

June 2, 2004

Carole Washburn, Secretary
Washington Utilities and Transportation Commission'
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Re: UT-991358
Qwest Petition to Terminate Service Quality Protection Program

Dear Ms. Washburn:

Public Counsel files this letter in response to the Reminder notice issued June 1, 2004.

1. Public witnesses

Public Counsel requests that public witnesses be taken all together at the conclusion of the hearing, after the witness panels are complete. We estimate this would occur between 3 p.m. and 5 p.m.

Public Counsel will have two witnesses in person, Mr. Marquardt and Mr. Pregulman. Mr. Dexheimer is not available on Monday. We will offer his written statement for the record. Public Counsel will ask public witnesses to be available at 2 p.m. so that they can begin if the panels conclude prior to 3 p.m.

Public Counsel is advised that Qwest opposes the direct testimony of public witnesses at the hearing. Public Counsel has understood the intent of the alternative procedure, from the beginning, to be to allow for public witnesses selected by the parties to appear at the hearing and state their views, as a surrogate for the open opportunity to testify that would ordinarily occur at a public comment hearing. The prefiled statements were required simply as a way to allow parties to avoid surprise and prepare any necessary cross. We will address this further at tomorrow's conference.

2. Attribution of written testimony

Public Counsel has one technical witness, Mary Kimball. She is sponsoring all material contained in our memorandum, except for legal argument. Each public witness sponsors his own prefiled statement.

3. The number and nature of cross examination exhibits

The following restates the information provided to the bench and parties via email yesterday:

Public Counsel expects to have 18 cross examination exhibits.

The exhibits consist of the following:

Qwest Responses to Party Data Requests - we will confer with Qwest to see if any of these can be entered by stipulation in the record.

2 excerpts from Qwest monthly service quality reports.

1 excerpt from the Qwest website.

1 Qwest tariff sheet.

An illustrative exhibit prepared by Ms. Kimball presenting data provided in Qwest responses to DRs.

Qwest's 2001 Petition to Mitigate or Modify the QSPP (request for official notice).

Public Counsel is still finalizing its list of exhibits and will provide a final set to the bench and Qwest by close of business today, and to other parties via overnight mail.

Sincerely,

Simon J. fitch
Assistant Attorney General
Public Counsel Section
206-389-2055

SJf:cjw

CC: Parties