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December 2, 2003

VIA OVERNIGHT MAIL

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket No. UT-023003

Dear Ms. Washburn:

This letter responds to the gross mischaracterizations and false assertions contained in AT&T Communications of the Pacific Northwest, Inc.'s ("AT&T") December 2, 2003 letter filed in the above-referenced docket ("AT&T's Letter"). AT&T's correspondence is a final, desperate attempt to obscure the truth and attempt, unsuccessfully, to resurrect an admittedly dead cost model. For the reasons set forth below, AT&T's Letter should be dismissed outright.

First, AT&T's Letter misrepresents the scope of both Verizon NW's Reply and Administrative Law Judge Mace's ("ALJ Mace's") Notice of Opportunity to Respond to Motion to Strike ("Notice"). ALJ Mace's Notice clearly, and unequivocally, stated, "Verizon may file a brief reply to AT&T and MCI's response to the motion to strike." ALJ Mace did not qualify, nor delineate, the topics to which Verizon NW was entitled to respond. Verizon NW's Reply addressed "new issues" raised by AT&T/MCI's Opposition -- the blatant distortion of the relief sought by Verizon NW, the wholly unsubstantiated evidentiary theories advanced, and the Compromise Proposal that utterly fails to comply with the Commission's discovery rules and prior Order.

Second, AT&T's Letter mischaracterizes the type of data that AT&T/MCI now offer to produce to Verizon NW. AT&T reasserts that "[t]he *only* information that Verizon would not

initially receive would be the source code for the TNS clustering algorithms.” This is patently untrue. Ironically, AT&T’s limited listing of what supposedly “AT&T and MCI *will* provide” should the Commission endorse its Compromise Proposal, only reinforces the fact that AT&T/MCI thirteenth-hour offer fails to comply with the Commission’s discovery rules and prior Order. The Commission’s Fourteenth Supplement Order, affirming ALJ Mace’s prior decision, clearly and unequivocally ordered AT&T/MCI to answer, in full, all of the data requests at issue in Verizon NW’s Motion to Compel, and to “update their responses for the TNS data, computer programs and algorithms they rely on in their revised HAI model.”¹ This included, among other things, the production of the items identified on pages 8-9 of Verizon NW’s Reply. Rather than produce the processes used to transform Verizon NW service addresses into a list of customer addresses ready for geocoding, the software and source code used to remove inaccurate geocoding results and duplicates (including the input and output files of this process), the software and source code used to surrogate customer locations, including the input and output files of this process, and the software and source code used to chain outliers, AT&T’s Letter states that the Compromise Proposal only contemplates the production of “documentation” about these data, processes, software and source code. AT&T/MCI’s proposal is clearly inconsistent with the Commission’s ruling on this matter.

Similarly, AT&T/MCI refuse to produce the software and source code used to transform the clustering output into a format that can be read by Point Code. AT&T mistakenly claims that these data “is the same information as the source code for the clustering algorithm.” Elsewhere, AT&T/MCI have produced two FoxPro programs along with the source code in response to such a request. Unless there have been undisclosed changes in the operation of HM 5.3, the clustering algorithm is not used to perform this function.

Thus, there is nothing to “disregard” in Verizon NW’s Reply, nor are there any “corrections” to be made. AT&T’s Letter is yet another, in a long line of attempts, to confuse the issues, obscure the truth, and shield the fundamental underpinnings of its cost model from review by the parties to this proceeding. AT&T’s Letter, and the fundamentally flawed cost model it attempts to defend, are devoid of merit.

Sincerely,



Christopher S. Huther

cc: Parties of Record

¹ Before the Washington Utilities and Transportation Commission, Docket No. UT-023003, *Fourteenth Supplemental Order* (Oct. 14, 2003) at pp. 7-8.