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1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION

2 COMMISSION

3 WASHINGTON UTILITIES AND)
4 TRANSPORTATION COMMISSION,)
5 Complainant,)
6 vs.) DOCKET NO. UT-060762
7 WESTGATE COMMUNICATIONS, LLC,) UT-060920
8 d/b/a WEAVTEL,) Volume I
9) Pages 1 - 26
10 Respondent.)

11 A prehearing conference in the above matter
12 was held on September 11, 2006, at 1:00 p.m., at 1300
13 South Evergreen Park Drive Southwest, Olympia,
14 Washington, before Administrative Law Judge DENNIS
15 MOSS.

16 The parties were present as follows:

17 WASHINGTON UTILITIES AND TRANSPORTATION
18 COMMISSION, by DONALD T. TROTTER, Assistant Attorney
19 General, 1400 South Evergreen Park Drive Southwest,
Post Office Box 40128, Olympia, Washington 98504;
telephone, (360) 664-1189.

20 WESTGATE COMMUNICATIONS, LLC, d/b/a WEAVTEL,
21 by RICHARD L. WEAVER (via bridge), 2307 West Wooden,
Chelan, Washington 98816; telephone, (509) 682-5556

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24 Kathryn T. Wilson, CCR

25 Court Reporter

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

2 JUDGE MOSS: Good afternoon. I'm Dennis
3 Moss. I'm an administrative law judge for the
4 Washington Utilities and Transportation Commission. We
5 are convened this afternoon in the Commission's
6 headquarters and also employing the Commission's
7 teleconference bridge line in the matter captioned
8 Washington Utilities and Transportation Commission
9 against Westgate Communications, LLC, d/b/a, WeavTel.

10 We have three dockets, numbers UT-060762,
11 UT-060920, and UT-060921. These have by prior order
12 been consolidated. The first order of business is to
13 take the appearances of those who will be representing
14 the respective interests in this proceeding, and I have
15 Mr. Richard Weaver on the teleconference bridge.
16 Mr. Weaver, I take it you will be representing
17 yourself?

18 MR. WEAVER: Yes, and Carsten Koldsbaek of
19 GVNW should also be on the bridge.

20 JUDGE MOSS: I will put you down as the
21 representative so you will be the contact person for
22 us. Could you for the record state your full name.
23 Give us your title, your address, telephone number,
24 facsimile number, and e-mail so that we have a formal
25 record of your appearance.

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1 MR. WEAVER: This is Richard L. Weaver, West
2 2307 Wooden Avenue, Unit 1-F, Chelan, Washington,
3 98816. Telephone number is (509) 682-5556. Fax number
4 is (509) 682-5558. E-mail is richard@weavnet.com.

5 JUDGE MOSS: Thank you, Mr. Weaver. And for
6 staff?

7 MR. SAUNDERS: My name is Wilford Saunders,
8 Junior. I'm the assistant director for
9 telecommunications at the Washington Utilities and
10 Transportation Commission, 1300 South Evergreen Park
11 Drive Southwest, Olympia, Washington, 98504; telephone,
12 (360)664-1245; e-mail, wsaunders@wutc.wa.gov. Staff
13 will in this case, I believe, be represented primarily
14 by Mr. Don Trotter of the attorney general's office who
15 has been detained and will join us shortly.

16 MR. KOLDSBAEK: This is Carsten Koldsbaek. I
17 just joined.

18 JUDGE MOSS: We won't need to take your
19 appearance, but you are certainly welcome to listen in.
20 Is there anyone else on the conference bridge who
21 wishes to enter an appearance in this proceeding?
22 Hearing nothing, I welcome you both, Mr. Weaver and
23 Mr. Saunders.

24 I was wondering if this was going to be the
25 first case I've ever had in which Staff was pro se, but

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1 apparently that's not the case. Mr. Don Trotter, an
2 assistant attorney general, will be joining us shortly
3 as staff's representative, and when he gets here, we
4 will take his appearance as a matter of formality,
5 assuming he gets here before we finish, which may not
6 be the case.

7 There being no one else on the bridge line, I
8 don't need to inquire if there is anyone who wishes to
9 intervene, and I have no written petitions to
10 intervene.

