

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

AT&T COMMUNICATIONS OF THE)	
PACIFIC NORTHWEST, INC., TCG)	
SEATTLE, AND TCG OREGON; AND)	
TIME WARNER TELECOM OF)	
WASHINGTON, LLC,)	DOCKET NO. UT-051682
)	
Complainants,)	AT&T'S OPPOSITION TO
)	QWEST'S MOTION FOR
)	SUMMARY DETERMINATION
v.)	AND DISMISSAL
)	
)	
QWEST CORPORATION,)	
)	
Respondent.)	
_____)	

1. AT&T Communications of the Pacific Northwest, Inc., TCG Seattle, and TCG Oregon (collectively, "AT&T"), provide the following opposition to Qwest Corporation's ("Qwest") Motion for Summary Determination and Dismissal of AT&T's Amended Complaint. Qwest's Motion should be denied.

2. Qwest's Motion does not meet the standards for a summary determination. In Interlocutory Order No. 04, the Commission held that AT&T's statutory claims against Qwest are barred under the state six-month limitations period.¹ The Commission also held, however, that AT&T could amend its complaint to pursue its breach of contract claim against Qwest and that the contract claim was subject to Washington's six-year statute of limitations.² That is now the law that governs this proceeding. Thus, unless and until the Commission reverses its Order

¹ Interlocutory Order No. 04, ¶ 22.

² *Id.*, ¶¶ 27-28. AT&T has now filed an Amended Complaint alleging breach of contract.

No. 04 and holds that a different limitations period applies to AT&T's contract claim (which it should not, for reasons discussed in AT&T's response to Qwest's petition for review of Order No. 04), Qwest cannot show that it "is entitled to judgment as a matter of law,"³ and its motion for summary determination should be summarily denied.

3. In any event, even if Qwest's Motion were not barred and the Commission elected to review it on the merits, the Motion should be rejected for all the reasons set forth in AT&T's Opposition to Qwest's Petition for Interlocutory Review of Order No. 04, which is incorporated herein by reference.

DATED this 8th day of August, 2006.

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AT&T COMMUNICATIONS OF THE PACIFIC
NORTHWEST, INC., TCG SEATTLE, AND TCG
OREGON

By _____
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³ Order No. 03, ¶ 10 (citing WAC 480-07-380(2)).