks you rely on to reach that  
6 conclusion. Let's take number 3A.

7 A. Are we comparing them?

8 Q. Yes. Now, isn't it true that on the June  
9 12 picture that the upper placard is obliterated by  
10 the flash reflection on the left side, whereas on the  
11 May 21 picture some of the right side is obliterated?

12 A. This is true. Although what we're looking  
13 at primarily is the lower placard which has all of the  
14 AOS information, and I think you can probably see that  
15 it says the exact same thing.

16 Q. It's true, isn't it, that you can't testify  
17 that all of the placards are identical between the two  
18 visits?

19 A. Well, I am testifying that they are.

20 Q. Well, is it your testimony that the upper  
21 placard on location 3A can be identified as being the  
22 same between the visits and photos for May 21 compared  
23 to June 12?

24 MR. EVEN: If I can clarify. By the  
25 question, are you asking is it the exact physical same

1 card?

2 MR. OWENS: Yes.

3 MR. EVEN: As opposed to two cards that  
4 read exactly the same way?

5 MR. OWENS: Exact physical same card.

6 A. It's my testimony that they are the same.

7 Q. Tell me what facts you rely on to make that  
8 conclusion. What identifying features are there?

9 A. Well, look at the little smudge mark on  
10 the --

11 Q. I'm talking about the upper card.

12 A. I'm not so concerned about the upper card.  
13 The lower card is where we're looking at for our  
14 information that relate to the AOS rules. I mean,  
15 upper card is important because it has the vendor  
16 information, but the lower portion is what affects  
17 International Pacific and that has -- well, in this  
18 case, another AOS's information on it. And I think if  
19 you look at this example on both dates that there's a  
20 smudge mark on the card that correlates on both dates.

21 Q. And on the May 21 it looks like diagonal  
22 slant on the lower left. That doesn't appear on June  
23 12.

24 A. I see it on mine.

25 JUDGE CLISHE: Are you referring to the

1 bottom placard, Mr. Owens?

2 MR. OWENS: Yes.

3 A. Here again you really need to look at the  
4 photograph. (Handing.)

5 Q. Can I see the pictures for location 5A?

6 A. (Handing.)

7 Q. All right. Now, directing your attention  
8 to location 5A, isn't it true that on the lower  
9 placard on May 21 in the upper right corner there  
10 appears a GTE logo which does not appear on the photo  
11 for June the 12th?

12 A. The June photo -- June 12 photo is so faint  
13 that that does not show, although, you know, I based  
14 this on one fact I would like to -- oh, I can see it  
15 in my photo. Excuse me.

16 JUDGE CLISHE: This is the original  
17 photograph or a set of the originals?

18 MR. OWENS: Yes. (Handing.)

19 A. Got to hold it up to the light, but it's  
20 there.

21 Q. I can't see it. (Handing.)

22 JUDGE CLISHE: You said you could or could  
23 not?

24 MR. OWENS: I cannot see it.

25 A. Well, I can. It's faint.

1                   MR. EVEN:  It is faint, but I can see it as  
2 well.

3                   THE WITNESS:  It's faint, but it's there.  
4 (Handing.) see, right there.  (Pointing.)

5                   JUDGE CLISHE:  Well, I'm not sure if I can  
6 see it or -- I mean, I'm not disputing your word, but  
7 I think I need a better magnified photo.

8           Q.       Who made the decision to notify GTE about  
9 the violations at the Job Corps center?

10           A.       I would say it was probably in a discussion  
11 between my manager and I.

12                   MR. OWENS:  Nothing further.  Thank you.

13                   JUDGE CLISHE:  All right.  Do you have  
14 other questions, Mr. Even, of Ms. Stillwell?

15                   MR. EVEN:  Yes, I do, your Honor.

16

17                                   REDIRECT EXAMINATION

18 BY MR. EVEN:

19           Q.       Why don't we begin, in fact, by discussing  
20 the procedure of how investigations are assigned to  
21 you.  How does that happen?