11 What I need to know is what we need to do in
12 the way of process, because the proceeding is in some
13 ways a little unusual, and I'm not quite sure what we
14 need to accomplish in this case. So maybe I should
15 start with Staff on that and turn to you, Mr. Saunders.
16 What is it we need to do here?

17 MR. SAUNDERS: My suggestion would be to
18 first, that since we have a pro se litigant in this
19 case, that it might be well if you were willing to make
20 a few comments on the topic of how the Commission's
21 process works with pro se litigants. Secondly, I would
22 recommend that we take a few minutes off the record,
23 and Mr. Weaver and I would then discuss scheduling for
24 this matter.

25 JUDGE MOSS: That's fine. The reason I put

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1 the process question to you first though is I don't
2 need to explain process that we are not going to have,
3 and I'm not sure what process we are going to have
4 here, which is why I put the question to you. I don't
5 know if this is going to be an adversarial proceeding
6 in the typical fashion of a hearing with evidence and
7 cross-examination and so forth, or whether there is
8 some other process contemplated to achieve the purposes
9 of this particular proceeding. It's fine either way
10 with me however you wish to proceed, but I felt like
11 that was an appropriate question to ask.

12 MR. SAUNDERS: Very well. Subject to
13 correction by counsel for staff when he appears, I
14 would tend to think this is likely to be a fairly
15 traditional adversarial proceeding beginning with
16 testimony by the Company followed by a discovery
17 process and testimony filed by Staff.

18 Staff as in all cases hopes and is open to
19 opportunity for settlement of contested proceedings,
20 which might reduce the cost and increase the
21 expeditious dispensation of justice in the appropriate
22 case.

23 JUDGE MOSS: All right. Then, Mr. Weaver, if
24 you will indulge me for a few minutes, I will briefly
25 describe the traditional process by which proceedings

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1 such as this one are conducted.

2 We do conduct ourselves at the Commission,
3 our decision-making process and proceedings such as
4 this, which we call an adjudicative proceeding, we
5 conduct those processes in a fashion that mimics very
6 closely the proceedings that occur in a courtroom. I
7 will sit as the presiding officer in this case, the
8 judge, if you will.

9 You as the proponent of various things in the
10 various dockets will have the burden of going forward
11 with the case, which means that you will file your
12 testimony supporting the various things you wish to
13 accomplish first.

14 Now, we usually proceed on the basis of
15 written testimony, written direct testimony from the
16 parties seeking relief followed by written response
17 testimony by the Staff or others who may be
18 participating -- in this case, just the Staff -- who
19 may have some issues, may wish to take issue with some
20 of the things that you ask the Commission to do.

21 After that, we traditionally would have a
22 third round of testimony by you, which we call the
23 rebuttal round. The idea being that the proponent of
24 change, if you will, has the last word in that regard.
25 Once all that testimony is filed, and I should mention

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1 that during the course of all this exchange of
2 testimony, there is an opportunity or can be an
3 opportunity for what we call discovery. Are you
4 familiar with that concept?

5 MR. WEAVER: I'm not sure.

6 JUDGE MOSS: Discovery is basically the
7 process by which parties exchange information with one
8 another. The Staff will unquestionably have some
9 information that it wishes to gather, and as a part of
10 that information-gathering process, the Staff may wish
11 to send to you what we call data requests. Basically,
12 these are usually in the form of questions or request
13 for responses to their inquiries for various pieces of
14 information.

15 They might ask, for example, for accounting
16 records, or if you are proposing a particular
17 methodology for doing some accountings or financial
18 calculations, they might ask you to further explain the
19 basis for that or something like that.

20 Your responsibility once you receive those
21 data requests from the Staff is to respond to them in
22 writing. You have to do that by filing your response.
23 You provide that to the Staff directly. And you also
24 may ask questions of the Staff. If you think the Staff
25 has data or information that would be useful to you in

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1 developing your testimony or your rebuttal testimony,
2 you may ask questions of the Staff.

