

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,
Complainant,

v.

CENTURLINK COMMUNICATIONS,
LCC,
Respondent.

DOCKET UT-181051

DECLARATION OF WILLIAM
MCGINTY IN SUPPORT OF
COMPLAINANT STAFF'S
OPPOSITION TO RESPONDENT'S
MOTION TO COMPEL

1. I, WILLIAM MCGINTY, hereby declare and state as follows:

2. I am an Assistant Attorney General in the Complex Litigation Division of Washington State Attorney General's Office (AGO) in the above-captioned matter. In support of Washington Utilities and Transportation Commission Staff's Response to Respondent's Motion to Compel, I provide the following:

3. I represent Staff in the above-captioned proceeding.

4. I received an email from Chuck Steese, counsel for CenturyLink Communications, LLC (CLC), on Friday, September 23, 2022, asking for a time to meet and confer regarding Staff's responses to CLC's DRs 21-24, 26-28, 31-32, 33, 34(c-d), 35, 37-42, and 44.

5. I attended a meet and confer with Mr. Steese on October 5, 2022 to discuss these issues. I told Mr. Steese that Staff would supplement DR 28, as that DR was a request for admission to Staff, to which CLC was owed a substantive response. Staff served a supplementation of Staff's response to DR 28 on all parties on October 7, 2022. CLC's motion to compel is the first time I have heard that CLC was dissatisfied with the supplementation.

6. I also told Mr. Steese I would look into issues relating to DRs 33 and 44 and get back to him by the next day. On October 6, 2022, I wrote to Mr. Steese in an email that a supplementation of DR 33 would be made by Friday, October 7. A true and correct copy of the email correspondence between Mr. Steese and I is attached to this declaration as Exhibit 1. Staff served a supplement to DR 33 to all parties on October 7, 2022. I also told Mr. Steese that a supplementation to DR 44 would also be made, but that I did not yet have a timeline, but that by October 14, 2022, I would update Mr. Steese with a supplement or date on which a supplement would be made. On October 14, 2022, I wrote to Mr. Steese that a supplement to DR 44 would be made on Friday, October 21. At the time of writing this declaration, I believe that a supplement to DR 44 will be served on all parties on October 21, 2022.

7. As to the remaining DRs, Mr. Steese represented, generally, that he did not need to go over each and every one of them, but wanted to know whether Staff would stand on its responses and objections as a general matter. I represented that Staff would, and indicated that as to some DRs, particularly those asking for Witness Akl's work in prior cases, Staff did not have access to that material. As to other DRs, I referenced WAC 480-07-400(1)(c)(iii) as a basis to deny further production. Mr. Steese told me CLC disagreed with Staff's position, and that CLC would move to compel. I agreed that CLC had met its meet and confer requirement.

8. On October 11, 2022, a deposition of Witness Akl was held at the insistence of CLC. I attended the deposition. True and correct excerpts of the deposition of Witness Akl are attached to this declaration as Exhibit 2. The entirety of the deposition transcript has been designated confidential under the protection order entered in this matter.

9. I declare that the foregoing is true and correct to the best of my knowledge under the penalty of perjury of the laws of the State of Washington.

DATED at Olympia, Washington on October 21, 2022.

/s/ William McGinty, WSBA No. 41868
Assistant Attorney General
Office of the Attorney General
Complex Litigation Division
P.O. Box 40111
Olympia, WA 98504-0111
(360) 709-6470
william.mcginity@atg.wa.gov