

Qwest

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*Via E-Mail and
Overnight Mail*

June 2, 2004

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
Post Office Box 47250
Olympia, WA 98504-7250

RE: Docket UT-991358 – SQPP
Qwest's Response to Reminder of Need for Hearing-Related Information

Dear Ms. Washburn:

In accordance with the Administrative Law Judge's June 1, 2004 Reminder of Need for Hearing-Related Information, Qwest hereby provides a response to the issues raised in that reminder.

First, the parties were asked to address the presentation of public witnesses. During preliminary discussions with Public Counsel, Qwest had indicated that it might not have any cross examination for some of the public witnesses. This is true for the CUA witnesses as well. Qwest has now determined that based on the May 5, 2004 filings, it will have cross-examination questions only for Mr. Pregulman. Thus, it is Qwest's position that the other four public witnesses need not attend the hearings. Those witnesses have already provided their statements in the pre-filing on May 5, and no purpose would be served by having them repeat that information, nor would it be appropriate for them to provide additional direct testimony. And, while Qwest has identified data request responses as cross examination exhibits related to some of these witnesses, all of those responses were prepared by the parties' representatives, not the witnesses themselves. Thus, it should not be necessary to question the witnesses as foundation for admission of those exhibits.

Qwest's position regarding oral presentations is supported by paragraphs 20-25 of the Thirteenth Supplemental Order, which denies Public Counsel's request for a traditional public hearing. It is further supported by paragraph 7 of the Fifteenth Supplemental Order, which requires that written statements

be provided on May 5, explicitly states that cross examination may be the principle vehicle for the witnesses' oral presentations, and makes no specific provision for oral direct. Additionally, Qwest's position is consistent with Public Counsel's desire that the public witnesses not be subject to cross examination.

Second, upon review of paragraph 7 of the Fifteenth Supplemental Order, it appears that Public Counsel and CUA were limited to a total of four witnesses, including no more than three public witnesses. Those parties are now attempting to offer the testimony of six witnesses, five of whom are public witnesses. While Qwest does not object to the written submissions from the public as the record now stands, Qwest does object to oral presentations, if they are permitted at all, from more than three public witnesses. However, based on the above discussion, no oral presentations should be permitted except in response to cross examination questions.

Third, Qwest hereby provides a description of which witnesses are responsible for which sections of Qwest's May 19 reply comments.

- ¶¶ 1-8 Mark Reynolds, except that Dave Teitzel has the 4th sentence of paragraph 6.
- ¶¶ 9-12 Dave Teitzel, except that Dennis Pappas has the last two sentences of paragraph 10.
- ¶¶ 13-21 Mark Reynolds
- ¶¶ 22-23 Dennis Pappas, except that Dave Teitzel has the 5th sentence of paragraph 22.
- ¶¶ 24-38 Mark Reynolds
- ¶¶ 39-41 Dennis Pappas
- ¶¶ 42-45 Mark Reynolds, except that Dennis Pappas has that section of paragraph 43 that discusses Mr. Miller's comments.

In addition, each witness is responsible for the exhibit(s) that bear his initials.

Sincerely,

Lisa A. Anderl

cc: Service List (*via e-mail and overnight mail*)