3 That's the traditional method that's relied
4 on. Now, discovery can also include the opportunity
5 for depositions. We don't do that very much around
6 here in practice, but it's a possibility. A deposition
7 is simply a procedure whereby one party in the court
8 setting would subpoena the other party's witness and
9 there would be a deposition set, and it would be an
10 opportunity then for counsel to ask questions, or in
11 your case, for you to ask questions if you set a
12 deposition and get information in that way. That's an
13 unusual procedure. Written questions usually seem to
14 do the trick.

15 Discovery can be both formal or informal.
16 What I have described is the formal discovery process.
17 The informal discovery process is one whereby you
18 simply pick up the telephone and talk to Mr. Saunders
19 or perhaps some other member of the telecommunications
20 staff and maybe get some information exchanged on an
21 informal basis.

22 I'm going to pause here in my description,
23 Mr. Weaver, of the hearing process because we have been
24 joined by a representative from the attorney general's
25 office, and let me ask; Mr. Cedarbaum, are you sitting

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1 in for Mr. Trotter?

2 MR. CEDARBAUM: In a sense, Your Honor. We
3 were just alerted to the fact that there was a
4 prehearing conference that notice went out on, but for
5 some reason which I can't explain, we didn't have a
6 record of it on our calendar. Mr. Trotter is scheduled
7 to be back in the office at 1:30 this afternoon, so I
8 wonder if you could just go off the record and wait for
9 him to appear.

10 JUDGE MOSS: That will be about 15 minutes
11 from now?

12 MR. CEDARBAUM: Yes.

13 JUDGE MOSS: If you tell me that's important,
14 we will do that.

15 MR. CEDARBAUM: I was handed this document 30
16 seconds ago. I don't know what the issues are or the
17 schedule that's necessary for the case, so I really
18 think that's preferable.

19 JUDGE MOSS: Let me ask you, Mr. Cedarbaum,
20 if you would mind sitting for a few moments while I
21 finish describing the hearing process for Mr. Weaver,
22 who is appearing to represent himself pro se, and I was
23 simply describing the hearing process, and you are
24 sufficiently familiar with that process to correct me
25 if I make any mistakes or to advise your client of

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1 anything we might want to add in in terms of just
2 describing the process, and then I will then do as you
3 suggest and we will take a short break and await
4 Mr. Trotter's arrival at approximately 1:30. Is that
5 agreeable to you?

6 MR. CEDARBAUM: That's fine, Your Honor. I
7 don't know if Mr. Trotter had any specific ideas in
8 mind on how he would suggest the process occur.

9 JUDGE MOSS: I'm just describing it in
10 general terms without any final decisions about how we
11 are going to proceed.

12 MR. CEDARBAUM: I understand that and I'm
13 happy to sit in.

14 JUDGE MOSS: I was almost finished with
15 describing the traditional hearing process, Mr. Weaver,
16 and so we have discussed the various rounds of
17 testimony that are typically filed. I've mentioned and
18 discussed the discovery process.

19 During the evidentiary portion of the
20 proceedings, assuming that we have an evidentiary
21 hearing, which at this juncture, at least, appears
22 likely, but we will await Mr. Trotter's arrival and
23 discuss that further.

24 During the hearing process then, we will hear
25 the testimony; that is to say, we will receive the

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1 written testimony, and the witnesses who furnish that
2 testimony will be asked to sit and give testimony under
3 oath during a process when Staff, for example, would
4 have the opportunity to question your witnesses and you
5 will have the opportunity to question any witnesses
6 that Staff has, so we call that cross-examination, a
7 fancy word for the opportunity to ask questions. All
8 that is under oath. It is part of our official record,
9 and along with the direct testimony, the response
10 testimony, and rebuttal testimony, is essentially the
11 narrative record.

12 In addition to that, the evidentiary hearing
13 provides an opportunity for us to receive documents.
14 Those documents may have been attached to your prefiled
15 testimony, written testimony, or if they are for the
16 purposes of asking questions of the other side's
17 witness or witnesses, they can be introduced as what we
18 call cross-examination exhibits, and there is a little
19 additional process that goes along with that that we
20 will talk about much later if we need to.

21 Following the evidentiary hearing, there is
22 an opportunity then for either oral argument or
23 briefing. We usually use written briefs at the
24 Commission; although occasionally, the parties will
25 decide that they would prefer to argue the matter at

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1 the conclusion of the evidentiary hearing, and we do
2 that.

