

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

INLAND TELEPHONE COMPANY,

Respondent.

DOCKET NO. UT-050606

AGREED REQUEST FOR
CONTINUANCE

I. MOTION

1 Pursuant to WAC 480-07-385, Staff files this agreed request for a continuance on behalf of the parties.¹ Staff respectfully requests that the Washington State Utilities and Transportation Commission (Commission or UTC) revise the procedural schedule established in Order No. 02 as issued on August 16, 2005. Specifically, Staff requests that the procedural schedule be continued approximately thirty-days.

II. BACKGROUND

2 On April 19, 2005, Inland Telephone Company (Inland) filed a tariff with the Commission removing Suncadia Resort, LLC (Suncadia), within the Company's Roslyn exchange, from its service territory. Additionally, Inland's tariff incorporates new territory north of the Roslyn exchange.

¹ The parties to this proceeding are Staff, Inland Telephone Company, Public Counsel, Suncadia Resort, LLC and Intelligent Community Services.

3 Finding that Inland had not yet demonstrated that the proposed tariff is just,
reasonable and sufficient and in the public interest, the Commission suspended the tariff
on June 6, 2005, and set the matter for hearing. Order No. 1, ¶ 5.

4 On August 8, 2005, Suncadia moved for intervention. Intelligent Community
Services, Inc. (ICS), a CLEC, moved for intervention on August 10, 2005. The Public
Counsel Section of the Attorney General's Office (Public Counsel) also made an
appearance in the matter. A prehearing conference was convened on August 11, 2005,
before Administrative Law Judge Theodora M. Mace. No parties objected to the
petitions for intervention. Order No. 2, ¶ 4.

5 A protective order was entered on August 17, 2005. On October 21, 2005, Inland
filed the direct testimony of John P. Coonan and Suncadia filed the direct testimony of
Paul J. Eisenberg. Staff filed the direct responsive testimony of Deborah J. Reynolds and
Robert Shirley on December 12, 2006. Inland filed the direct rebuttal testimony of John
P. Coonan on February 3, 2006. No other parties have filed testimony in this matter and
no further testimony is scheduled.

6 On December 21, 2005, Staff moved for summary determination. On January 6,
2006, Public Counsel filed an answer in support of Staff's motion and Inland filed an
answer in opposition. Inland received leave for and filed supplemental briefing in
response to Public Counsel's answer on January 19, 2006. Staff received leave to file a
reply to Inland's answer dated January 6, 2006, and filed that reply on January 19, 2006.

7 On January 20, 2006, Assistant Attorney General Christopher Swanson, Counsel
for Staff, left the Attorney General's office on short notice. Sally G. Johnston, UTC
division chief, filed a notice of appearance and substitution of counsel on January 20,

2006. There are currently two vacancies within the division and Ms. Johnston is serving as Counsel until another attorney becomes available.

8 On February 16, 2006, Judge Mace rejected Staff's motion for summary determination finding that disputed issues require a hearing. These include the benefits and harms to Inland and its customers outside Suncadia from retaining Suncadia in its service territory, and the ramifications of removal on future potential customers in the Suncadia resort area. Order No. 5, ¶ 29.² With the rejection of summary determination, the following schedule remains:

Witness/exhibit lists and cross estimates	February 24, 2006 ³
Evidentiary hearing	March 2-3, 2006
Initial briefs	March 24, 2006
Reply briefs	April 3, 2006
Initial order target date	April 17, 2006
Petition for review	May 5, 2006
Replies to petitions for review	May 17, 2006
Tariff expiration date	July 1, 2006

Order No. 2, ¶ 7.

² Judge Mace reaffirmed the Commission's earlier rulings that when a public service company seeks to curtail or eliminate service, it bears the burden of proof that its proposal is in the public interest. Order No. 5, ¶ 16, citing Docket No. UT-961638, Fourth Supplemental Order (January 1998), pp. 15, 20, 22.

³ While WAC 480-07-385 requires request for continuances to be made at least five days prior to the deadline as to which the continuance is requested, the Commission may, for good cause, waive this requirement. In the instant case, the February 16 receipt of Order No. 5 rejecting Staff's motion for summary determination and setting forth the appropriate burden of proof as well as the President's Day holiday are sufficient cause for the Commission to waive the five day requirement regarding the February 24 deadline.

III. ARGUMENT

9 Because Staff has experienced a late and unforeseen substitution of counsel, all parties agreed to Staff's request for a continuance. As expected, the Commission's agenda in early 2006 is quite crowded and Staff is not the only party with attorney resource limitations. Two attorneys representing other parties in this matter (Public Counsel and ICS) are scheduled for hearings in UT-051291 on February 27-March 1. Staff expects that a thirty-day continuance is sufficient to assign an attorney to the case and still accommodate the tariff expiration deadline of July 1, 2006.

10 Staff requests the Commission schedule a pre-hearing conference to consider a new procedural schedule.

IV. CONCLUSION

For the foregoing reasons, Staff requests a continuance in this matter, revising the schedule adopted in Order No. 2.

DATED this 21st day of February 2006.

ROB MCKENNA
ATTORNEY GENERAL

SALLY G. JOHNSTON
Senior Assistant Attorney General