

SERVICE DATE  
APR 17 1992

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PIERCE COUNTY, a political )  
subdivision of the State )  
of Washington, )  
Complainant, )  
v. )  
U S WEST COMMUNICATIONS, )  
INC., a Colorado )  
corporation, )  
Respondent. )  
..... )

DOCKET NO. UT-920225  
COMMISSION ORDER DENYING  
MOTION TO DISMISS COMPLAINT

This is a private complaint filed by Pierce County against US WEST Communications, Inc., regarding the latter's Enhanced 911 (E-911) emergency service.

US WEST has answered the complaint, and moves to dismiss it on the basis that the signatures of 25 subscribers are required but not provided to support a private complaint, and that the complaint merely constitutes an impermissible collateral attack upon a Commission Declaratory Order which, not having been appealed, is final.

Petitioner Pierce County and Counsel for Commission Staff answer the motion, opposing it.

The Commission denies the motion. RCW 80.04.110 permits a complaint by Pierce County alone against a telephone company's rules and regulations. That is the subject of this challenge. There is no requirement that the county secure an additional 24 signatures in support of its complaint in order to comply with jurisdictional requirements.

The complaint is not an impermissible collateral attack on any order. Rather, it is fully consistent with the declaratory order, which merely interpreted the Company's tariff and acknowledged that the county could pursue pertinent issues further by filing a complaint.

The company's motion to dismiss should be denied, and the proceeding set for hearing.

ORDER

THE COMMISSION ORDERS That the Motion to Dismiss the Complaint in Docket No. UT-920225 is Dismissed, and the Complaint should proceed to hearing.

DATED at Olympia, Washington, and effective this 16<sup>th</sup> day of April 1992.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*Sharon L. Nelson*

SHARON L. NELSON, Chairman

*Richard D. Casad*

RICHARD D. CASAD, Commissioner