3 Typically, we file what we call simultaneous
4 briefs; that is to say, both sides will file their
5 brief at the same time. Occasionally, we have a second
6 round of briefs. We call those reply briefs, but
7 that's not something we do in every case, and the
8 smaller, simpler cases typically would have just one
9 round of briefs.

10 Once I have the briefs and the full record
11 available to me, I will make decisions regarding any of
12 the issues that remain contested; that is to say,
13 anything there is a dispute about, I will reach
14 decisions about those disputes on the basis of the
15 record and the argument that's been presented. I will
16 write and publish what we call an initial decision.
17 That is not a final action of the Commission.

18 After my initial decision is entered and
19 provided to you, entered simply means file here at the
20 Commission, so it's a formal document, and we call that
21 service. Once that has occurred, then there is a
22 period of time, 20 days, during which you or Staff or
23 both will have an opportunity to petition the full
24 Commission for administrative review, or the Commission
25 may take up my initial order on its own motion. If

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1 they see something in my initial order that concerns
2 them sufficiently, then they will simply take that up
3 on their own motion and they may do what they will.

4 The process, whether on a petition from a
5 party or on their own motion, is that the commissioners
6 will then consider my initial decision, my initial
7 order, and they can either sustain it; that is to say,
8 agree with my decisions in all regards, or they may
9 disagree with one or more of my decisions, in which
10 case they have the opportunity to simply reverse; that
11 is to say, change my decision and make some other
12 decision as their final decision, or they may send it
13 back for further process.

14 If they, for example, discovered or felt
15 there was an inadequate amount of evidence to support
16 my decision on a particular point, they might decide to
17 send it back to me for further development. We call
18 that a remand, and so eventually, we get to the final
19 order. That's the order that is over the
20 commissioners' signatures, and that is the final action
21 of the Commission. After that, any further process of
22 this type is essentially out of our hands in that the
23 next step would be an appeal to Superior Court.

24 So I think I have adequately described the
25 process, and I will be happy to entertain any questions

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1 you have, but first I'm going to take a pause and
2 recognize that Mr. Trotter from the attorney general's
3 office has joined us, and through no apparent fault of
4 his own, he was detained today, but I would like for
5 him now to enter his appearance, and I'll catch you up
6 to speed, Mr. Trotter, on where we are at this moment.

7 MR. TROTTER: Thank you, Your Honor. I do
8 apologize for not being here on time. My name is
9 Donald T. Trotter. I'm an assistant attorney general
10 representing the Commission staff in this matter. My
11 address is 1400 South Evergreen Park Drive Southwest,
12 Post Office Box 40128, Olympia, Washington, 98504. My
13 phone number is (360)664-1189. My e-mail is
14 dtrotter@wutc.wa.gov. My fax is (360) 586-5522. Thank
15 you.

16 JUDGE MOSS: Thank you. Just to quickly
17 catch you up to where we are, I started the proceedings
18 this morning after taking appearances from Mr. Richard
19 Weaver, who is representing himself pro se in this
20 matter, and I also took the appearance of Mr. Saunders,
21 who was appearing in the absence of counsel. We now
22 have your appearance, of course, as the staff
23 representative and will have that moving forward.

24 I expressed the thought that I was not
25 entirely certain what process Staff, for example, might

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1 consider to be needed in this particular matter, it
2 being in my view a little unusual, relative to, for
3 example, a general rate case or complaint proceeding,
4 the sort of things that I've had more recent experience
5 with, and Mr. Saunders suggested that he thought the
6 traditional process would probably be the one we want
7 to follow, so I simply described that process for
8 Mr. Weaver's benefit, and so where we are at this point
9 is I want to ask Mr. Weaver if he has any questions
10 about the process I described, and of course if you
11 have anything in terms of ideas about the process, I
12 would like to hear those too. So, Mr. Weaver, do you
13 have any questions in terms of how we traditionally
14 proceed in these types of things?

15 MR. WEAVER: No, Your Honor. Thank you.

16 JUDGE MOSS: Mr. Trotter, did you have any
17 thoughts for us other than outside the envelope about
18 how we would want to proceed given our goals in this
19 proceeding?

