1	BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION		
2	COMMISSION		
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5	In the Matter of the Petition for)	
6	Arbitration of an Interconnection)	DOCKET NO. UT-023043
7	Agreement Between)	
8)	
9	LEVEL 3 COMMUNICATIONS,)	
10	LLC)	JOINT MOTION OF THE
11)	WASHINGTON INDEPENDENT
12	and)	TELEPHONE ASSOCIATION
13)	and VERIZON NORTHWEST
14)	INC. FOR LEAVE TO SUBMIT
15)	AN AMICUS BRIEF
16	CENTURYTEL OF WASHINGTON,)	
17	INC.)	
18)	
19		ý	
20)	
21	Pursuant to 47 U.S.C. Section 252.	ý	
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The Washington Independent Telephone Association ("WITA") and Verizon Northwest Inc. (Verizon) request that the Washington Utilities and Transportation Commission grant them leave to submit the attached amicus brief to in order to assist the Commission to understand the nature and impact of fundamental mistake of law in the Arbitrator's Report and Order dated January 2, 2003 ("the Order").

WITA is an association composed of individual incumbent local exchange carriers operating in the state of Washington. Verizon is an incumbent local exchange carrier operating in Washington that is not a member of WITA. WITA's members and Verizon interconnect, directly or indirectly, with competitive local exchange carriers such as Level 3 Communications, and are familiar with the issues presented by this case.

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Their knowledge and operational experience go beyond CenturyTel's and will assist the
Commission in reaching its decision in this matter.

In the Order the Arbitrator decides that the FCC's *ISP Order on Remand¹* requires 3 4 all Internet Service Provider (ISP)-bound traffic to be subject to bill and keep, including 5 ISP-bound calls that are *interexchange*, such as those using virtual NXX ("V-NXX") arrangements. This is incorrect. Moreover, if the Commission were to ratify the mistake 6 7 it would set a precedent that would significantly depart from and disrupt the switched 8 access charge system created by the Commission, causing great financial damage to the 9 state's public switched network. WITA's and Verzion's amicus brief explains and 10 discusses these facts. 11 WHEREFORE, WITA and Verizon request that the Commission accept and 12 consider their attached amicus brief. 13 14 Respectfully submitted, 15 16 THE WASHINGTON INDEPENDENT 17 TELEPHONE ASSOCIATION and 18 VERIZON NORTHWEST INC. 19 20 21 22 23 Filed: January 21, 2003 24 Richard A. Finnigan, WSB #6443 25 Allan T. Thoms, Vice President, 26 Public Policy & External Affairs

¹ In the Matter of Intercarrier Compensation for ISP-Bound Traffic, CC Docket Nos. 96-98 and 99-68, Order on Remand and Report and Order (Rel. Apr. 27, 2001) [hereinafter *ISP Order on Remand*].