



600 University Street, Suite 3600
Seattle, Washington 98101
main 206.624.0900
fax 206.386.7500
www.stoel.com

September 14, 2005

VERONICA MOORE
Direct (206) 386-7519
vmoore@stoel.com

VIA HAND DELIVERY

Ms. Carole Washburn, Executive Secretary
Washington Utilities & Transportation Committee
1300 Evergreen Park Drive, SW
Olympia, WA 98504

Re: Docket No. UT-041127

Dear Ms. Washburn:

Enclosed for filing please find the original and seven copies of Verizon's Response to Objection to Defer.

Please note that this document is designated confidential to WAC 480-07-160. The document is confidential because it contains customer-specific usage and network configuration and design information, specifically as it pertains to Intervenor Tel West. Tel West might be directly affected by disclosure of the confidential information.

A redacted version is also enclosed, and is being transmitted to all other parties in this proceeding.

As always, please do not hesitate to contact me if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink that reads "Timothy J. O'Connell". The signature is written in a cursive style with a horizontal line above the first few letters.

Timothy J. O'Connell

Enclosures

cc: ALJ Ann Rendahl
Parties of Record (with redacted version of enclosure)

Oregon
Washington
California
Utah
Idaho

BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of)	
)	DOCKET NO. UT-041127
THE JOINT PETITION FOR)	
ENFORCEMENT OF)	
INTERCONNECTION)	VERIZON'S RESPONSE TO
AGREEMENTS WITH VERIZON)	OBJECTION
NORTHWEST INC.)	TO MOTION TO DEFER
_____)	

1. Verizon Northwest Inc. filed the pending Motion to Defer Ruling on September 8, 2005. Tel West is the only participant in this proceeding to object. Tel West Communications, L.L.C. Answer to Verizon's Motion to Defer Ruling on its Petition for Reconsideration ("Answer").
2. Preliminarily, Tel West is an Intervenor in the matter. Their intervention is premised on a conclusion that it would not "impair the orderly and prompt conduct of the proceedings." RCW 34.05.443(1). If Tel West is the only party believing that the Commission should issue a ruling, notwithstanding the ability of other parties to seek a negotiated resolution, Tel West is no longer contributing to an orderly conduct of the proceeding.
3. This is all the more so because the Commission's rules limit participation by an Intervenor to parties having "a substantial interest in the subject matter of the hearing," or if their "participation is in the public interest." WAC 480-07-355(3). As the Commission is aware, by virtue of its Order No. 3 in this proceeding, Tel West and other CLECs have been able to obtain wholesale service at UNE-P prices from Verizon's Mt. Vernon packet switch and will continue to obtain such service pending the resolution of this docket. Moreover, Tel West has only –

REDACTED – NON-CONFIDENTIAL VERSION PER WAC 480-07-160

REDACTED – served by the Mt. Vernon switch. Given this, Tel West’s “interest” in this matter is not substantial, but rather almost purely hypothetical.

4. Tel West’s tactics have also impaired the attempt to resolve this matter in an orderly fashion. In contrast to the original parties to the case, Intervenor Tel West has simply declined to participate in any attempt to negotiate a mutually-agreeable resolution. Please see Exhibit A. Notwithstanding Tel West’s intransigence, Verizon’s attempts to negotiate with other parties have borne fruit, as evidenced by AT&T’s Motion to Withdraw With Prejudice, filed yesterday.

5. Like most of the other parties in this proceeding, Tel West has an existing commercial agreement with Verizon for the provision of services that replace UNE-P. Within the next few days Verizon intends to offer an amendment to all carriers with existing commercial agreements (including Tel West) that will provide UNE-P replacement service for circuits served off a packet switch. Verizon respectfully believes that once the parties have the opportunity to evaluate this proposed amendment, all issues raised by this docket will be resolved. In fact, Verizon’s offer solves the bigger issue of how services will be provided after UNE-P is no longer available in March, 2006. (Under the FCC’s Triennial Review Remand Order, incumbents were not required to accept new unbundled switching orders effective March 2005, and all CLECs must transition their grandfathered base of UNE-P arrangements to alternative arrangements by March 2006. In short, this case is moot effective March 2006. Given this, and given that Tel West is not suffering any substantial harm, the Commission should reject Tel West’s demand that the Commission continue this case merely to vindicate Tel West’s hypothetical issues.)

