

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,**

**Complainant,**

**v.**

**INLAND TELEPHONE COMPANY,**

**Respondent.**

**DOCKET NO. UT-050606**

**PUBLIC COUNSEL'S RESPONSE  
TO INLAND TELEPHONE  
COMPANY'S PETITION FOR  
ADMINISTRATIVE REVIEW OF  
INITIAL ORDER NO. 08  
REJECTING A TARIFF REVISION  
PETITION**

1. The Public Counsel Section of the Washington State Attorney General's Office (Public Counsel) files this response with the Washington Utilities and Transportation Commission (Commission) opposing Inland Telephone Company's (Inland) petition for review of Initial Order No. 08 in the above captioned matter.
2. Public Counsel participated in the development of the evidentiary record and filed extensive briefing in this docket. Our initial brief was filed on June 5, 2006, and a reply brief on June 21, 2006. While Inland raises different arguments and cites new legal authority in its petition for administrative review, Public Counsel's June 5 and June 21 briefs address the essential factual and legal questions in this case. Therefore, we commend consideration of our existing briefing since it is equally applicable to this petition for administrative review.
3. The factual findings and legal conclusions adopted in Initial Order No. 8 are sound. Judge Mace heard the live testimony of the witnesses and made important determinations about how much weight should be given to a witness' factual assertions. In addition, both Order Nos. 05

and 08 articulated and applied the correct legal standard, including the clear precedent established by this Commission in *WUTC v. US West*, Docket No. UT-961638, Fourth Supplemental Order (January 16, 1998).

4. For all of the reasons discussed in Public Counsel's existing briefing, Inland's petition for administrative review should be rejected.

DATED this 12<sup>th</sup> day of September, 2006.

ROB MCKENNA  
Attorney General

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JUDITH KREBS  
Assistant Attorney General  
Public Counsel