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IDAHO PUBLIC
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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION) CASE NO. QWE-T-02-25
OF QWEST CORPORATION FOR PRICE)
DEREGULATION OF BASIC LOCAL)
EXCHANGE SERVICES)

)

REBUTTAL TESTIMONY OF

James M. Schmit

on behalf of

QWEST CORPORATION

April 21, 2003

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1 I. INTRODUCTION

2

3 Q. PLEASE STATE YOUR NAME, ADDRESS AND POSITION WITH
4 QWEST.

5 A. My name is James (Jim) M. Schmit. My office is
6 located at 999 Main Street, Boise, Idaho. I am the President
7 of Qwest in Idaho.

8 Q. DID YOU PREVIOUSLY SUBMIT DIRECT TESTIMONY IN THIS
9 CASE?

10 A. No. I am submitting only rebuttal testimony in
11 this case.

12 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

13 A. As Qwest's representative at all three of the
14 public workshops, I will provide a review of the workshops
15 and of the comments made by the public during those
16 sessions. I will also describe certain commitments Qwest is
17 prepared to make in response to various public interest
18 issues raised by the Staff and customers who commented in
19 this case.

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II. CONSUMER INPUT - PUBLIC WORKSHOPS

Q. WHY DID THE COMMISSION DECIDE TO HOLD THE PUBLIC WORKSHOPS?

A. The Commission held the workshops to allow the public to ask questions about the case and to provide written or electronic comments stating their opinions concerning allowing Qwest pricing flexibility for basic local exchange service.

Q. WHAT WAS THE FORMAT OF THE WORKSHOPS?

A. The workshops were informal in nature. Both Commission Staff and Qwest personnel attended. The Staff provided an overview of Qwest's application and described the statutory requirements that must be met in order to gain pricing flexibility. Further, the Staff provided forms that could be used for submitting written comments to the Commission and explained the process for submitting letters or e-mail comments.

I was then given the opportunity to address the workshop attendees. I explained how the competitive market for wireless services has developed and why Qwest believes it must gain pricing freedom in order to continue operating successfully in Idaho. I also indicated why

1 Qwest believes the statutory requirements have been met
2 due to the current state of wireless competition in the
3 seven exchanges included in Qwest's application. I
4 concluded each workshop discussion by explaining why I
5 felt the approval of Qwest's application was important to
6 Qwest's future and would benefit Idahoans as well.

7 **Q. WHERE WERE THESE WORKSHOPS HELD?**

8 A. The workshops were held in Pocatello, Twin Falls
9 and Boise. The dates and times for the workshops were
10 provided to the media through the Commission's public
11 information office. The workshop in Twin Falls, for
12 example, was held at the Red Lion motel, which advertised
13 the meeting on its marquee the day of the event. That
14 same day, the Twin Falls Times News had a prominent
15 article in the business section reminding consumers of the
16 meeting and its purpose.

17 **Q. WHAT CONSUMER INPUT DID THE COMMISSION RECEIVE**
18 **FROM THE THREE WORKSHOPS?**

19 A. The workshops had very little public attendance.
20 In addition to Qwest employees that I asked to attend to
21 respond to consumer issues if they arose, there were five
22 individuals and three representatives of organizations who
23 attended the workshop in Pocatello. One individual, who

1 lives outside the exchanges covered by Qwest's
2 application, expressed a concern that if Qwest raised its
3 rates too high, residents would drop their landlines and
4 go with cellular service. That sentiment is actually
5 consistent with Qwest's advocacy that wireless services
6 offer effective competition to wireline basic local
7 exchange service and demonstrates that customers will
8 switch if Qwest unduly increases wireline prices.

9 The Executive Director of the Pocatello Chamber of
10 Commerce questioned why there was no regulation of
11 wireless service. Another attendee who identified herself
12 as a Qwest retiree supported Qwest's application for
13 pricing flexibility. A small business owner indicated he
14 had four lines, one of which was a landline and three of
15 which were wireless lines. He also said that two of his
16 grown children had disconnected their landlines and gone
17 to using only wireless service. A member of the Bannock
18 County Development Corporation urged the Commission to
19 develop policies that encouraged new investment and fair
20 competition among all providers. The administrator of the
21 911 system for Bannock County stated that 60% to 70% of
22 the calls they receive are from wireless phones. That
23 individual further stated that Bannock County is

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1 experiencing a decline in surcharge revenues assessed on
2 landline phones.

3 **Q. WHAT OCCURRED AT THE TWIN FALLS WORKSHOP?**

4 A. One organization representative and three
5 consumers attended the workshop. Kent Just, Executive
6 Vice President of the Twin Falls Area Chamber of Commerce,
7 submitted a letter and spoke in favor of Qwest's
8 application. He stated that the Chamber's supportive
9 comments also reflected the opinion of Dave McAlindin,
10 Economic Development Director for the City of Twin Falls.
11 Another participant, who identified himself as a Qwest
12 retiree, also supported Qwest's application for pricing
13 flexibility.