22           A.       Okay.  I did discuss that in my testimony  
23 which you'll find on page 5, line 9.  And generally  
24 it's either going to be I'm assigned to it by my  
25 manager or prompted from the facts from a consumer

1 complaint.

2 Q. Now, in conducting those investigations,  
3 you've testified that ordinarily -- and in this case  
4 the Vancouver locations are the exception -- that you  
5 go back and recheck each specific location. Could you  
6 explain why it is that you make two visits.

7 A. Okay. The primary reason is to see if  
8 potentially the phones have been brought into  
9 compliance through some normal maintenance.  
10 Additionally, it will -- by checking it twice, it  
11 typically minimizes any disputes about the type of  
12 violation later on or when we're explaining it to the  
13 company.

14 Q. Now, after the second visit, there's then a  
15 period of time and then you notify the AOS company as  
16 well as the LEC. Is that the procedure?

17 A. We don't always notify the LEC. It depends  
18 on the magnitude of the violations, type of the  
19 violations. But typically I get back, I start to  
20 summarize the violations, and as soon as that's done  
21 then I notify the AOS company and work with them to  
22 bring the phones into compliance.

23 Q. When you're conducting the investigations  
24 themselves, what we've talked about here are  
25 violations in the nature of branding, posting,



1 blocking and the like, but do you also check to make  
2 sure that the proper rates are being charged on phone  
3 calls from those phones?

4 A. Yes.

5 Q. And prior to that investigation being  
6 complete, is it necessary to receive a copy of a bill?

7 A. Yes.

8 Q. Are the AOS companies notified of the  
9 results of your investigation prior to the time it  
10 would take to turn around that bill?

11 A. Not always. I have opened up complaints to  
12 get the problems resolved, noting that there were  
13 test calls made and it's general procedure for me to  
14 make test calls and to make rate -- or get rate quotes  
15 so that we can verify compliance to the tariff.

16 Sorry. I didn't finish. If we found that  
17 there were rating problems or misquote problems, that  
18 would be brought to the attention of the AOS at that  
19 time.

20 Q. Okay. Now, in looking at the posting from  
21 one day to another -- and let's use location 5A again  
22 as the specific example -- was the content of the  
23 posting on May 21 and on June 12 at location 5A  
24 identical?

25 A. From the two different dates?

1 Q. That's right. From May 21, was it in the  
2 same condition as it was on June 12?

3 A. Yes.

4 Q. Now, in fact, that's not -- if you were to  
5 examine the Exhibit 4, that isn't necessarily the case  
6 at every particular telephone, is it?

7 A. The content of 5A?

8 Q. Well, in -- not just specifically 5A, but  
9 thinking of, for example, location O, I believe, is not  
10 the posting different from the first visit to the  
11 second visit?

12 A. Yes. That was an example where that was a  
13 trip to Yakima. The first trip the posting was fine;  
14 the second visit the posting was out of compliance.

15 Q. And returning again to 5A, we had a  
16 discussion regarding whether the placard was exactly  
17 the same looking at the photographs and whether that  
18 GTE logo in particular was the same. But if you look  
19 at the text, the words that are there, for example,  
20 calling your attention specifically to extract entry H  
21 on Exhibit 5A, this is in your -- excuse me -- in  
22 Exhibit 4, looking at page 15, looking at page 48,  
23 looking at item H, was the wording the same on both  
24 occasions?

25 A. Yes.

1 Q. And, in fact, on both of those entries the  
2 operator services company is identified as Phone  
3 America, Inc.?

4 A. Yes.

5 Q. So then would it be in your judgment  
6 reasonable to conclude that whether the posting is the  
7 exact same placard or is a different placard, in each  
8 case they're posted with the wrong AOS company?

9 A. Right.

10 Q. And in fact that isn't -- taking that as an  
11 example, that isn't the only deficiency in to the  
12 placarding in to that telephone.

