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August 2, 2004

VIA E-MAIL and FEDERAL EXPRESS

Ms. Carole J. Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
Post Office Box 47250
Olympia, WA 98504-7250

Re: *In the Matter of the Development of Universal Terms and Conditions for Interconnection and Network Elements to be Provided by Verizon Northwest Inc., Docket No. UT-011219*

Dear Ms. Washburn:

On behalf of Verizon Northwest Inc. ("Verizon"), enclosed please find an original and twelve (12) copies of Verizon's Motion for Leave to File Reply to Answers to Verizon's Petition for Review. The additional copy is enclosed to be file-stamped and returned in the self-addressed envelope provided. Thank you for your assistance in this matter.

Sincerely yours,



Catherine Kane Ronis

cc: All Parties of Record, via e-mail and U.S. Mail

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Development of)	
Universal Terms and Conditions for)	DOCKET NO. UT-011219
Interconnection and Network)	
Elements to be Provided by)	
)	
)	
VERIZON NORTHWEST INC.)	
)	
)	
.....)	

**MOTION OF VERIZON NORTHWEST INC. FOR LEAVE TO FILE REPLY TO
ANSWERS TO VERIZON’S PETITION FOR REVIEW**

Pursuant to WAC 480-07-825, Verizon Northwest Inc. (“Verizon”) respectfully requests leave to file a Reply to the Joint CLEC and Staff Answers to Verizon’s Petition for Review of Order Denying Motion to Terminate Proceeding. In support of this Motion, Verizon states as follows:

1. On June 17, 2004, Verizon filed a Motion with Administrative Law Judge Mace to terminate this proceeding. Verizon’s Motion explained that this proceeding is preempted by, and has no basis in, the Telecommunications Act of 1996 (“Act”).
2. On June 18, 2004, the Administrative Law Judge directed the parties to file Responses by June 28, 2004, and indicated that, if necessary, Verizon’s motion would be considered at the July 9, 2004 prehearing conference.
3. On June 28, 2004, certain CLECs and the Commission’s Staff filed Responses to Verizon’s Motion.

4. On July 6, 2004, the Administrative Law Judge denied Verizon's Motion, finding that the Act did not preempt such a proceeding and that the Commission had authority to conduct the proceeding under state law ("Initial Order").

5. Verizon filed a Petition for Review of the Initial Order on July 15, 2004. In its Petition, Verizon explained that the Initial Order (i) had not identified a valid basis under state law for this proceeding, and (ii) had misconstrued the Act and key decisions interpreting the preemptive force of the Act. The Petition also briefed an important legal development that had occurred since the Initial Order was released, the Federal Communication Commission's ("FCC") decision to abolish the "pick and choose" rule. Verizon explained that this FCC order negates the central rationale of the Initial Order — that the creation of a "template agreement" under state law did not conflict with the Act because carriers would incorporate parts of the proposed "template agreement" into existing interconnection agreements.

6. On July 29, 2004, three CLECs and the Commission Staff filed Answers to Verizon's petition. Verizon's Counsel of Record received no email transmission of this filing, and only became aware of the filings after monitoring the Commission's website and locating a response of the Joint CLECs on the afternoon of Friday, July 30, 2004. A Staff response was apparently posted on the site today, August 2, 2004.

7. Verizon requests leave to file a Reply in order to address the Answers, which have misapplied both federal and state law and have mischaracterized the impact of the FCC's repeal of the "pick and choose" rule. Although Verizon addressed the relevant issues in its Petition, it could not have anticipated the particular arguments the Answers have made. This is particularly true of arguments regarding the new "pick and choose" rule, which is central to this dispute. In addition to addressing the latest preemption and state law arguments, Verizon's

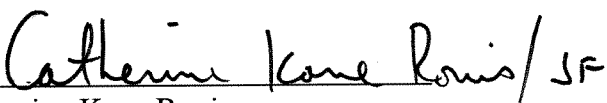
Reply would rebut new arguments proffered by the Joint CLECs and Staff that the FCC's order does not apply to this case. In particular, the Reply would explain why the Answers are incorrect that, consistent with the FCC's order, carriers can pick and choose provisions from a "template agreement" created outside the Act, even though the FCC order expressly prohibits the ability to pick and choose from interconnection agreements negotiated or arbitrated and approved under the Act.

8. For the reasons explained above, Verizon respectfully requests that this Commission grant Verizon leave to file a Reply to the Joint CLEC and Staff Answers to Verizon's Petition for Review of Order Denying Motion to Terminate Proceeding. Verizon will provide the Reply, in a subsequent filing on a date directed by the Commission, upon a decision by the Commission to grant this Motion. WAC 480-07-825.

August 2, 2004

Respectfully submitted,

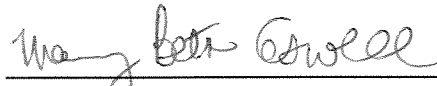
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CERTIFICATE OF SERVICE

I hereby certify an original and eleven (11) copies of the foregoing Motion of Verizon Northwest Inc. for Leave to File Reply to Responses to Verizon's Petition for Review of Order Denying Motion to Terminate Proceeding were sent by overnight mail and one copy sent by electronic mail to Ms. Carole J. Washburn, Executive Secretary, Washington Utilities & Transportation Commission, 1300 S. Evergreen Park Drive SW, Post Office Box 47250, Olympia, WA 98504-7250 and to the following by regular and electronic mail:

DATED this 2nd day of August, 2004



Mary Beth Caswell

The Honorable Theodora M. Mace
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