14 John Gabica, a recently-retired employee of Qwest and
15 Twin Falls local President of the Communications Workers
16 of America, was also at the meeting. He recalled that in
17 prior years Qwest used to be very busy installing phones
18 for the influx of students coming back to the College of
19 Southern Idaho every fall. He indicated that type of work
20 had "dried up" since most of the students now used
21 cellular phones.

22 **Q. WHAT CONSUMER INPUT CAME FROM THE BOISE**
23 **WORKSHOP?**

1 A. Representatives of the Boise Metro Chamber of
2 Commerce and the Boise Economic Development Council
3 submitted a letter of support and spoke in favor of
4 Qwest's application. Two businessmen who operate small
5 businesses stated that they rely heavily on cellular
6 service as a fundamental means of communications. Also, a
7 third individual who identified himself as a Qwest retiree
8 expressed support for approval of Qwest's application. No
9 one spoke against Qwest's application or expressed concern
10 about deregulation at the Boise workshop.

11 **Q. DOES THE FACT THAT THE WORKSHOPS WERE LIGHTLY**
12 **ATTENDED MEAN THE COMMISSION FAILED IN ITS EFFORT TO GAIN**
13 **CONSUMER INPUT FROM THESE MEETINGS?**

14 A. Quite the contrary. I believe Kent Just,
15 Executive Director of the Twin Falls Area Chamber, said it
16 best when he indicated the fact that so few people
17 attended the workshop spoke for itself. He said that,
18 over the years, he had attended a number of public
19 workshops for various regulated companies and, typically,
20 there would be a room full of people saying "don't do
21 this." He then looked around the nearly-empty room and
22 observed that there was no one expressing opposition. I
23 agree. These workshops were well publicized through the

1 media. If there was a groundswell of concern over Qwest's
2 achieving pricing flexibility, I believe we would have
3 seen a large number of consumers appearing at the three
4 separate workshops to express those concerns. We didn't
5 see that. I believe the scant attendance by interested
6 citizens at the workshops indicates a lack of concern over
7 Qwest's application and consumer acceptance that wireless
8 phones are a substitute for Qwest's landline service.

9 Q. DID QWEST RECEIVE ANY COMPLAINTS ABOUT THE
10 QUALITY OF ITS SERVICE DURING THE WORKSHOPS?

11 A. No. Although I had asked various Qwest service
12 personnel to attend, assuming we might have a few
13 complaints based on past experience in public meetings,
14 there was not a single complaint expressed about the
15 quality of Qwest's telecommunications service.

16 III. GOVERNMENT AND INDUSTRY INPUT

17 Q. DO YOU HAVE ANY OTHER OBSERVATIONS REGARDING
18 PARTIES' REACTION TO QWEST'S REQUEST FOR PRICING
19 FLEXIBILITY?

20 A. Yes. I think it is worth noting that we do not
21 see other industry telecommunications providers actively

1 participating in this case by opposing Qwest's
2 application. Not one cellular wireless provider, other
3 incumbent Idaho landline service provider, competitive
4 local exchange carrier (CLEC) or national
5 telecommunications company filed testimony in this case.
6 In virtually every other major telecommunications case
7 involving Qwest, we have seen some industry opposition to
8 Qwest's position. Here, that has not happened.

9 I believe if the industry in general was concerned
10 about the validity of Qwest's request or about Qwest
11 abusing the anticipated pricing freedom to the detriment
12 of those firms, then they would have taken an active
13 stand. The fact that there is so little opposition for
14 allowing Qwest pricing flexibility either from the public
15 or from the industry should provides the Commission with a
16 great deal of comfort in its examination of the public
17 interest issue associated with this case.

18 **Q. HAS IDAHO'S LEGISLATURE ALSO EXPRESSED A**
19 **PREFERENCE FOR MARKET REGULATION ONCE EFFECTIVE**
20 **COMPETITION HAS DEVELOPED?**

21 A. Yes. Way back in 1983, the legislature found
22 that the rates, charges and service of mobile telephone

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1 providers, for example, should be removed from the
2 jurisdiction of the Idaho Public Utilities Commission
3 because "the forces of the competitive marketplace can
4 provide better regulation"¹. Thus, the legislature
5 expressed its intent nearly 20 years ago that a
6 competitive marketplace is preferable to government
7 regulation. This was reaffirmed by the passage of the
8 Telecommunications Act of 1988, which economically
9 deregulated virtually everything except basic local
10 exchange service for residential and small business
11 customers. The preference for market regulation was
12 reaffirmed again in 1997 with legislation that directed
13 the Commission to economically deregulate basic local
14 exchange service once effective competition is present.

