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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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December 12, 2003

VIA COURIER HAND DELIVERY

Ms. Carol J. Washburn
Executive Secretary
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
1300 S. Evergreen Park Drive S.W.
Olympia, WA 98504-7250

Subject: Covad Communications Company's Answer to Staff's Motion for Partial
Summary Determination;
WUTC -v- Advanced Telecom Group, Inc., et al;
DOCKET NO. UT-033011

Dear Ms. Washburn:

Enclosed are an original and 12 copies of above referenced answer dated
December 12, 2003. Please do not hesitate to call me if you have any questions or comments.
Thank you.

Sincerely,



William R. Connors

Enclosures

cc: Docket No. UT-033011 Service List

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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant

vs.

ADVANCED TELECOM GROUP, INC.;
ALLEGIANCE TELECOM, INC.; AT&T
CORP; COVAD COMMUNICATIONS
COMPANY; ELECTRIC LIGHTWAVE
INC.; ESCHELON TELECOM, INC. f/k/a
ADVANCED TELECOMMUNICATIONS,
INC.; FAIRPOINT COMMUNICATIONS
SOLUTIONS, INC.; GLOBAL CROSSING
LOCAL SERVICES, INC.; INTEGRA
TELECOM, INC.; MCI WORLDCOM, INC.;
QWEST CORPORATION; XO
COMMUNICATIONS, INC. f/k/a
NEXTLINK COMMUNICATIONS, INC.

Respondents.

) Docket No. UT- 033011

) COVAD COMMUNICATIONS
) COMPANY'S ANSWER TO STAFF'S
) MOTION FOR PARTIAL SUMMARY
) DETERMINATION

On November 7, 2003, Staff submitted a motion for partial summary determination ("Motion") arguing that Qwest and a counterparty competitive local exchange carrier ("CLEC") are jointly responsible for filing interconnection agreements with the Commission for approval. Covad Communications Company ("Covad") strongly disagrees with Staff. Qwest, as the incumbent local exchange carrier, has the obligation to make any necessary interconnection agreement filings with the Commission, not the CLECs. *See, e.g.*, Eschelon's

1 Brief in Support of Motion to Dismiss at 2-7; McLeodUSA's Brief in Support of Motion to
2 Dismiss at 1-4. Covad hereby supports and adopts the position taken by Eschelon and
3 McLeodUSA that Qwest has the sole responsibility to file interconnection agreements with the
4 Commission for approval.
5

6 Covad respectfully requests that the Commission (a) deny Staff's Motion;
7 (b) issue an order affirming that only Qwest has the obligation to file interconnection agreements
8 with the Commission; and (c) dismiss all claims against Covad and the other CLECs in this
9 docket.

10 DATED December 12, 2003.

11 **COVAD COMMUNICATIONS COMPANY**

12
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