13 A. (Nods head.)

14 Q. When you were at Sedro Woolley, do your  
15 notes reflect what time of day -- in fact, let's start  
16 if we can with May 21. When you were at Sedro  
17 Woolley, do your notes reflect about what time of day  
18 you were there, or perhaps you can tell that if you  
19 received any bills for any calls made at the time.

20 A. Well, on that particular day no calls  
21 completed so -- but I can remember. I was there  
22 first thing in the morning and was there till mid  
23 afternoon.

24 Q. And I believe you testified that nine out  
25 of the ten telephones locations 1A through 10A were

1 located in the dorms?

2 A. Yes.

3 Q. During the time that you were there, did  
4 you see people coming and going?

5 A. Yes.

6 Q. Do you have any idea about the numbers  
7 of people that were coming and going?

8 A. No. At the time of day that I was there,  
9 other than during the lunch hour because during the  
10 lunch hour there were more people and I -- actually,  
11 during the lunch hour I was outside. There are food  
12 services type people that have to have access. There  
13 were people in the dorms when I was there.

14 Q. Are those in areas where they would have  
15 access to the telephones?

16 A. Yes.

17 Q. So there's no locked door between those  
18 people and the telephones?

19 A. No.

20 Q. Now, do you --

21 A. Are you saying the people that are in the  
22 dorms at that time?

23 Q. Well, maybe we should clarify the geography  
24 of that. You testified there were people coming and  
25 going and you mentioned food service people. Do those

1 people physically have access to the telephones at  
2 that time?

3 A. Yes.

4 Q. The dorms that we're talking about, if you  
5 envision a college dorm, are we talking about a  
6 similar type of a building?

7 A. I suppose.

8 Q. So do you have an idea of how many students  
9 the capacity may be to live in those dorms?

10 A. There's approximately 330 students enrolled  
11 at any one time up at the facility, and there are  
12 four dorms.

13 Q. Did you have any difficulty getting access  
14 to the Job Corps site?

15 A. No.

16 Q. I believe you testified earlier that you  
17 didn't see a fence, but how actually do you get into  
18 the facility?

19 MR. OWENS: I'm going to object. That  
20 wasn't her testimony. She said she didn't recall, not  
21 that she didn't see one.

22 THE WITNESS: Well, but if I didn't recall  
23 it, I didn't see it.

24 JUDGE CLISHE: Do you want to modify your  
25 question?

1 Q. Why don't we ask the very question. What  
2 can you tell us about a fence?

3 A. I don't recall seeing a fence.

4 Q. Okay. When you approach the Job Corps  
5 site, what do you have to do to get into the facility?

6 A. You pull up, you register, you tell them  
7 your business -- I had an appointment -- and told me  
8 to go to the building I had my appointment.

9 Q. Did the person you were talking to make any  
10 kind of a phone call or anything like that to check up  
11 on whether you had business being there or just direct  
12 you in?

13 A. He did call.

14 Q. Okay. Now, during the time that you were  
15 there, did you see any students in the dorms?

16 A. I would guess there are students. Some of  
17 these food service people, they are students and they  
18 also work in the -- in food services.

19 Q. Okay.

20 A. And I also saw contractors, of which some  
21 of them are students.

22 Q. Now, turning our attention to the Vancouver  
23 locations, 1B, 2B, 3B, 4B, is it correct that each of  
24 those locations that I believe you testified to Mr.  
25 Owens are outdoor locations?

1           A.     Yes.

2           Q.     Did you have any trouble hearing the  
3 operators at those locations?

4           A.     No.

5           Q.     Is one of your purposes in checking those  
6 phones specifically to check whether calls are being  
7 properly branded?

8           A.     Yes.

9           Q.     So when you listen -- or when you're making  
10 a call for that purpose, do you specifically listen  
11 with the purpose of ascertaining whether the branding  
12 is done properly?

13          A.     Yes. I'm listening very intensely.

14          Q.     In response to a question from Mr. Owens  
15 you discussed test calls. Could you tell us what a  
16 test call is.

