

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.,
TCG SEATTLE, AND TCG OREGON;
AND TIME WARNER TELECOM OF
WASHINGTON, LLC,

Complainants,

v.

QWEST CORPORATION,

Respondent.

Docket No. UT-051682

QWEST'S AMENDMENTS TO ANSWER
TO AMENDED COMPLAINT

I. INTRODUCTION

1 Qwest Corporation (“Qwest”) hereby amends its answer to the Amended Complaint filed by AT&T Communications of the Pacific Northwest, Inc., TCG Seattle, and TCG Oregon (collectively “AT&T” or “Complainants”) to amend and add affirmative defenses as set forth below. Qwest restates and incorporates here by reference all answers and responses not expressly amended herein.

IV. AFFIRMATIVE DEFENSES

2 Qwest amends and supplements its affirmative defenses to the Amended Complaint as follows,
restating and incorporating here by reference the affirmative defenses set forth in its original
answer except as expressly amended herein.

3 Complainants' claims are preempted by federal law.

4 Complainants' claims are barred by the operation of the filed rate doctrine, under federal
and/or state law.

5 Complainants' claims are barred by the statute of frauds.

6 Complainants' claims are barred because AT&T has waived, released and discharged pursuant
to the parties' Bill Closure Agreement.

7 Complainants' claims are barred by accord and satisfaction as a result of the parties' Bill
Closure Agreement.

8 Complainants' claims are barred by the doctrines of waiver and estoppel.

9 Complainants have suffered no legally cognizable harm or injury as a result of any conduct by
Qwest.

10 Any recovery should be reduced to the extent that Complainants failed to mitigate any
damages.

11 Qwest reserves the right to assert additional affirmative defenses to the extent they become
available.

I. PRAYER FOR RELIEF

12 WHEREFORE, Qwest asks the Commission to:

A. Enter an order in this case dismissing the Amended Complaint with prejudice as barred by the statute of limitations.

DATED this 30th day of April, 2007.

QWEST

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