

Law Office of
Richard A. Finnigan
2112 Black Lake Blvd. SW
Olympia, Washington 98512
Fax (360) 753-6862

Richard A. Finnigan
(360) 956-7001
rickfinn@localaccess.com

Kathy McCrary, Paralegal
(360) 753-7012
kathym@localaccess.com

October 31, 2007

VIA E-MAIL AND HAND DELIVERY

Ms. Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket No. UT-073031 – In the Matter of the Petition for
Arbitration of an Interconnection Agreement Between Sprint
Communications Company L.P. with Whidbey Telephone Company
Pursuant to 47 U.S.C. Section 252(b) – Objection to Order 01

Dear Ms. Washburn:

Please accept this letter as a special, limited appearance on behalf of Whidbey Telephone Company (“Whidbey”) for the purpose of objecting to the assertion in Order 01 entered in this matter with a service date of October 29, 2007, that the petition is timely filed, the implied assertion that the petition was timely served, and the schedule for this proceeding predicated thereon. The resolution of the question of whether the petition was timely submitted for filing with the Commission and timely served goes to the Commission’s jurisdiction. As required, the original and twelve copies of this letter are being filed.

In Paragraph 5 of Order 01, a statement is made as follows: “According to the reported dates, the petition is timely filed. Any party asserting that the dates are incorrect should do so within three business days of service of this Order. If no objection is received these dates shall be adopted as the statutory deadlines for this arbitration.” It is not clear from this language whether an objection that the petition was not timely filed would be deemed waived if not made within three business days from the date of Order 01.

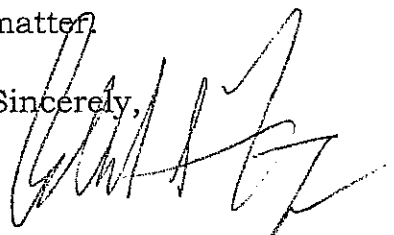
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Whidbey notes that Paragraph 1 of Order 01 states that the "petition was served on Whidbey Telephone Company...." The Order does not recite the date of such service. As a result, there is an implication that the petition was timely served on Whidbey. That is not the case. The petition was submitted for filing with the Commission on October 17, 2007. It was not delivered to or served on Whidbey until October 25, 2007. This failure is a violation of both Commission rule and 47 U.S.C. §252. Therefore, the petition was not timely filed since its delivery to or service upon Whidbey was not perfected in a timely manner.

Whidbey notes that Order 01 required an objection to the dates set forth in Paragraph 5 of that Order within three business days of service of the Order. However, Whidbey also notes that WAC 480-07-380(1)(b) permits twenty days for the filing of dispositive motions addressed to a pleading. It is Whidbey's intent to file a more complete, dispositive motion in this docket in the near future.

Thank you for your attention to this matter.

Sincerely,



RICHARD A. FINNIGAN

RAF/km

cc: ALJ Torem (via e-mail and hand delivery)
Service List (via e-mail and U.S. mail, unless otherwise specified)
Client (via e-mail)