

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of)	
)	DOCKET NO. UT-991930
MOUNT ST. HELENS TOURS, INC.)	
)	
for Designation of a Telecommunications)	
Common Carrier to Serve an Unserved)	
community, or Portion Thereof.)	
)	
.....)	
In the Matter of the Petition of)	
)	DOCKET NO. UT-991931
BARBARA BRADY)	
)	
for an Exchange Area Boundary Change.)	
)	
.....)	
In the Matter of Designation of a)	DOCKET NO. UT-993000
Telecommunications Common Carrier to)	
Serve an Unserved WILDERNESS LAKE)	
COMMUNITY, or Portion Thereof, on the)	COMMISSION STAFF'S RESPONSE
Commission's Own Motion)	TO US WEST'S MOTION TO STRIKE
)	THE RESPONSE TESTIMONY OF
US WEST COMMUNICATIONS, INC.)	RAYMOND A. JUSSAUME
)	
GTE NORTHWEST INCORPORATED)	
)	
.....)	

The Washington Utilities and Transportation Commission Staff (“Staff”) files this response to US West Communications, Inc.’s (“US West”) motion to strike the Response Testimony of Raymond A. Jussaume. The Staff requests that the motion be denied and, to the extent that US West asserts that it needs additional time to respond to the testimony prior to the hearing, that the hearing be postponed until July 17-18, 2000.

A. Timeliness

The Third Supplemental Order (“Order”) in this matter provides for the filing of direct

testimony and response testimony in both the Mt. St. Helens Tours case and the Wilderness Lake case. Staff filed direct testimony in the Mt. St. Helens Tours case on May 31, 2000. Mt. St. Helens Tours also filed testimony, most in the format of deposition transcripts, on May 31, 2000. US West, and other parties, filed response testimony on June 12, 2000. Upon reading the Order, counsel for Staff believed that any testimony in response to prior testimony, including testimony filed on June 12, 2000, must be filed on June 16, 2000. Although Staff did not file testimony in response to US West's June 12, 2000 testimony, it considered that a possibility up to the close of business on June 16, 2000. With the June 16, 2000 date in mind as the deadline, Staff filed Dr. Jussaume's response testimony on June 16, 2000. The testimony is three pages in length. Staff did not believe it that it had any testimony to file on June 12, 2000.

Staff did not intentionally withhold the Jussaume response testimony from US West or any other party. Counsel for Staff believed the testimony was due on June 16, 2000, and filed it accordingly. The testimony was sent to US West and other parties by facsimile at approximately 4:30 p.m. on June 16, 2000.

B. The Testimony is Proper

US West claims that the testimony is not proper because it does not respond to direct evidence of any party opposed to the Staff. However, the testimony is proper because it responds to testimony filed by Mt. St. Helens Tours. Staff has recommended that *either* US West or GTE Northwest Incorporated be ordered to serve the area surrounding Mt. St. Helens Tours. Staff is not a joint petitioner in this case; it may have policy recommendations and opinions that

differ from that of Mt. St. Helens Tours. It is possible that, following the hearings in this matter, Staff may take a position different than that of Mt. St. Helens Tours.

C. Prejudice to US West

Staff is cognizant of US West's concerns about fairness. Staff filed the testimony on June 16, 2000, because that was the date its counsel believed the testimony was due. However, if US West requires additional time to prepare for cross-examination of Dr. Jussaume or if the company believes it requires a rebuttal witness, Staff does not oppose a continuance of the June 23, 2000, hearing date. Staff believes the hearing date, or at least the cross-examination of Dr. Jussaume, could be continued until July 17-18, 2000, which are already reserved for hearings in these consolidated cases.

Dated: June 21, 2000.

CHRISTINE O. GREGOIRE
Attorney General

SHANNON E. SMITH
Assistant Attorney General
Counsel for Commission Staff