20 MR. TROTTER: Not at this time. I do think
21 one of the dockets is a request for a rate increase.
22 The other two are not a typical tariff-type proceeding;
23 although; the 911 matter is a tariff, but this is the
24 first docket ever for the Commission to establish a
25 W-cap revenue objective in a contested matter, but I

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1 think if we talk about our procedure and some dates for
2 the Company to file its evidence, that will probably
3 move us forward.

4 JUDGE MOSS: That sounds good. So what I'm
5 going to do is I'm going to go off the record and give
6 you parties an opportunity to discuss a possible rounds
7 of testimony schedule and so forth, and somebody can
8 come get me after you finish that conversation. I'll
9 be in my office, and we will come back and hopefully
10 briefly memorialize an agreed process and schedule on
11 the record, and I will be able to close our prehearing
12 conference promptly after that. We will be off the
13 record.

14 (Discussion off the record.)

15 JUDGE MOSS: This is Dennis Moss. We are
16 back on the record now, and let me ask you,
17 Mr. Trotter, if we have an agreed schedule.

18 MR. TROTTER: Yes, we do.

19 JUDGE MOSS: Could you just give that to me
20 and speak sufficiently slowly that I can take a few
21 notes?

22 MR. TROTTER: Okay. First off, let me state
23 that the parties agreed that the discovery rule would
24 be invoked and also that no formal settlement dates
25 need to be selected but that we are committed to

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1 working with each other to see if a settlement could be
2 obtained, and if we do need an ALJ appointed to help
3 us, we can do that, but no dates were identified for
4 that.

5 Also, as you are aware, the rates that were
6 filed in the two rate dockets were put into effect
7 subject to refund by the Commission, and there is an
8 issue as to whether that condition expires when the
9 suspension period would otherwise have expired. The
10 power to put in rates subject to refund is inherent in
11 the power to suspend, and so an argument could be made
12 that that power would be extinguished when ten months
13 goes by.

14 Regardless of that -- I don't know of any
15 holding by this Commission or the courts -- the Company
16 has agreed to waive any otherwise applicable time
17 period up until July of 2007. They will obviously have
18 to confirm that on the record, but that is my
19 understanding, and then I will proceed to give you the
20 hearing dates that we have agreed to.

21 MR. WEAVER: That is correct. We agreed to
22 waive to July.

23 JUDGE MOSS: Would that be the July 1 or July
24 31?

25 MR. TROTTER: Why don't we say July 1, and

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1 then when you see the schedule, you can tell us whether
2 that's going to work, because it's not just your order.
3 It would be the Commission final order.

4 JUDGE MOSS: I can tell you upfront we
5 provide 60 days between the two.

6 MR. TROTTER: That will work, but we will
7 check.

8 The Company's direct case -- this would apply
9 to all three dockets, all dates -- November 17th.
10 Staff would file its case February 16th; March 30th for
11 the rebuttal, and then three days of hearings in mid
12 April. That would be for you to select those dates
13 based on your schedule, obviously, subject to
14 discussion, and then simultaneous briefs three weeks
15 after the close of hearings, and then the order
16 process. We didn't presume to set those for you.

17 JUDGE MOSS: Okay. Let me take a quick look
18 at my calendar here. It would appear to me I could do
19 it either the week of the 16th or the 23rd.

20 MR. TROTTER: The 16th is fine.

21 JUDGE MOSS: Three days you are thinking? I
22 don't see any open meetings on this calendar, so that
23 means they are probably not listed as a routine. So I
24 don't know if there is an open meeting on the 18th or
25 the 25th. Does anybody know? Why don't we go ahead on

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1 the 18th and just go 18, 19, 20. Would that be all
2 right? Does that work for you, Mr. Weaver?

3 MR. WEAVER: Yes.

4 JUDGE MOSS: If we need to tweak that at some
5 point, we can. The earlier that you ask me to do that,
6 the better though because my calendar begins to fill
7 up.

8 That would seem to take care of the
9 scheduling. Briefs then would be, if we have it, on
10 the 20th of April would be the last day of hearing.
11 Three weeks is actually the 11th of May, a Friday.
12 Does that work?

