

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of
VERIZON NORTHWEST, INC.
FOR waiver of WAC 480-120-071(2)(a).

Docket No. UT-011439

COMMISSION STAFF'S ANSWER
IN OPPOSITION TO QWEST'S
MOTION TO COMPEL
RESPONSES BY STAFF

On June 6, 2002, Commission Staff received "Qwest Corporation's first set of data requests to the WUTC Staff" in this docket. A total of 19 data requests have been served. On June 7, 2002, Qwest filed with the Commission a motion to compel responses to these data requests. Commission Staff objects that Qwest's propounding of data requests at this time is clearly precluded by the Commission's own rules. Qwest's motion to compel should therefore be denied.

WAC 480-09-480(5) provides, in relevant part:

In a proceeding initiated by petition or commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence.

This proceeding, entitled, "In the Matter of the Petition of Verizon Northwest, Inc., For Waiver of WAC 480-120-071(2)(a)" is clearly a proceeding initiated by petition under the above rule. Furthermore, Commission Staff has not yet filed its direct evidence on issues pertaining to Qwest. Staff's testimony on Qwest-related issues is due July 2, 2002. Under WAC 480-09-

480(5), Qwest may not propound data requests to Staff until that time. (Staff has filed testimony on issues pertaining to Verizon, and has, accordingly, responded to data requests from Verizon—but only after Staff filed that testimony.) The rule is clear.

Staff notes that Qwest's motion also complains (at page 2) that the schedule does not allow Qwest to file reply testimony after Staff has filed its testimony. The new schedule proposed by the bench on June 7, 2002 (per e-mail transmission to the parties) now does allow for Qwest to file reply testimony on July 10, 2002. This change should alleviate the concerns expressed by Qwest. In any event, however, Qwest's motion to compel responses to its 19 data requests to Staff, before Staff has filed its Qwest-related testimony, should be denied.

DATED this 7th day of June, 2002.

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