

Docket No. UT-181051 - Vol. I

WUTC v. Centurylink Communications, LLC

February 9, 2021



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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND) DOCKET UT-181051
TRANSPORTATION COMMISSION,)
))
Complainant,)
))
vs.)
))
CENTURYLINK COMMUNICATIONS,)
LLC,)
))
Respondent.)

VIRTUAL PREHEARING CONFERENCE, VOLUME I

Pages 1-13

ADMINISTRATIVE LAW JUDGE SAMANTHA DOYLE

February 9, 2021

9:30 A.M.

Washington Utilities and Transportation Commission
621 Woodland Square Loop Southeast
Lacey, Washington 98503

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1 A P P E A R A N C E S

2 ADMINISTRATIVE LAW JUDGE:

3 SAMANTHA DOYLE

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23 (All participants appeared via videoconference.)

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A P P E A R A N C E S (Cont.)

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ALSO PRESENT:

ADAM WASSERMAN

(All participants appeared via videoconference.)

1 LACEY, WASHINGTON; FEBRUARY 9, 2021

2 9:30 A.M.

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

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6 JUDGE DOYLE: Let's be on the record. Good
7 morning. My name is Samantha Doyle, and I'm the
8 administrative law judge presiding over today's
9 prehearing conference.

10 This is Docket UT-181051, which is captioned
11 Washington Utilities and Transportation Commission
12 versus CenturyLink Communications, LLC.

13 This is a complaint for alleged violations
14 under RCW 80.36.080, RCW 80.36.220, Washington
15 Administrative Code 480-120-412, and WAC 480-120-450,
16 Subsection 1.

17 Today is Tuesday, February 9th, 2021, and
18 the time is approximately 9:30.

19 On December 22nd, 2020, the Commission
20 issued the complaint. When the Company did not file an
21 answer to the complaint within 20 days as required by
22 WAC 480-07-370, Subsection (2)(b), the Commission issued
23 a notice setting the date for this prehearing
24 conference.

25 This prehearing conference is a chance for

1 parties to discuss a procedural schedule. After today's
2 conference, I will enter an order setting out the
3 procedural schedule and setting the date for the
4 evidentiary hearing.

5 On January 29th, 2021, Washington State
6 Military Department E911 Coordination filed a petition
7 to intervene, which I will address after appearances.

8 So let's first take appearances beginning
9 with Commission Staff.

10 MR. FUKANO: Good morning, Your Honor. This
11 is Harry Fukano, Assistant Attorney General, and with me
12 is co-counsel Sally Brown, Assistant Attorney General,
13 appearing on behalf of Commission Staff.

14 JUDGE DOYLE: Thank you.

15 And for the Company?

16 MR. SHERR: Yes, good morning, Your Honor.
17 Adam Sherr, assistant general counsel, appearing for
18 CenturyLink.

19 JUDGE DOYLE: Thank you.

20 And Public Counsel, please.

21 MS. SUETAKE: Good morning. This is Nina
22 Suetake, appearing on behalf of Public Counsel Unit. My
23 co-counsel is Lisa Gafken, but I believe she had
24 conflicts at this time.

25 JUDGE DOYLE: And for the Washington

1 Military Department?

2 MS. CORTEZ: Assistant Attorney General Dawn
3 Cortez representing the Military Department and the
4 State E911 Office.

5 JUDGE DOYLE: Great, thank you.

6 So let's address the petition to intervene.
7 Other than the Washington Military Department, do we
8 have anyone else on the call who wishes to petition to
9 intervene?

10 Okay. Hearing nothing, do we have any
11 objection to the Washington Military Department's
12 petition to intervene?

13 MR. FUKANO: No objection from Staff.

14 JUDGE DOYLE: Thank you.

15 MR. SHERR: None from CenturyLink, Your
16 Honor.

17 MS. SUETAKE: And none from Public Counsel.

18 JUDGE DOYLE: Okay, great. Hearing no
19 objections, that petition is granted.

20 MS. CORTEZ: Thank you.

21 JUDGE DOYLE: That brings to discovery.
22 Would the parties like to have the discovery rules
23 available?

24 MR. SHERR: Your Honor, this is Adam Sherr
25 on behalf of CenturyLink. Yes, we would.

1 JUDGE DOYLE: And do any of the other
2 parties have any objections?

3 MR. FUKANO: No objection from Staff, Your
4 Honor.

5 JUDGE DOYLE: Okay, great.

6 Then during the proceedings at the
7 Commission, parties often issue a first data request
8 asking that any subsequent data requests and responses
9 are shared with every other party. It would make it
10 easier on the parties if I include this requirement in
11 the prehearing conference order. Are there any
12 objections to my including that requirement?

