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3 **BEFORE THE WASHINGTON UTILITIES**
4 **AND TRANSPORTATION COMMISSION**

5 WASHINGTON EXCHANGE
6 CARRIER ASSOCIATION, et al.

7 Complainants,

8 v.

9 LOCALDIAL CORPORATION, an
10 Oregon corporation,

11 Respondent.
12

DOCKET NO. UT-031472

COMPLAINANTS' MOTION FOR
SUMMARY DISPOSITION

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14 1. COME NOW Complainants Washington Exchange Carrier Association ("WECA"),
15 CenturyTel of Washington, Inc. ("CenturyTel"), Ellensburg Telephone Company ("Ellensburg"),
16 Hood Canal Telephone Company ("Hood Canal"), Inland Telephone Company ("Inland"), Kalama
17 Telephone Company ("Kalama"), Lewis River Telephone Company d/b/a TDS Telecom ("Lewis
18 River"), Mashell Telecom, Inc. ("Mashell"), McDaniel Telephone Company d/b/a TDS Telecom
19 ("McDaniel"), Tenino Telephone Company ("Tenino"), The Toledo Telephone Co., Inc.
20 ("Toledo"), and YCOM Networks, Inc. ("YCOM"), by and through their attorney of record,
21 Richard A. Finnigan, attorney at law, and file this Motion for Summary Disposition with the
22 Washington Utilities and Transportation Commission (the "Commission").
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26 COMPLAINANTS' MOTION
FOR SUMMARY DISPOSITION- 1

Law Office of
Richard A. Finnigan
2405 Evergreen Park Dr. SW
Suite B-1
Olympia, WA 98502
(360) 956-7001

1 2. This Motion is supported by Complainants' Brief in Support of Motion for Summary
2 Disposition and the documents attached to the Declaration of Richard A. Finnigan. Pursuant to
3 WAC 480-09-426, the Complainants seek to have the Commission decide this matter on summary
4 disposition, as there is no genuine issue as to any material fact and the Complainants' are entitled to
5 summary disposition as a matter of law.

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7 3. WHEREFORE, Complainants move this Commission for an Order for Summary
8 Disposition holding in favor of the Complainants on each of the issues before the Commission,
9 holding that LocalDial is a telecommunications company as defined under RCW 80.04.010; and
10 holding that LocalDial is required to pay the Complainants' tariffed access charges. The
11 Complainants also move the Commission for an order requiring LocalDial to register as a
12 telecommunications company under RCW 80.36.350. Lastly, Complainants request that a copy of
13 the Order be sent to the United States District Court for the Western District of Washington so that
14 the proceeding that was stayed in that Court can be restarted.

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16 RESPECTFULLY SUBMITTED this 26th day of February, 2004.

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RICHARD A. FINNIGAN, WSBA #6443
Attorney for Complainants

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26 COMPLAINANTS' MOTION
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