15

16

IV. QWEST'S COMMITMENTS TO THE PUBLIC INTEREST

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**Q. DIDN'T THE LEGISLATURE REQUIRE THE
18 COMMISSION TO EXAMINE THE IMPACT OF ECONOMIC DEREGULATION
19 ON THE PUBLIC INTEREST OF THE STATE OF IDAHO?**

¹ S.L 1983, ch. 172, Section 1.

1 A. Yes. As in all its deliberations, the
2 Commission must weigh the consequences of its actions
3 against many factors, including the public interest.

4 Q. IN THE BURLEY CASE (USW-T-99-15), DID THE STAFF
5 PROVIDE A "ROAD MAP" AS TO HOW FUTURE APPLICANTS SHOULD
6 ADDRESS THE MATTER OF THE PUBLIC INTEREST?

7 A. Yes. Staff witness Joe Cusick testified² that
8 the applicant should thoroughly specify how the public
9 interest would be served by economic deregulation. He
10 also said any pricing commitments should be time-bound.

11 Q. IS QWEST PREPARED TO MAKE SPECIFIC COMMITMENTS
12 ALONG THE LINES SUGGESTED BY STAFF IN THE BURLEY CASE?

13 A. Yes.

14 Q. PLEASE DESCRIBE THOSE COMMITMENTS.

15 A. First, Qwest will continue its responsibilities
16 as the eligible telecommunications carrier (ETC) for
17 purposes of providing universal service in the seven
18 exchanges unless otherwise authorized by the Commission.
19 Second, Qwest will continue providing service pursuant to

² Direct testimony of Joe Cusick, p. 17.

1 the Idaho Telephone Service Assistance Plan (ITSAP), which
2 currently provides a \$13.00 monthly credit to qualified
3 low-income customers. Third, in response to Staff and to
4 those customers who expressed a concern that Qwest would
5 no longer offer stand-alone dial tone service (but instead
6 would only offer packaged services), Qwest commits that it
7 will continue to provide both local measured and flat-
8 rated residence and business services on an a la carte
9 basis, unless authorized by the Commission to do
10 otherwise.

11 Q. STAFF SUGGESTED THIS CASE WAS REALLY ALL ABOUT
12 QWEST'S ABILITY TO RAISE ITS RATES. IS QWEST WILLING TO
13 MAKE ANY COMMITMENTS TO ADDRESS THIS CONCERN IF ITS
14 APPLICATION IS GRANTED?

15 A. Yes. In order to address Staff's concern that
16 this case is "all about Qwest's ability to raise
17 rates", (Hart, page 37, line 11), Qwest will commit to cap
18 basic local exchange residence and business recurring
19 rates for both flat-rated and measured service, at current
20 levels through the end of 2004.³ At that point, Qwest's

³ The current monthly recurring rate for flat-rated service is \$17.50 for residence and \$32.51 for business. The current monthly recurring rate for measured service is \$10.51 for residence and \$17.51 for business.

1 regulated basic local exchange rates will have been
2 essentially unchanged for approximately seven years.

3 Q. IS QWEST WILLING TO MAKE ANY ADDITIONAL
4 COMMITMENTS REGARDING MEASURED SERVICE ASSUMING THE
5 COMMISSION GRANTS PRICE DEREGULATION?

6 A. Yes. Qwest is willing to agree to increase by
7 one-third the block of time included in the monthly price
8 of residence measured service from three hours to four
9 hours. This would mean that customers could place
10 outbound local calls, including calls within the expanded
11 extended area service (EAS) areas, with a usage allowance
12 of 240 minutes per month. It should also be noted that
13 inbound local and long-distance calls, as well as outbound
14 long-distance calls, are not counted against measured
15 service usage time blocks, including the expanded four-
16 hour block I propose here.

17 In addition to capping the monthly recurring rate,
18 Qwest will cap the per-minute usage rate associated with
19 measured service through 2004 as well.⁴

⁴ The current per-minute rate for residence and business measured service is \$0.02. Residence customers only pay the per-minute rate if they exceed the block of time included in the monthly rate.

1 Q. WHY IS QWEST WILLING TO OFFER THESE PRICING
2 COMMITMENTS?

3 A. Although Qwest firmly believes it has met all
4 the statutory requirements necessary to gain pricing
5 flexibility, we appreciate the concerns expressed by Staff
6 and some customers that Qwest's immediate goal would be to
7 raise prices. With these commitments, Qwest has assured
8 the Commission and those customers that this case is not
9 all about raising prices. Also, in the Burley case, the
10 Staff suggested specific, time-bound pricing commitments
11 of this nature would assist the Commission in evaluating
12 the public interest aspect of any future application.
13 While Qwest does not view these pricing commitments as a
14 pre-requisite to this Commission's approval of Qwest's
15 application, Qwest is nevertheless trying to be responsive
16 to both the direction provided by the Staff in the Burley
17 case and concerns expressed in this case. Finally, I
18 believe these commitments demonstrate Qwest's desire to
19 continue to provide a broad range of services to address
20 the broad ranging needs of our customers even after Qwest
21 gains pricing flexibility under Section 62-622(3).