13 MR. FUKANO: No objection from Staff, Your
14 Honor.

15 MS. SUETAKE: No objection from Public
16 Counsel.

17 MS. CORTEZ: No objection from the Military.

18 MR. SHERR: No objection, Your Honor.

19 JUDGE DOYLE: Okay. Discovery rules will
20 otherwise be conducted according to the Commission's
21 procedural rule.

22 Moving on to the procedural schedule. The
23 parties have submitted an agreed upon schedule; however,
24 it did not include a settlement conference date. Have
25 the parties had a chance to discuss a date that they

1 would like to add to the proposed schedule?

2 MR. FUKANO: Good morning, Your Honor.
3 Commission Staff has proposed a settlement conference
4 date of June 30th, and I have gotten some response back
5 to that proposal, but not from all parties.

6 JUDGE DOYLE: Do the parties need a moment
7 to discuss this? We can take a brief recess.

8 MR. SHERR: Your Honor, this is Adam Sherr
9 on behalf of CenturyLink. June 30th is fine for
10 CenturyLink. I'm not certain -- the -- the suggestion
11 came after very recently within the last half an hour,
12 so it may be that parties just didn't have an
13 opportunity to consider it. So from CenturyLink's
14 perspective, that date will work.

15 JUDGE DOYLE: Would --

16 [Multiple speakers.]

17 MS. SUETAKE: -- Public Counsel Unit.

18 JUDGE DOYLE: Oh, go right ahead.

19 MS. CORTEZ: This is Dawn. I -- I -- that
20 date works for me. I have not had a chance to ask my
21 client if he can be present that day. I believe he's on
22 the phone.

23 Adam, are you able to attend on June 30th?

24 MR. WASSERMAN: Yes, this is Adam Wasserman.
25 I am the E911 coordinator. I am available for June

1 30th.

2 MS. CORTEZ: Thank you.

3 JUDGE DOYLE: Thank you.

4 And Public Counsel?

5 MS. SUETAKE: Public Counsel is fine with
6 that date.

7 JUDGE DOYLE: Okay. Well, given it looks
8 like we have agreement on the addition of the settlement
9 conference date, would Staff please read the agreed upon
10 schedule into the record?

11 MR. FUKANO: Certainly. And there is one
12 other alteration to the proposed procedural schedule.
13 After some discussion, it was -- Washington Military
14 Department request that it be filing its initial
15 testimony on October 7th with the Company or the same
16 date as the Company rather than June 29th. But I will
17 read those dates in now.

18 The initial direct testimony from Staff and
19 Public Counsel would be due on July 29th; responsive
20 testimony from CenturyLink and WMD would be on October
21 7th; and on October 7th data request response times will
22 shorten from ten business days to seven business days.
23 Cross-answer testimony from all parties would be due on
24 November 18th with data request response times
25 shortening from seven business days to five business

1 days; the discovery deadline to issue new data requests
2 would be December 9th. The deadline to file hearing --
3 exhibits for hearing would be January 3rd. The hearing
4 will take place January 10th and 11th; simultaneous
5 post-hearing briefing would be February 8th and
6 simultaneous reply briefing would be March 1st.

7 And I realize I omitted the new settlement
8 date, which would occur June 30th.

9 JUDGE DOYLE: Thank you.

10 I will confirm with the parties --

11 MR. SHERR: Your Honor? I apologize. This
12 is Adam Sherr. Just to confirm, make sure all parties
13 are on the same page, I want to confirm that the
14 deadline for identi- -- filing exhibits for hearing,
15 which is January 3rd which would also be the date for
16 identifying cross-examination estimates, would the
17 expectation be that that would be on that same day?

18 MR. FUKANO: Commission Staff agrees, yes.

19 MS. SUETAKE: This is Public Counsel. That
20 was my understanding as well.

21 JUDGE DOYLE: We're in agreement, then?

22 MR. SHERR: Yeah, we are. Thank you.

23 JUDGE DOYLE: I will confirm that the
24 parties' proposed schedule works for the Commission and
25 incorporate it into the prehearing conference order.

1 Finally, regarding filing and service, I
2 want to remind the parties that documents should be
3 filed online through the electronic filing link on the
4 Commission's web page. Also the Commission's rules
5 provide for electronic service of documents. The
6 Commission will service -- will serve the parties
7 electronically and the parties will serve each other
8 electronically. I will enter a prehearing conference
9 order with details on this topic.

10 If you have any corrections or updates to
11 our master service list in this docket, please file a
12 written notice of appearance or email me at
13 samantha.doyle@utc.wa.gov.

14 Is there anything else we need to address
15 today?

16 MR. FUKANO: Nothing further from Commission
17 Staff.

18 MS. SUETAKE: Nothing further from Public
19 Counsel.

20 JUDGE DOYLE: Okay.

21 MS. CORTEZ: Nothing from the Military
22 Department.

23 MR. SHERR: Nothing from CenturyLink.

24 JUDGE DOYLE: I will issue an order shortly
25 containing the procedural schedule and other guidelines

1 for the disposition of this case. We are adjourned.

2 Thank you.

3 (Adjourned at 9:42 a.m.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.



Tayler Garlinghouse
Tayler Garlinghouse, CCR 3358

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