17          A.     The primary purpose of a test call is to  
18 insure that the company is, well, not only branding  
19 correctly but that they're billing correctly. And  
20 typically I will have gotten a rate quote for both a  
21 live and an automated dialed call, and I will place a  
22 live and an automated operator-assisted call, listen  
23 for the brands, confirm the brands are there, and then  
24 later when we get the bill I will check the bill  
25 against the tariff to insure that the company is

1 charging according to its tariff.

2 Q. Why didn't you get a bill as to every  
3 location?

4 A. We found it became quite costly if --  
5 originally we were getting test calls at every  
6 location and live operator-assisted calls and  
7 automated operator-assisted calls. Live operator-  
8 assisted calls can be as much as \$2.50 plus tax, and  
9 that became quite costly, so we made a decision to do  
10 a sampling test calls to get the same information on a  
11 sampling of phones.

12 Q. Now, is there a distinction between -- by  
13 the way, before I ask that question, the test calls  
14 you made in this particular investigation, did they  
15 turn up any discrepancies involving rates?

16 A. No.

17 Q. Now, are there other calls that you may  
18 place -- or excuse me. Is there a distinction between  
19 a test call and what you might do at other locations  
20 -- strike that. That was an awkwardly worded  
21 question.

22 You don't make a test call from every  
23 particular location, is that correct?

24 A. Right.

25 Q. However, do you initiate telephone calls



1 from every location for other purposes besides  
2 determining the rates?

3 A. Yes.

4 Q. And what does that involve?

5 A. Okay. At every location I would attempt an  
6 operator -- automated operator-assisted call, again  
7 primarily to insure that the brand is correct.

8 Q. Would that also be made to -- now, you make  
9 that -- the call you just referred to there you're  
10 listening for the brand. For that purpose you are, am  
11 I correct, utilizing the services of IPI in this case,  
12 the presubscribed AOS carrier?

13 A. Yes.

14 Q. Now, do you also begin other calls using  
15 other carriers?

16 A. I check access to generally MCI, Sprint,  
17 and AT&T through their access numbers using either  
18 1-800, 10XXX, or 950 numbers. Not always every one.  
19 For example, on the 1-800 -- I mean, if a 1-800 --  
20 -- if one 1-800 number is blocked, they are all  
21 blocked so --

22 Q. Do you view it as part of your function  
23 working as a staff member at the UTC to identify what  
24 telephones are out of compliance?

25 A. That's my primary job function.

1 Q. Now, how does that relate to the functions  
2 of the AOS company?

3 A. In what way? I'm sorry.

4 Q. Well, what is the question I want to ask?  
5 Who bears the primary responsibility for providing  
6 service in accordance with the UTC's rules? Does the  
7 UTC assume that responsibility or does the AOS company  
8 have that responsibility?

9 A. As it relates to the AOS rules?

10 Q. Correct.

11 A. The AOS company has the responsibility.

12 Q. Now, if I could call your attention again  
13 to Exhibit 4 at page 2, there's a note at the bottom  
14 of that page. First, could you read us that note.

15 A. When dialing zero for rates, I was told by  
16 an IPI operator, live operator, that I could only do a  
17 collect call and could not complete a customer-dialed  
18 call.

19 Q. So the IPI operator informed you that you  
20 could -- you had those two options. Did an IPI  
21 operator ever inform you that the telephones were  
22 blocked; that is, that you could not obtain access to  
23 other carriers from Sedro Woolley?

24 A. Yes.

25 Q. In fact, if you would refer to location 1A

1 on June 12, page 35 of Exhibit 4. What did the  
2 operator tell you on that occasion?

3 MR. OWENS: I'm going to object to the form  
4 of the question. The first question asked what did  
5 the IPI operator say, and this question is not  
6 specific after leading the witness to this page.

