

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

VERIZON SELECT SERVICES, INC.;
MCIMETRO ACCESS TRANSMISSION
SERVICES, LLC; MCI
COMMUNICATIONS SERVICES, INC.;
TELECONNECT LONG DISTANCE
SERVICES AND SYSTEMS CO. D/B/A
TELECOM USA; AND TTI NATIONAL,
INC.,

Complainants,

v.

UNITED TELEPHONE COMPANY OF
THE NORTHWEST,

Respondent.

DOCKET NO. UT-081393

MOTION OF THE WASHINGTON
INDEPENDENT
TELECOMMUNICATIONS
ASSOCIATION TO FILE AMICUS BRIEF

1 The Washington Independent Telecommunications Association (“WITA”), by and
through its attorney, Richard A. Finnigan, hereby files this Motion to Allow an Amicus
Brief (“Motion”). The rules of the Washington Utilities and Transportation Commission
(“Commission”) do not directly address the issue of filing of amicus briefs. Thus, under the
Commission’s rules, an amicus brief is neither expressly allowed nor expressly prohibited.

2 Turning by analogy to the process for filing an amicus curae brief in the Court of
Appeals, WITA is filing this Motion in general procedural compliance with RAP 10.6.
Under RAP 10.6(b), the brief of amicus may be filed with a motion. WITA’s brief is filed at
the same time as this Motion.

3 The Complainants, collectively referred to herein as “Verizon,” have filed a
complaint against the level of access charges that United Telephone Company of the
Norwest d/b/a Embarq (“United”) has maintained in its tariffs. United has filed a Motion
to Dismiss the complaint of Verizon. In its very well written Motion to Dismiss, United
raises two sets of issues. The first set of issues goes to whether Verizon’s complaint
against United’s lawfully filed and tariffed access rates can be maintained. In essence,
this is an argument that Verizon has failed to state a claim upon which relief may be
granted. It is not WITA’s intent to address those particular issues in its Amicus Brief.

4 The second set of issues raised by United related to whether it is better from a
policy perspective to address access reform holistically or to allow Verizon to proceed on
a piecemeal basis. It is the policy issues that WITA will address in its Amicus Brief.

STATEMENT REQUIRED BY RAP 10.6(b)

5 Under the provisions of RAP 10.6(b), a motion to file an “amicus curae” brief
must include a statement consisting of four items. WITA will set forth that statement as
follows:

6 1. Applicant’s interest and person or group Applicant represents: WITA
represents its member companies who are rural telephone companies as that term is used
in the Communications Act of 1934, as amended by the Telecommunications Act of 1996
(the “Act”). Rural telephone companies depend upon access charges as an integral part of
their revenue streams to provide service in rural portions of the State of Washington.

7 2. Applicant’s familiarity with the issues involved in the review and the scope
of the argument presented or to be presented by the parties: WITA has been very active
at the federal level, as well as being involved at the state level, in the issues of intercarrier

comprehensive reform, access charges and universal service. WITA's knowledge of these issues may be beneficial to the Commission in its review of United's Motion to Dismiss.

8 3. Specific issues to which the amicus brief will be directed: As noted above, WITA's amicus brief will address the policy issues related to a piecemeal versus holistic approach to intercarrier compensation reform and access charges.


9 4. Applicant's reason for believing that additional argument is necessary on these specific issues: WITA is concerned that Verizon's approach by bringing a specific complaint against one carrier is inappropriate as a way to address access charge and intercarrier compensation reform and could have unintended "trickle down" consequences for other carriers. Verizon may not necessarily bring a complaint against WITA's other members if it is successful against Embarq, but a number of interexchange carriers, including AT&T and others, may see this as a vehicle to move forward on a piecemeal approach to access reform. That approach could be very harmful to the ability of rural carriers to provide service in rural portions of the state and would certainly constitute a burden on Commission resources. The reason a piecemeal approach could be very harmful to the ability of rural carriers to provide service in rural portions of the state is that an access charge complaint standing alone does not include the ability to transition the lost access revenues. Virtually every plan that is before the Federal Communications Commission on comprehensive intercarrier compensation reform recognizes the need to transition lost access revenue through another recovery mechanism. The reason a piecemeal approach would constitute a burden on Commission resources is that a company-by-company complaint can only mean a large number of difficult and

contentious cases that would eat up the Commission's resources in administration of the complaint process.

CONCLUSIONS

10 For the foregoing reasons, WITA respectfully requests that the Commission grant it the authority to file the Amicus Brief that accompanies this Motion.

Dated this 27th day of August, 2008.



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Attorney for the Washington Independent
Telecommunications Association