13 MR. TROTTER: That works.

14 JUDGE MOSS: Does that work for you,
15 Mr. Weaver?

16 MR. WEAVER: Yes.

17 JUDGE MOSS: So that would be our full
18 schedule then. Anything else in those regards,
19 Mr. Trotter?

20 MR. TROTTER: No.

21 JUDGE MOSS: Mr. Weaver?

22 MR. WEAVER: No, sir.

23 MR. TROTTER: Excuse me, Your Honor, if I
24 may. If the Commission desires 60 days to do both an
25 initial and a final order, that would get you to July

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1 11th, so perhaps if Mr. Weaver --

2 JUDGE MOSS: If it's not a problem, I would
3 prefer to push it to the end of July, because I can't
4 predict at this point that far out what the
5 commissioners' availability will be.

6 I will say this for your benefit, Mr. Weaver.
7 The Commission is in the practice of getting these
8 things concluded as quickly as it can, and so while
9 I'll take a period of time to write my initial
10 decision, I tend to do that pretty promptly. The
11 commissioners also tend to act expeditiously, but their
12 schedules are very, very full, and so that's why we
13 like to allow a good bit of time between the initial
14 and the final. So would you be agreeable to taking
15 this out to the end of July, say, the 27th?

16 MR. WEAVER: Yes, that would be fine.

17 JUDGE MOSS: Let's do that, and that gives me
18 more flexibility, and we will do it as quickly as we
19 can.

20 MR. TROTTER: One final item, Your Honor.
21 Neither party thought a protective order was required,
22 but we understand if one is required later, we can come
23 and get one.

24 JUDGE MOSS: Did you discuss the purpose of
25 that with Mr. Weaver?

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1 MR. TROTTER: Yes.

2 JUDGE MOSS: I'll mention then in connection
3 too, Mr. Weaver, as we go along here, what we've done
4 today, while we hope to follow it as we've said it, is
5 not graven in stone. If circumstances should change at
6 some point, what I would ask is that if they change for
7 you and you see the need to change something in the way
8 of a date or a process step or what have you, I would
9 like you first to contact Mr. Trotter by telephone and
10 discuss it informally with him. Usually parties can
11 work things out cooperatively, and then if we need to
12 change something, it can be presented as an agreed
13 change and I can put a notice out.

14 On the other hand, if you find a pressing
15 need for some change, you can file a written motion.
16 If it's a simple enough matter, we accept it in the
17 form of a letter. We call it a letter motion, in fact,
18 and you ask for what it is you need, and then the other
19 side will have an opportunity to say why you shouldn't
20 get that, and then I will rule on it depending on what
21 I think is the right result, and I'll put out a written
22 order or notice. So that opportunity exists for you
23 procedurally. I just wanted you to know that.
24 Hopefully, there will be no need to take advantage of
25 that opportunity.

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1 But basically, from this point forward, any
2 communication that you have that involves me in any way
3 will need to be a more formal type of communication;
4 that is to say, you can't just call me up and talk to
5 me about the case. We have what is called the ex parte
6 rule. It basically means that I as the judge cannot
7 talk to anyone involved in this case without everybody
8 involved in this case being in the loop of
9 communication.

10 So the best thing to do if you have something
11 other than simply, Well, I forgot when the rebuttal
12 testimony is to be filed. What date is that? I can
13 answer questions like that, strictly procedural
14 questions, but I can't talk to you about anything that
15 might have something to do with the merits of the
16 cases, so we are pretty strict about that.

17 The easiest thing to do is just put it in
18 writing and copy everybody on it. All the written
19 material has to be filed with the Commission through
20 the record's center at the Commission's physical
21 address and mailbox address. I think you have all that
22 information. If you don't, I can give it to you. When
23 you file something with the Commission, in this case,
24 you will need to file the original document plus 11
25 copies, and I'll put this information in a prehearing

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1 order that will come out in the next day or two, and
2 you will get a copy of that so you will have a point of
3 reference for all this information, written point of
4 reference. So when you file something in writing, you
5 also have to send a copy to Mr. Trotter, and again, I
6 mentioned earlier we talked about the service of an
7 order. We simply call that service. It is required
8 under the Commission's procedural rules.

