

RECEIVED RECORDS MANAGEMENT

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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

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

Docket No. UT-033011 Service List cc:

File No.: 515120-0022 Doc ID: SEADOCS:167732.1

1		RECEIVED RECORDS MANAGEMENT	
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2		STATE OF WASH.	
3		UTIL. AND TRANSP.	
4	BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION		
5	TIMINOT ORTATION	V COMMUNICION	
6	WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	Docket No. UT- 033011	
7	Complainant	COVAD COMMUNICATIONS	
8		COMPANY'S ANSWER TO STAFF'S MOTION FOR PARTIAL SUMMARY DETERMINATION	
	}	DETERMINATION	
10	VS.		
11	ADVANCED TELECOM GROUP, INC.; ALLEGIANCE TELECOM, INC.; AT&T		
12	CORP; COVAD COMMUNICATIONS () COMPANY; ELECTRIC LIGHTWAVE ()		
13	INC.; ESCHELON TELECOM, INC. f/k/a ADVANCED TELECOMMUNICATIONS,		
14	INC.; FAIRPOINT COMMUNICATIONS (
15	SOLUTIONS, INC.; GLOBAL CROSSING LOCAL SERVICES, INC.; INTEGRA)		
16	TELECOM, INC.; MCI WORLDCOM, INC.; QWEST CORPORATION; XO) 	
17	COMMUNICATIONS, INC. f/k/a NEXTLINK COMMUNICATIONS, INC.		
18	Respondents.		
19			
20	On November 7, 2003, Staff submitted a motion for partial summary		
21	determination ("Motion") arguing that Qwest and a counterparty competitive local exchange		
22	carrier ("CLEC") are jointly responsible for filing interconnection agreements with the		
23	Commission for approval. Covad Communications Company ("Covad") strongly disagrees with		
24	Staff. Qwest, as the incumbent local exchange carrier, has the obligation to make any necessary		
25 26	interconnection agreement filings with the Commission, not the CLECs. See, e.g., Eschelon's		
.U	COVAD COMMUNICATIONS COMPANY'S ANSWER TO STAFF'S MOTION FOR PARTIAL SUMMARY		

COVAD COMMUNICATIONS COMPANY'S ANSWER TO STAFF'S MOTION FOR PARTIAL SUMMARY DETERMINATION - 1 SEADOCS:167577. 1

McLeodUSA that Qwest has the sole responsibility to file intercord Commission for approval. Covad respectfully requests that the Commission (and (b) issue an order affirming that only Qwest has the obligation to and with the Commission; and (c) dismiss all claims against Covad and docket. DATED December 12, 2003.	Brief in Support of Motion to Dismiss at 2-7; McLeodUSA's Brief in Support of Motion to	
McLeodUSA that Qwest has the sole responsibility to file intercord Commission for approval. Covad respectfully requests that the Commission (and become a separate of the commission) and (b) issue an order affirming that only Qwest has the obligation to and docket. DATED December 12, 2003. COVAD COMMUNICATIONS C Brooks E. Harlow, WSB William R. Connors, WS Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352 Telephone: (206) 622-84 Facsimile: (206) 622-74 brooks.harlow@millernash bill.connors@millernash 19 Karen Shoresman Frame Senior Counsel Government & External Covad Communications 7901 Lowry Boulevard Denver, Colorado 80230 Telephone: 720-208-106 Facsimile: 720-208-106 Facsimile: 720-208-335	Dismiss at 1-4. Covad hereby supports and adopts the position taken by Eschelon and	
Commission for approval. Covad respectfully requests that the Commission (and before the commission) (b) issue an order affirming that only Qwest has the obligation to an with the Commission; and (c) dismiss all claims against Covad and docket. DATED December 12, 2003. COVAD COMMUNICATIONS COMMUNICATIO	McLeodUSA that Qwest has the sole responsibility to file interconnection agreements with the	
Covad respectfully requests that the Commission (some state of the commission) (some state of	Commission for approval.	
with the Commission; and (c) dismiss all claims against Covad and docket. DATED December 12, 2003. COVAD COMMUNICATIONS C Brooks E. Harlow, WSB William R. Connors, WS Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352 Telephone: (206) 622-84 Facsimile: (206) 622-748 brooks.harlow@millerna bill.connors@millernash Karen Shoresman Frame Senior Counsel Government & External Covad Communications 7901 Lowry Boulevard Denver, Colorado 80230 Telephone: 720-208-335	Covad respectfully requests that the Commission (a) deny Staff's Motion;	
9 docket. 10 DATED December 12, 2003. 11 COVAD COMMUNICATIONS C 12 By: Brooks E. Harlow, WSB William R. Connors, WS Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352 Telephone: (206) 622-748 brooks.harlow@millernash 19 Karen Shoresman Frame Senior Counsel Government & External Covad Communications 7901 Lowry Boulevard Denver, Colorado 80230 Telephone: 720-208-335	(b) issue an order affirming that only Qwest has the obligation to file interconnection agreement	
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DATED December 12, 2003.		
By: Brooks E. Harlow, WSB William R. Connors, WS Miller Nash LLP 4400 Two Union Square 601 Union Street Seattle, WA 98101-2352 Telephone: (206) 622-84 Facsimile: (206) 622-84 Facsimile: (206) 622-748 brooks.harlow@millernabill.connors@millernash Karen Shoresman Frame Senior Counsel Government & External Covad Communications 7901 Lowry Boulevard Denver, Colorado 80230 Telephone: 720-208-106 Facsimile: 720-208-335	DATED December 12, 2003.	
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kframe@covad.com		
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