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1 Q. THE STAFF EXPRESSED A CONCERN ABOUT PRICING IN
2 REMAINING QWEST PRICE-REGULATED EXCHANGES SHOULD THE
3 COMMISSION APPROVE ECONOMIC DEREGULATION IN THE SEVEN
4 EXCHANGES. WILL PRICES FOR BASIC LOCAL EXCHANGE SERVICE
5 IN QWEST'S REMAINING REGULATED EXCHANGES BE AFFECTED BY
6 PRICE DEREGULATION IN THE SEVEN EXCHANGES?

7 A. These prices will continue to be regulated by
8 the Commission just as they are today. Any price
9 adjustments for basic local exchange service in the
10 remaining exchanges will have to be approved by the
11 Commission following a full review of the circumstances.
12 As always, the Commission will take the public interest,
13 as well as the interests of the Company, in mind in
14 setting rates.

15 Q. IN THE BURLEY CASE, MR. CUSICK SUGGESTED THE
16 APPLICANT BE SPECIFIC REGARDING ANY ADVANCED SERVICES
17 CUSTOMERS COULD EXPECT TO RECEIVE (USW-T-99-15, CUSICK,
18 DI, PAGE 17). IS QWEST PREPARED TO MAKE A COMMITMENT TO
19 DEPLOY ADVANCED SERVICES IF THE COMMISSION APPROVES
20 QWEST'S APPLICATION?

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1 A. Yes. Today individual customers, as well as
2 business, government and economic development leaders,
3 often request high-speed, broadband service. Community
4 leaders want this service as an economic development tool
5 and for the delivery of advanced services to homes and
6 businesses. Therefore, in response to both Staff's
7 suggestion and requests by customers, if Qwest's
8 application is granted, Qwest will commit to the
9 deployment of Digital Subscriber Line (DSL) service to a
10 minimum of 10 additional communities in Idaho during the 3
11 years following approval of Qwest's application. Since
12 DSL is already available in the seven exchanges, this DSL
13 deployment will occur outside the price deregulated
14 exchanges as an additional benefit to the remaining
15 regulated exchanges. Qwest is willing to work with the
16 Commission, as well as state and local business and
17 government leaders, to assist Qwest in determining which
18 Qwest communities are best positioned to receive this
19 investment.

20

21

V. CONCLUSION AND RECOMMENDATION

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1 Q. DO YOU HAVE ANY FINAL COMMENTS FOR THE
2 COMMISSION'S CONSIDERATION?

3 A. Yes. Qwest has provided compelling testimony in
4 this case demonstrating that it has met the test for
5 establishing the presence of "effective competition" for
6 its basic local exchange service in the seven southern
7 Idaho exchanges. With no meaningful intervention or
8 opposition by other industry members; with virtually no
9 opposition expressed by the public during the workshops
10 held in three of Qwest's biggest exchanges; with only a
11 small number of customer comments filed in opposition to
12 Qwest's application; and with a few comments filed in
13 support of Qwest's application, it seems clear that the
14 public is unconcerned about Qwest's request for pricing
15 flexibility. Members of various Chambers of Commerce and
16 Economic Development organizations support Qwest's
17 application. Moreover, even though Qwest is not required
18 to take additional affirmative steps to establish its
19 right to the pricing freedom offered by section 62-622(3),
20 Qwest has made a number of commitments about how it will
21 exercise that freedom to address the public interest
22 issues raised by the Staff both in this case and in the
23 Burley case.

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1 We've reached a point in Idaho's competitive
2 telecommunications market where wireless subscription has
3 reached nearly 80% that of traditional landline
4 subscribership. And although a few years ago, some may
5 have thought competition would materialize first from
6 another mode of entry, effective competition nevertheless
7 has arrived in full bloom via wireless providers. This
8 form of competition meets the criteria adopted when the
9 legislature crafted the "functionally equivalent" language
10 found in Section 62-622(3)(b).

11 In conclusion, Qwest encourages this Commission to
12 find that wireless service effectively competes with
13 Qwest's landline service. By approving this application
14 under the terms offered here, the Commission will
15 encourage greater competition while providing a degree of
16 price stability and investment in advanced services that
17 cannot be guaranteed under the present scope of
18 regulation. Therefore, I encourage the Commission to
19 approve Qwest's application for pricing flexibility in the
20 seven southern Idaho exchanges.

21 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

22 **A. Yes, it does.**

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2003, I served the foregoing **REBUTTAL TESTIMONY OF JAMES M. SCHMIT** upon all parties of record in this matter as follows:

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