

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

Sandy Judd, *et al.*,

Complainants,

v.

AT&T Communications of the Pacific Northwest
and T-NETIX, Inc.,

Respondents.

Docket No. UT-042022

**T-NETIX'S MOTION FOR CONTINUANCE OF RESPONSE DEADLINE TO
AT&T'S MOTION FOR SUMMARY DETERMINATION**

Relief Requested

1. T-Netix submits this request for a continuance to allow the filing of T-Netix's response, if any, to respondent AT&T's Motion for Summary Determination.

Statement of Facts

2. This matter was filed with the Commission on November 16, 2004. Answers to the Complaint were filed by T-Netix and AT&T on December 15, 2004. AT&T also served and filed a Motion for Summary Determination on that date. The response is due within 20 days after the motion is served: January 4, 2005.

3. On or about December 20, 2004, Counsel for Complainants first advised T-Netix that they had entered into an agreement with AT&T to extend the time for their response to the Motion for Summary Determination, and to engage in preliminary discovery in the interim. T-Netix was not a party to those discussions but agreed to the requested continuance.

4. On December 21, 2004, Complainants filed their agreed motion. Yesterday, December 22, 2004, the Commission issued its Notice of Extension of Time for Complainants to respond to AT&T's Motion for Summary Determination until February 1, 2005.

5. Being now aware of the implications of T-Netix in AT&T's Motion for Summary Determination, and the Extension of Time granted to Complainants, and the agreement between AT&T and the Complainants to engage in discovery prior to Claimants response to the Motion for Summary Determination, T-Netix requests that an extension of the time for T-Netix to respond should likewise be granted.

6. Counsel for T-Netix has contacted counsel for Complainants and for AT&T regarding the proposed continuance, both of whom have indicated that they do not oppose this motion.

Statement of Issue

7. Should T-Netix be granted a continuance until February 1, 2005, to respond to AT&T's Motion for Summary Determination?

Evidence Relied Upon

8. Declaration of Sandrin B. Rasmussen

Argument

9. WAC 480-07-385 permits any party to request a continuance and requires the Commission to grant such a request upon a showing of good cause and lack of prejudice. T-Netix's request for an extension until February 1, 2005 meets this test. Counsel for AT&T, T-Netix and the Complainants have now conferred and agree that the request is based on good cause: At&T's motion necessarily implicates T-Netix, and the

limited discovery to be engaged in by the parties leading to the response deadline may reveal facts currently unknown to T-Netix that will affect the substance of T-Netix's position with regard to the merits of this case. There will be no prejudice inasmuch as the parties and the Commission have already agreed that the response deadline should be extended to February 1, 2005 for the Complainants.

DATED: December 29, 2004.

Respectfully submitted,

BADGLEY-MULLINS LAW GROUP

By: _____
Sandrin B. Rasmussen, WSBA # 11735

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Attorneys for T-NETIX, Inc.

CERTIFICATE OF SERVICE

I, Christina Limon, legal assistant, hereby certifies that on Wednesday, December 29, 2004, I caused copies of T-Netix's Motion for Continuance of Response Deadline to AT&T's Motion for Summary Determination and Declaration of Sandrin B. Rasmussen in Support of T-Netix's Motion for Continuance of Response Deadline to AT&T's Motion for Summary Determination to be served upon the persons listed below in the manner as indicated:

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Dated this _____ day of December, 2004.

Christina Limon