

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

SANDY JUDD AND TARA	)	DOCKET NO. UT-042022
HERIVEL,)	
)	
Complainants,	)	ORDER NO. 01
)	
v.	)	PREHEARING CONFERENCE
	)	ORDER; NOTICE OF ORAL
AT&T COMMUNICATIONS OF	)	ARGUMENT
THE PACIFIC NORTHWEST, INC.,	)	(Thursday, September 22, 2005, at
AND T-NETIX, INC.,	)	9:30 a.m.); NOTICE OF
	)	PREHEARING CONFERENCE
Respondents.	)	(Tuesday, October 11, 2005, at
	)	9:30 a.m.)
.....)	

1 **NATURE OF PROCEEDING.** Docket No. UT-042022 is a complaint filed by recipients of inmate-initiated calls against AT&T Communications of the Pacific Northwest, Inc. (AT&T) and T-Netix, Inc. (T-Netix), alleging that AT&T and T-Netix failed to disclose rate for the calls, violating the Commission’s rules governing disclosure. The complaint was filed with the Commission after the King County Superior Court referred the matter to the Commission under the doctrine of primary jurisdiction to allow the Commission to complete an adjudication into the matters alleged.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on February 16, 2005, before Administrative Law Judge Ann E. Rendahl.

- 3 **APPEARANCES.** Jonathan P. Meier, Sirianni Youtz Meier & Spoonemore, Seattle, Washington, represents Tara Herivel and Sandy Judd, Complainants. Letty Friesen, AT&T Law Department, Austin, Texas, and Charles Peters, Schiff Hardin, LLP, Chicago, Illinois, represent AT&T. Arthur A. Butler, Ater Wynne LLP, Seattle, Washington, and Stephanie Joyce, Kelley Drye & Warren LLP, Washington, D.C., represent T-Netix. Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.
- 4 **DISCOVERY.** Discovery will be conducted pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 5 **PROTECTIVE ORDER.** The parties request that the Commission enter a protective order in this docket pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420, and WAC 480-07-423, to protect the confidentiality of proprietary information as well as highly confidential information. The request was granted, and a protective order will be entered.
- 6 **PROCEDURAL SCHEDULE.** The parties agreed upon a procedural schedule during the conference. The Commission adopts this procedural schedule, which is attached to this Order as Appendix B, and incorporated into the body of this Order by this reference.
- 7 **NOTICE OF ORAL ARGUMENT.** The Commission will hear oral argument on the issues raised in AT&T's Motion for Summary Determination and responses in this matter on **Thursday, September 22, 2005, at 9:30 a.m.** in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

- 8 **NOTICE OF PREHEARING CONFERENCE.** The Commission convenes a prehearing conference in this matter, to address the remaining procedural schedule in the proceeding following resolution of AT&T's Motion for Summary Determination. **The conference will be held on Tuesday, October 11, 2005, at 9:30 a.m. in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** Persons who cannot attend in person may participate via the Commission's teleconference bridge line **360-664-3846**. Persons desiring to participate via the bridge line must make advance reservations, by calling Kippi Walker at 360-664-1139, no later than Noon on Monday, October 10, 2005.
- 9 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus **2** copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 10 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 11 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are

required to organize and identify electronic files as specified in WAC 480-07-140(5).

- 12 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6), the presiding officer grants parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may submit documents electronically with the Commission by e-mailing the document to records@wutc.wa.gov, and must file an original, plus **2** paper copies, of the document with the Commission by the following business day
- 13 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.
- 14 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 22nd day of February, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET NO. UT-042022**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Complainants	JONATHAN P. MEIER Sirianni Youtz Meier & Spoonemore 719 Second Ave. - Ste 1100 Seattle, WA 98104	(206) 223-0303	(206) 223-0246	jon@syllaw.com
AT&T	LETTY FRIESEN AT&T Communications of the Pacific Northwest 919 Congress Ave., Ste 900 Austin, TX 78701-2444 CHARLES PETERS Schiff Hardin, L.L.P. 6600 Sears Tower Chicago, IL 60606	(303) 298-6475 (312) 258-5500	(303) 298-6301 (312) 258-5600	lsfriesen@att.com cpeters@schiffhardin.com
T-Netix	ARTHUR A. BUTLER Ater Wynne LLP 601 Union St. - Ste 5450 Seattle, WA 98101-2327 STEPHANIE A. JOYCE GLENN B. MANISHIN Kelley Drye & Warren LLP 1200 19th St, NW - Ste 500 Washington, D.C. 20036	(206) 623-4711 (202) 955-9890	(206) 467-8406 (202) 955-9792	aab@aterwynne.com sjoyce@kelleydrye.com
Presiding Administrative Law Judge	ANN E. RENDAHL 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1144	(360) 664-2654 [ALD fax only - do not use to file]	arendahl@wutc.wa.gov

APPENDIX B
PROCEDURAL SCHEDULE
DOCKET NO. UT-042022

EVENT	DATE	INTERVAL
Written Discovery Cutoff	Monday, March 7, 2005	-
Responses to Data Requests Due	Monday, April 4, 2005	28 Days
Depositions Complete	Friday, June 3, 2005	60 Days
Answers to AT&T's Motion for Summary Determination	Thursday, June 30, 2005	27 Days
Reply Discovery Cutoff	Thursday, July 28, 2005	28 Days
Responses to Reply Discovery Due	Friday, August 26, 2005	29 Days
AT&T Reply Brief Due	Friday, September 16, 2005	21 Days
Oral Argument	Thursday, September 22, 2005	6 Days
Prehearing Conference	Tuesday, October 11, 2005	19 Days