7 JUDGE CLISHE: Are you speaking of -- it's  
8 not specified in the IPI operator?

9 MR. OWENS: That's right.

10 JUDGE CLISHE: Did you intend to address  
11 just the IPI operator, Mr. Even?

12 MR. EVEN: Yes. That's right.

13 Q. In fact, when you were at Sedro Woolley,  
14 did you talk to any operators of any companies other  
15 than IPI?

16 A. No. The only operators that I talked to  
17 were presubscribed to International Pacific.

18 Q. Okay. And on June 12 at location 1A, what  
19 were you informed by the IPI operator?

20 A. I was told that calling cards have been  
21 restricted from the Job Corps, coin or collect only.

22 Q. Another matter that I would like to  
23 clarify, Mr. Owens asked you some questions regarding  
24 locations P and T in particular on September 30.  
25 I believe your testimony was that at those two

1 telephones you called the operator and requested  
2 access to other carriers, is that correct?

3 A. Yes.

4 Q. Now, understanding that you've testified  
5 previously that the decision about what to file on  
6 complaints is not necessarily made by yourself, did  
7 you participate in discussions concerning what to  
8 charge regarding locations P through U, the locations  
9 at the Yakima Mall?

10 A. Was I involved in discussions pertaining to  
11 that?

12 Q. Yes.

13 A. Yes.

14 Q. And do you recall the -- state this  
15 correctly -- that the continuing violations for  
16 blocking were alleged at those locations for all  
17 telephones with the exception of P and T, correct?

18 A. Yes.

19 Q. What is the reason for not alleging  
20 violations on the second day, September the 30th, and  
21 therefore making them continuing violations for those  
22 two telephones?

23 A. Okay. On that particular day I did indeed  
24 gain access. Even though I was originally blocked on  
25 10 triple 3 and triple 2 to Sprint and MCI, I did

1 phone the operator and specifically ask and tell them  
2 the phone is blocked, how do I get to MCI, how do I  
3 get to Sprint, and the operator did give me those  
4 instructions. We still consider 10XXX blocking a  
5 violation. This would -- I'm sorry.

6 Q. Was there any posting on any of the  
7 telephones at the Yakima Mall that would inform you,  
8 that would inform a consumer that access is available  
9 to a carrier other than IPI with the exception of  
10 AT&T?

11 A. No.

12 Q. If someone is simply reading the posting on  
13 the telephone looking for a method of reaching another  
14 carrier, is it present?

15 A. On those phones, the only instructions for  
16 any other carrier was to AT&T.

17 Q. As you understand it, is the position of  
18 the Commission staff that allowing access in this  
19 method complies with the Commission rules?

20 MR. OWENS: I'm going to object on two  
21 bases. First of all, Mr. Even said earlier that Ms.  
22 Stillwell is not a policy witness and, second place,  
23 calls for a legal conclusion.

24 MR. EVEN: I'll withdraw the question.

25 JUDGE CLISHE: All right.

1           Q.     Based on your understanding of the  
2 discussions on what to charge with respect to these  
3 locations, was it decided not to charge a blocking  
4 violation in locations P and T because of the belief  
5 that those phones were fully in compliance with the  
6 law?

7           A.     No. We consider the phones that are  
8 blocking 10XXX in violation, but because I  
9 specifically got through on those two phones that day  
10 by asking that operator for that specific information,  
11 I -- we made a decision not to allege the blocking  
12 violation.

13                     But that does not -- it does not allow a  
14 company to get away with blocking 10XXX. It just -- I  
15 was able to get through on that day and so we did not  
16 charge the violation. We dropped the violation. You  
17 notice that we originally did file the violation.

18           Q.     Now, are you generally aware over the  
19 course of your work as a general matter what LECs  
20 serve various areas in the state? I won't give you a  
21 quiz, but as a general matter, have you had reason to  
22 get some familiarity with that?

23           A.     Yes.

24           Q.     Now, we've discussed the phones at Sedro  
25 Woolley and GTE. The GTE is the LEC that serves Sedro

1 Woolley, is that correct?

2 A. Yes. And at that time it was actually  
3 Contel/GTE.

4 Q. There having been a merger in progress?

5 A. Right.

6 Q. Does GTE serve Yakima?

7 A. No. U S WEST.

8 Q. Does GTE serve Vancouver?

9 A. U S WEST.

10 Q. You discussed the fact that there was an  
11 informal complaint filed against GTE. Can you tell us  
12 what an informal complaint entails.