6. Conversely, were the Commission to reject Verizon’s motion and render an adverse decision on Verizon’s pending Petition For Reconsideration, Verizon would be compelled to seek review of such ruling in an appropriate federal court. Verizon simply does not believe that such a course would be a worthwhile use of any party’s resources, including the Commission’s. This is all the more so, since the parties have been working cooperatively to resolve the

questions raised by this docket in the context of larger transitions in the industry, all of which must be resolved by March, 2006.

7. Verizon therefore respectfully requests that the objection of Tel West be rejected, and Verizon's motion be granted.

Dated this 14th day of September, 2005 at Seattle, Washington.

Respectfully submitted,



Timothy J. O'Connell
John H. Ridge
STOEL RIVES LLP
One Union Square
600 University St., Suite 3600
Seattle, WA 98101
(206) 624-0900
(206) 386-7500

Counsel for Verizon Northwest Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of September, 2005, served the true and correct original, along with the correct number of copies, of *Confidential Version of Verizon's Response to Objection to Motion to Defer*, and a *Certificate of Service* upon the WUTC, via the method(s) noted below, properly addressed as follows:

Carole Washburn, Executive Secretary	<u> X </u>	Hand Delivered
Washington Utilities & Transportation	<u> </u>	U.S. Mail (1 st class, postage prepaid)
Commission	<u> </u>	Overnight Mail
1300 S. Evergreen Park Drive SW	<u> </u>	Facsimile (360) 586-1150
Olympia, WA 98503-7250	<u> </u>	Email (records@wutc.wa.gov)

I hereby certify that I have this 14th day of September, 2005, served a true and correct original, along with the correct number of copies, of *Redacted – Non-Confidential Version of Verizon's Response to Objection to Motion to Defer* and a *Certificate of Service* upon the WUTC, via the method(s) noted below, properly addressed as follows:

Carole Washburn, Executive Secretary	<u> X </u>	Hand Delivered
Washington Utilities & Transportation	<u> </u>	U.S. Mail (1 st class, postage prepaid)
Commission	<u> </u>	Overnight Mail
1300 S. Evergreen Park Drive SW	<u> </u>	Facsimile (360) 586-1150
Olympia, WA 98503-7250	<u> X </u>	Email (records@wutc.wa.gov)

I hereby certify that I have this 14th day of September, 2005, served a copy of the *Redacted – Non-Confidential Version of Verizon's Response to Objection to Motion to Defer* upon parties noted below via E-Mail and U.S. Mail:

MICHAEL E. DAUGHTRY
United Communications, Inc., d/b/a UNICO
389 SW Scalehouse Court
Bend, OR 97702

Email: mike@ucinet.com

DAVID RICE
Miller Nash LLC
Representing Advanced TelCom, Inc.
4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352
Email: david.rice@millernash.com

LETTY FRIESEN
Attorney at Law
AT&T Communications of the Pacific North

BROOKS HARLOW
Miller Nash LLC
Representing Advanced TelCom, Inc.

919 Congress Avenue, Suite 900
Austin, TX 78701-2444

Email: lsfriesen@att.com

Donald Taylor, Director
Carriers Relations & Regulatory Affairs
Tel West Communications, L.L.C.
3701 South Norfolk St., Suite 300
Seattle, WA 98118
Email: dtaylor@Telwestservices.com

4400 Two Union Square
601 Union Street
Seattle, WA 98101-2352

Email: brooks.harlow@millernash.com

David Mittle
Law Office of David E. Mittle
208 Maynard
Santa Fe, NM 87501

Email: dmittle@att.net

MICHEL SINGER NELSON
Worldcom, Inc.
Representing MCI metro Access
Transmission
707 17th St., Suite 4200
Denver, CO 80202
Email: michel.singer_nelson@mci.com

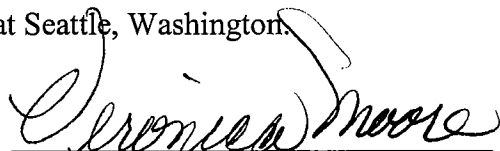
I hereby certify that I have this 14th day of September, 2005, served a true and correct copy of the foregoing documents upon parties noted below via U.S. Mail:

MCIMETRO TRANSMISSION ACCESS
CORP.
707 17th St., Suite 3600
MCI Tower
Denver, CO 80202

AT&T COMMUNICATIONS OF THE
PACIFIC NORTH
2120 Caton Way S.W., Suite B
Olympia, WA 98502

I declare under penalty under the laws of the State of Washington that the foregoing is correct and true.

DATED this 14th day of September, 2005, at Seattle, Washington.


Veronica Moore