

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of) DOCKET NO. UT- 041127
)
THE JOINT PETITION FOR) STATEMENT OF SUPPLEMENTAL
ENFORCEMENT OF) AUTHORITY
INTERCONNECTION AGREEMENTS)
WITH VERIZON NORTHWEST, INC.)
)
)

COMES Now, Tel West Communications, L.L.C. (“Tel West”) and submits this statement of supplemental authority attaching the California Public Utilities Commission’s *Administrative Law Judge’s Ruling Confirming Hearings and Amending Schedule* dated December 27, 2004, (“California ALJ Ruling”). As support thereof, Tel West states as follows:

1. As more fully set out in the *Corrected Joint CLEC Petition for Review of Order No. 2A* (“Joint CLEC Petition”) and *Tel West Communications, L.L.C.’s Petition For Review Of Order No. 2, the Recommended Decision Granting Verizon’s Motion For Judgment On The Pleadings* (“Tel West Petition”) in the above-referenced docket, Order No. 2A “could deprive Washington consumers of the unbundled network platform (“UNE-P”) prematurely and even where access to switching would otherwise remain after the Federal Communications Commission (“FCC”), issues its final unbundling rules, *causing serious consumer and market disruption.*” *Joint CLEC Petition*, ¶ 1 (emphasis supplied).
2. Because of the importance of the issue presented herein, and the policy of the Washington Utilities and Transportation Commission (“Commission”) policy to allow “amendments to pleadings, motions, or other documents on such terms as promote fair

and just results,” WAC § 450-07-395(5), Tel West requests this Commission take notice of the *California ALJ Ruling*.

3. Pursuant to the *California ALJ Ruling*, Order No. 2A incorrectly resolved a material factual dispute, i.e., whether the Nortel Succession switch installed in Mt. Vernon is a ‘packet switch,’ as that term is used in the relevant FCC orders and rules” and by striking the affidavit of Sherry Lichtenberg. See *Joint CLEC Petition*, ¶¶ 20 – 35.

Respectfully submitted this 7th day of January, 2005.

TEL WEST COMMUNICATIONS, L.L.C.

By: _____

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CERTIFICATE OF SERVICE

I hereby certify that I served Tel West's statement of supplemental authority was served, with the correct number of copies, on the following by e-mail at records@wutc.wa.gov and by overnight delivery.

Carole Washburn, Executive Secretary
Washington Utilities & Transportation Commission
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I further certify that I served a true and correct copy of the foregoing document on the following parties by e-mail and U.S. Mail:

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Said copies were served by placing them in sealed envelopes addressed to said party's/attorneys' last know addresses as shown and deposited in the United States Mail, and that the postage thereon was prepaid and also via electronic mail to the addresses indicated.

DATED this 7th day of January, 2005.

David Mittle, NMSBA # 6597