13 A. Sure. In our consumer affairs section, we  
14 file or register informal complaints. They are  
15 typically filed by consumers. If staff does an  
16 investigation, you know, the purpose is we found some  
17 problem and we work with the company to correct the  
18 problems that were identified and then the complaint  
19 is in essence closed.

20 Q. Is record retained of those complaints?

21 A. Yes.

22 Q. What are they used for?

23 A. For any number of purposes. I think by law  
24 we're required to do it.

25 Q. Okay.





1 have anything else of Ms. Stillwell?

2 MR. OWENS: Very briefly.

3

4 RECROSS-EXAMINATION

5 BY MR. OWENS:

6 Q. You indicated that food service personnel  
7 had access to the dorms at the Job Corps. Were these  
8 employees of the Job Corps?

9 A. I don't know if they are employees. My  
10 understanding, this is a vocational school and they  
11 learn all different kinds of trades, one of them being  
12 cooking, painting, you know, different -- my  
13 understanding is that whether they are employed,  
14 paid or not, or whether they get credit, some of the  
15 kids help out in the kitchen.

16 Q. So how did you recognize that these were  
17 food service people?

18 A. Because they had -- first of all, I was  
19 told that I might see some kids or students wandering  
20 through, and they also had aprons.

21 Q. So as far as you know, the food service  
22 people that you referred to on redirect were either  
23 students or personnel employed to feed the students  
24 there at the Job Corps, is that right?

25 A. Mm-hmm.

1 Q. Now, on redirect Mr. Even asked you about  
2 location 1A on June 12, and you quote in paragraph 3 a  
3 recorded message which says to the effect, we're  
4 sorry, this phone is restricted from completing your  
5 call, when you tried 1-800-877-8000, 102880 and double  
6 0. Now, do you know whether that message came from  
7 International Pacific?

8 A. I think I explained in the deposition, you  
9 know, at the time I don't know that or, you know, at  
10 the time I did not know, and I could probably make a  
11 good guess.

12 Q. I'm asking you for your knowledge, not  
13 speculation. So the answer is you don't know?

14 A. At the time I did not know.

15 Q. All right. Do you now know? I'm not  
16 asking for speculation. Do you know?

17 A. I won't answer.

18 Q. The answer is no?

19 A. Do I know if the recording came directly  
20 from International Pacific?

21 Q. Yes.

22 A. Can I say I don't know?

23 Q. That's fine.

24 You indicated that an informal complaint  
25 was opened against General Tel pertaining to the Job

1 Corps. Now, that informal complaint won't have any  
2 consequences similar to this complaint in the  
3 assessment of over a million dollars in penalties, is  
4 that a fair statement?

5 MR. EVEN: I'm sorry. Could I hear the  
6 question again?

7 (Record read as requested.)

8 A. Yes.

9 Q. You also testified in redirect that there  
10 were situations where you had recommended against a  
11 formal complaint after an investigation.

12 A. Mm-hmm.

13 Q. And have you ever before recommended  
14 against a formal complaint where the same actions  
15 constituted a violation by two different public  
16 service companies and a decision was made to file a  
17 formal complaint against one but not the other?

18 A. No.

19 MR. OWENS: That's all I have. Thank you.

20 JUDGE CLISHE: All right. Does this prompt  
21 anything else for Ms. Stillwell?

22 MR. EVEN: I have one question. Maybe it's  
23 two.

24 JUDGE CLISHE: Okay.

25

1 REDIRECT EXAMINATION

2 BY MR. EVEN:

3 Q. In referring to the informal complaint  
4 against GTE, you testified earlier that you don't  
5 make the final decision as to what formal complaints  
6 to file, correct?

