

[Service date: August 27, 2009]

BEFORE THE
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

SANDY JUDD and TARA HERIVEL,

Complainants,

v.

AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC., and T-
NETIX, INC.,

Respondents.

Docket No. UT-042022

**T-NETIX, INC'S MOTION FOR
LEAVE TO AMEND ITS MOTION
FOR SUMMARY DETERMINATION**

RELIEF REQUESTED

1. Respondent T-Netix, Inc. ("T-Netix"), through counsel and pursuant to WAC 480-07-395(5), hereby moves for leave to amend its Motion for Summary Determination, filed on July 28, 2005.

STATEMENT OF FACTS

2. Respondents T-Netix and AT&T Communications of the Pacific Northwest, Inc.'s ("AT&T") both filed Motions for Summary Determination over four (4) years ago. Since that time, this primary jurisdiction referral has been revoked and reinstated. The parties thereafter completed document discovery and both fact witness and expert witness discovery.

3. All parties plan to file responses to the respective motions. The deadline for filing responses to these motions is August 27, 2009. AT&T filed an amended motion for summary

determination on August 24, 2009, without seeking leave of the commission. The Administrative Law Judge convened a teleconference the following day to discuss the procedural schedule in light of AT&T's filing. During that teleconference, the parties agreed that because the parties now have a greater understanding of the facts and issues in this matter, all parties would benefit from the updating of the motions. The ALJ indicated that the procedural schedule would be stayed and that both AT&T and T-Netix will have until August 27, 2009 to file a motion for leave to amend their motions for summary determination.

DISCUSSION

4. The information obtained during discovery has given the parties a greater understanding of the facts and issues in this matter. As such, both AT&T and T-Netix believe that amending their motions would clarify the issues for the Commission.

5. Moreover, T-Netix believes that certain amendments should be made to its motion to promote fair and just results. *See* WAC 480-07-395(5) ("The commission may allow amendments to pleadings, motions, or other documents on such terms as promote fair and just results.")

PROCEDURAL SCHEDULE

6. T-Netix proposes the following procedural schedule:

Responses to motions for summary determination due	September 10, 2009
Replies to motions for summary determination due	September 24, 2009

CONCLUSION

7. For the reasons stated herein, T-Netix respectfully requests that the Commission grant leave to file the attached Amended Motion for Summary Determination, and accept the attached for filing as of today's date.

RESPECTFULLY SUBMITTED this 27th day of August, 2009.

T-NETIX, INC.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of August, 2009, served via e-filing a true and correct copy of the foregoing, with the WUTC Records Center. The original, along with the correct number of copies (4), of the foregoing document will be delivered to the WUTC, via the method(s) noted below, properly addressed as follows:

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I hereby certify that I have this 27th day of August, 2009, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

On Behalf Of AT&T Communications

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