

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

THE LUMMI NATION,
Complainant,

v.

VERIZON NORTHWEST INC.,
QWEST CORPORATION,
Respondents

Docket No. UT-060147

QWEST CORPORATION'S MOTION
FOR SUMMARY DETERMINATION
AND DISMISSAL

- 1 Qwest Corporation ("Qwest") files this Motion for Summary Determination, asking that the Commission dismiss the Complaint of the Lummi Nation ("Lummi") as to Qwest. The basis for this Motion is that all of the Complainant's claims against Qwest are barred by the statute of limitations.
- 2 For the reasons set forth in the Motion for Summary Determination filed by Verizon Northwest Inc. on April 6, 2006, the Commission should dismiss the complaint as to Qwest as well. If this matter were to go to hearing, Qwest would deny, and Complainant would be unable to prove, the allegations regarding whether Qwest failed to notify Verizon (then GTE) of a disconnection, or even that Qwest had an obligation to do so. However, for purposes of this motion only, Qwest will not dispute those allegations.
- 3 The simple fact is, as established by the allegations in the Complaint, any relevant action that Qwest did or did not take, or should or should not have taken, occurred over 10 years ago, in 1995. As such, any claim premised on those allegations is barred by the applicable statute of

limitations, as set forth in RCW 80.04.240.

4 Verizon has ably briefed and argued the applicable law, and Qwest will not burden the record by repeating or recasting those arguments and citations here. Simply, whether this action is governed by a six-month or a two-year statute of limitations, the Lummi's claim is time barred, and has been for many years. The Commission should accept Verizon's proposed resolution of this matter and dismiss this complaint.

5 Therefore, Qwest requests an order of this Commission dismissing Complainant's Complaint as barred by the statute of limitations.

DATED this 6th day of April, 2006.

QWEST

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