7 A. Right.

8 Q. Is it conceivable that the information  
9 that's been gathered regarding those informal  
10 complaints regarding GTE could at some point possibly  
11 in combination with other unrelated incidents form the  
12 basis of a formal complaint against GTE?

13 A. Sure.

14 MR. EVEN: Nothing further.

15 JUDGE CLISHE: All right. I had a couple,  
16 Ms. Stillwell.

17

18 EXAMINATION

19 BY JUDGE CLISHE:

20 Q. When you were describing your going into  
21 the Job Corps center, is there like a little toll  
22 booth where you give your name and they wave you on or  
23 what? Describe that to me a little better, will  
24 you?

25 A. There's a like -- there's a building and an

1 area where you just walk up to. It says, Visitors  
2 please check in.

3 Q. Okay. So by then you've parked and you're  
4 walking into this, or is it like -- what am I thinking  
5 of -- Fort Lewis or somewhere where you stop at the  
6 guard station and state your name and whatever?

7 A. Well, I pull in, parked, walked over.  
8 There's a sign that says, Visitors please check in.

9 Q. All right. When you were talking about  
10 seeing other people there including contractors, I  
11 wasn't sure about what you were basing your knowledge  
12 on as far as what those people -- if they were  
13 contractors. Did you have any conversations with them  
14 or what led you to believe that they were contractors?

15 A. Working, physically working. I'm thinking  
16 of -- that was a year ago -- trucks parked outside  
17 the, you know, the, you know.

18 Q. Like vendor trucks or something of the  
19 sort?

20 A. Yeah. I mean a business truck with a logo  
21 and --

22 Q. All right. Were some of these people  
23 wearing uniforms or some company name on their shirt  
24 or something, or how did you come to that impression  
25 they were contractors?

1           A.     No.  The contractor -- I think the context  
2 of the question was -- I mean, I don't know that I  
3 necessarily said I saw a contractor in there.  I think  
4 I had indicated that contractors have reason to be  
5 there.  I saw food services type people in there.  I  
6 saw they have a counselor in each facility.

7           Q.     And how do you know who the counselor is?  
8 Were you introduced or --

9           A.     They are usually in -- they have an office.

10          Q.     Oh, okay.

11          A.     You come in the door and they have an  
12 office.  My information about the contractors working  
13 there would be based on, you know, a car parked or a  
14 truck, one of those vans parked outside, conversations  
15 with the administrator that said that there's all  
16 sorts of people that have reason to be there like, you  
17 know, contractors and plumbers and coin maintainers,  
18 another example.

19                   JUDGE CLISHE:  Do we have any other  
20 questions of Ms. Stillwell?

21                   MR. OWENS:  No.

22                   JUDGE CLISHE:  Anything?  Okay.  Are you  
23 offering Exhibit 7 or what we've marked?

24                   MR. OWENS:  Yes.

25                   JUDGE CLISHE:  Any objection to Exhibit 7?

1 MR. EVEN: No.

2 JUDGE CLISHE: Thank you, Mr. Even. I'll  
3 admit Exhibit 7 into the hearing record.

4 (Admitted Exhibit No. 7.)

5 JUDGE CLISHE: Thank you, Ms. Stillwell.  
6 Let's go off the record to change witnesses and we'll  
7 resume again.

8 (Recess)

9 JUDGE CLISHE: Let's go back on the record  
10 and after a short break. Mr. Fletcher, who was to be  
11 the next witness, has not yet returned, and at this  
12 point for the remainder of the afternoon we have  
13 determined that the parties will, since we're missing  
14 Mr. Fletcher, that the parties will continue on with  
15 their discussions regarding a settlement.

16 We will adjourn the hearing until tomorrow  
17 morning, which is already scheduled for this hearing  
18 anyway. Mr. Mean will be testifying tomorrow and  
19 we'll see what to do about Mr. Fletcher. All right.  
20 So the hearing today is adjourned and we'll begin  
21 again in the morning.

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

23

24

25