9 I should tell you that the Commission's
10 procedural rules are posted on its Web pages, and it's
11 Washington Administrative Code, Chapter 480-07, and
12 there is quite a bit in the way of procedural rules.
13 There is a Section 3 on proceedings such as this one,
14 but there are also general rules. There are rules that
15 describe the order process that I described earlier,
16 and so forth.

17 You may want to look at those, or if you wish
18 to have a written copy, if you would just contact our
19 record's center and ask them to send a copy, they can
20 do that, and that's a good reference to have handy. So
21 that actually describes in considerable detail and we
22 hope in plain English; although I will venture to guess
23 not as plain as it might be, we describe in detail the
24 processes that we follow here. Do you have any other
25 questions in that regard, Mr. Weaver?

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1 MR. WEAVER: No. That's pretty clear.

2 JUDGE MOSS: Mr. Trotter, am I leaving
3 anything out that I should mention in these regards
4 that occurs to you?

5 MR. TROTTER: It just occurred to me, thanks
6 to Mr. Saunders to my right, that you might want to
7 discuss the electronic filing that you would like to
8 observe.

9 JUDGE MOSS: We have rules covering this too,
10 Mr. Weaver, electronic filings. We like to have an
11 electronic version of whatever you file. The reason is
12 we maintain our records in electronic format, so if you
13 use a word processing software, such as Microsoft
14 Office -- I think it's called Word -- or Word Perfect,
15 then you simply send us a copy of that by e-mail to the
16 records center, or you can simply send in a CD, or if
17 you use a three-and-a-half-inch diskette, you can send
18 that.

19 In any event, we like to have an electronic
20 copy. If that is a problem for you, then you can let
21 us know and we will make some accommodation. We can,
22 if we have to, scan a document and put it in that way.
23 I don't know what your computer capabilities are, but
24 if you will look at this in our procedural rules, we
25 ask that things be submitted both in the original

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1 format, something like MS Word or Word Perfect, and
2 also in a PDF format, or Adobe Acrobat. Any questions
3 about that?

4 MR. WEAVER: No, that's clear.

5 JUDGE MOSS: Anything else? And again, if
6 you have procedural-type questions, you can call me
7 about that. I will be glad to talk to you in that
8 regard, but it's always safer, I think, to try to get
9 the answers by looking at the rules first, and you can
10 also talk to Mr. Trotter. Contact is available to you,
11 and Mr. Trotter, let me ask, would you want all
12 communications to come through you?

13 MR. TROTTER: Yes. I'll be representing
14 staff. If their consultant wishes to speak to a staff
15 accountant, they should feel free to do so directly,
16 and I'll trust our accountants if they feel I need to
17 get involved that they will involve me.

18 JUDGE MOSS: So Mr. Weaver, if your
19 accounting people or other folks who are helping you
20 with this case need to have some direct contact with a
21 member of the staff, then Mr. Trotter says that's just
22 fine. You don't have to go through him for that. As
23 to things having to do with the conduct of the case,
24 certainly you would want to contact him because he
25 would be the decision-maker in any event.

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1 Now, I mentioned that in this particular
2 proceeding we need 11 copies of all filings for
3 purposes of internal distribution here at the
4 Commission. I have mentioned the electronic versions.
5 I will enter an order, a prehearing conference order
6 that will basically outline the things we have talked
7 about today, and I'll do that in the next few days.

8 I understand there is not a need for a
9 protective order at this time, but the parties are
10 aware that if one is needed in the future because of
11 some request for disclosure of confidential
12 information; that is to say, commercially sensitive
13 information, then we can make arrangements to do that.

14 Do you have any further business you would
15 like to bring before us today, Mr. Weaver?

16 MR. WEAVER: No, I don't.

17 JUDGE MOSS: Mr. Trotter, is there anything
18 further from Staff?

19 MR. TROTTER: No, Your Honor.

20 JUDGE MOSS: With that, our prehearing
21 conference is concluded. I look forward to working
22 with all of you and bringing these dockets to a
23 satisfactory conclusion according to the schedule that
24 we have set, and with that, we are off the record.

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