

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON STS, LTD.,)	
)	
Complainant,)	DOCKET NO. UT-921213
)	
v.)	U S WEST COMMUNICATIONS, INC.'S
)	ANSWER TO COMPLAINANT'S
U S WEST COMMUNICATIONS, INC.)	PETITION FOR ADMINISTRATIVE
)	REVIEW

U S WEST COMMUNICATIONS, INC. (USWC) provides the following answer in response to complainant's Petition for Administrative Review.

INTRODUCTION

This proceeding involves a formal complaint filed by Washington STS, Ltd. (STS) on October 20, 1992 in which STS alleged, among other things, that USWC engaged in anticompetitive conduct toward STS, that USWC violated Washington Utilities and Transportation Commission (WUTC) rules, that USWC discriminated in the rates it charges to STS and that USWC failed to provide service on demand in violation of RCW 80.36.090.

USWC answered the complaint and counterclaimed on November 12, 1992. In a separate action, USWC filed a motion to waive the provisions of WAC 480-120-081 on December 11, 1992 in order to permit immediate disconnection of STS's service, pending the outcome of the complaint. A hearing on STS's complaint was held

1 on January 7, 1993 and the First Supplemental Order in the
2 complaint was issued on March 1, 1993.

3
4 DISCUSSION

5 WAC 480-09-780(4) provides that petitions for administrative
6 review must clearly identify the nature of the challenge to the
7 initial order, the evidence relied upon to support the challenge,
8 and the nature of the remedy urged by the petition. Petitions for
9 review of conclusions of law should be supported by reference to
10 the appropriate statute, rule or case involved and should be
11 accompanied by a recommended conclusion of law.

12 Complainant's petition seeks the WUTC's conclusion of law
13 regarding RCW 80.04.010, a statute which provides the definition
14 of certain terms used throughout Title 80. Complainant's petition
15 fails to meet the minimum requirements set forth in WAC 480-09-
16 780. In addition, USWC does not agree that STS qualifies as a
17 shared tenant provider under the provisions of RCW 80.04.010 as
18 complainant notes in its Petition for Administrative Review, and
19 complainant's contention that it meets the "prongs of RCW
20 80.04.010." is completely unsubstantiated by the record. The
21 findings of fact are completely to the contrary. Further, it is
22 unconscionable that complainant, having initiated this formal
23 complaint against USWC with the WUTC to avoid service
24 disconnection would now suggest, as it does in its petition that
25 "the proper course for USWC to seek redress is in another forum
26 (presumably the legislation) for the relief it seeks." USWC is
27 entitled to fully defend itself in this forum from actions brought
28 against it in this forum.

1 CONCLUSION

2 The findings of the Administrative Law Judge are the correct
3 findings and conclusions of law based on the record and the WUTC
4 should approve the First Supplemental Order entered on March 1,
5 1993.

6 DATED this 2nd day of April, 1993.

7
8 Molly K. Hastings

9 EDWARD T. SHAW
10 MOLLY K. HASTINGS, Of Attorneys
11 for U S WEST Communications, Inc.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE
COUNSEL OF RECORD
File No. UT-921313

I hereby certify that I have this day caused to be served one copy of the foregoing document upon the following parties of record by person or by mailing a copy thereof, properly addressed with postage prepaid:

Robert Leppaluoto
Washington STS, Ltd.
11117 SE Evergreen Highway
Vancouver, WA 98664

Robert Simpson
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P. O. Box 40128
Olympia, WA 98504

DATED this 2nd day of April, 1993.



Lee Annette Fortier