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February 5, 2013

Oregon Public Utility Commission
Attn: Filing Center
P.O. Box 2148
Salem, OR 97308-2148

Re: UM 1481; Joint Motion of Frontier, CenturyLink and the Oregon
Telecommunications Association to Strike Rebuttal Testimony

Dear Commission,

Enclosed for filing are an original and three copies of the Joint Motion of Frontier, CenturyLink and the Oregon Telecommunications Association to strike portions of the Rebuttal Testimony of the Oregon Cable Telecommunications Association (OTA) in UM 1481. Frontier, CenturyLink and the OTA will object to portions of this testimony at the hearing and are filing this Motion in advance. If you have any questions regarding this filing, please don't hesitate to contact me.

Very truly yours,



Charles L. Best

encls

1 ILEC network cost based on the bandwidth requirements of basic voice
2 service compared with non-basic services (e.g., broadband services).

3 The introduction of the new proposal continues through OCTA/200, Ankum/3, line 21.
4 This new methodology is discussed more fully beginning at OCTA/200, Ankum/10, line 1
5 through OCTA/200, Ankum/15, line 4.


6 Argument

7 Introducing new evidence through rebuttal testimony is objectionable and the
8 improper evidence should be stricken. Given the schedule in this case, no party has the
9 right or ability to offer testimony to rebut OCTA's new proposal and the Commission is
10 denied the opportunity to consider rebuttal evidence on a proposal that should have been
11 contained in OCTA's Direct Testimony.


12 It is important to recall the timeline of events that gave rise to this issue. The
13 Administrative Law Judge (ALJ) issued his ruling denying OCTA's Motion to Compel the
14 production of evidence relating to broadband revenues on December 3, 2012. OCTA did
15 not file its Direct Testimony until December 10, 2012. Also on December 10th, OCTA filed
16 its Motion to Certify the ALJ's ruling on broadband revenues in hopes of overturning the
17 ALJ's ruling. Rather than hedge its bets and offer testimony that contained alternative
18 proposals that would take into account the possible outcomes of its Motion to Certify,
19 OCTA filed testimony that assumed it would prevail. OCTA now seeks to correct this
20 mistake at the expense of the other parties by making a new cost allocation proposal in its
21 Rebuttal Testimony to which there is no opportunity to respond. This denies all parties a
22 fair process and hearing as well the Commission sufficient information to make an
23 informed decision.

24 Based on the forgoing facts and arguments, Frontier, CenturyLink and the OTA
25 request that their Joint Motion to Strike be granted and the previously referenced portions
of OCTA/200 be stricken.

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2 Respectfully submitted this 5th day of February 2013.
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CERTIFICATE OF SERVICE

I certify that on February 5, 2013 I served the foregoing document(s) upon all parties of record in Docket No.UM 1481 by e-mail.

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By:

A handwritten signature in black ink, appearing to read "Charles L. Best", written over a horizontal line.

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