

UT-040018(F)

LOCALTEL
COMMUNICATIONS

January 5, 2004

Ms Carole Washburn
Washington Utilities &
Transportation Commission
1300 S. Evergreen Park Drive, S.W.
P.O. Box 47250
Olympia, WA 98504-7250

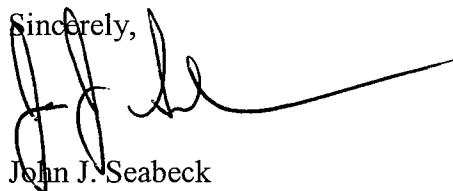
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04 JAN - 7 PM 2:30
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Complaint and Petition for Enforcement

Dear Ms. Washburn:

Enclosed are an original and 19 copies of the Complaint and Petition for Enforcement of Computer 5, Inc., A Washington Corporation d/b/a LocalTel Communications. Also enclosed is our certificate of service and a copy of the Notice of Intent served previously.

Sincerely,



John J. Seabeck
Vice President
LocalTel Communications
509-884-0611

cc: Greg Kopta
AT&T Pacific Northwest General Counsel
AT&T Carrier Access Services

CERTIFICATE OF SERVICE

I hereby certify that the original and 19 copies of the Complaint and Petition For Enforcement of Computer 5, Inc. d/b/a/ LocalTel Communications, was filed by U.S. Mail on January 7, 2003 with:

Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
Olympia, WA 98504-7250

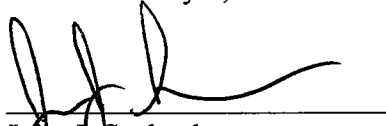
Copies were also served by United States Mail on January 7, 2003 upon the following parties:

Greg Kopta
AT&T Communications
Regional Counsel
Davis, Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101

AT&T Communications
Carrier Access Services
600 N. Point Parkway Rm. 64024B
Alpharetta, GA 30005-0000

A Notice of Intent to File Complaint was also served upon the above parties by United States Mail on December 22, 2003, a copy of which is hereto attached.

Dated: January 5, 2004



John J. Seabeck
Vice President

December 18, 2003

AT&T Communications
Carrier Access Services
600 N. Point Parkway Rm 64024B
Alpharetta, GA 30005-0000

AT&T Communications of the Pacific Northwest
Greg Kopta – Regional Counsel
Davis, Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA. 98101

Re: Notice of Intent to file Complaint and Petition for Enforcement with the
Washington Utilities and Transportation Commission.

Dear Director of Carrier Services, and Greg Kopta:

Please take Notice that Computer 5, Inc. d/b/a LocalTel Communications (hereinafter "LocalTel"), intends to file a complaint, no sooner than ten (10) days from the date of this notice. Specifically, LocalTel will be seeking payment for carrier access services rendered and enforcement of the terms and conditions set forth in FCC 01-146 Access Charge and Reform, and other relief that the commission may award.

Please contact me if you wish to discuss this matter prior to the filing of the Petition.

Sincerely,



John J. Seabeck
Vice President
LocalTel Communications
509-884-0611
509-884-3557 Fax
john@clandt.com

7002 2410 0004 7908 6868

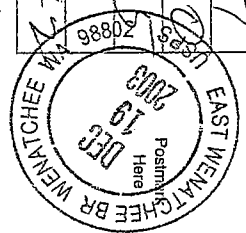
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Street, Apt. No., or PO Box No. 2600 Century Square
City, State, ZIP+4 1501 4th Ave
Seattle WA 98101

7002 2410 0004 7908 6851

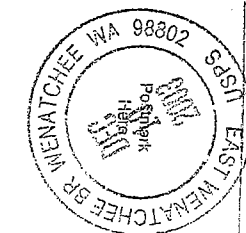
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Total Postage & Fees \$ 4.42



Sent To **A-T-T**
Street, Apt. No., or PO Box No. 600 N Point Parkway Bldg 402
City, State, ZIP+4 Alpharetta GA 3005-0000

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

| | | |
|-------------------------|---|--------------------------|
| Computer 5*, Inc. d/b/a |) | |
| LocalTel Communications |) | Docket No. UT-_____ |
| |) | |
| Complainant |) | Complaint and |
| |) | Petition for Enforcement |
| v. |) | |
| AT&T Communications |) | |
| |) | |
| Respondent |) | |

RECEIVED
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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

Pursuant to WAC 480-09-500 and RCW 34.05.482, RCW 80.04.110 and RCW 80.36.250 and WAC 480-120-323, Complainant, Computer 5, Inc. d/b/a LocalTel Communications (“LocalTel”) hereby brings the following Complaint against AT&T Communications (“AT&T”) and alleges as follows:

Introduction

1. Complainant. LocalTel is a competitive local exchange carrier (“CLEC”) providing local and interexchange telecommunications services in the North Central region of Washington State. LocalTel, a member of the Washington Exchange Carriers Association (“WECA”) as described in WAC 480-120-323, serves primarily small businesses and residential customers in North Central Washington. As an authorized CLEC in Washington State, LocalTel competes daily with Verizon, Qwest (“LEC’s”) and MCI and AT&T (“IXC’s”) as well as other local exchange providers (“LEC’s”) and other interexchange toll service providers (“IXC’s”). As facilities based provider, operating under the laws of the State of Washington and under authority of the Federal Communication Commission,

LocalTel has the need to exchange telecommunication traffic with other LEC's, IXC's and other CLEC's on a daily basis.

2. LocalTel is represented in this proceeding by:

John J. Seabeck
Vice President Corporate Affairs
343 Grant Road
East Wenatchee, WA 98802

3. Respondent. AT&T is a nationally recognized Local Exchange provider and IXC operating in the State of Washington as well as the other 49 states of America.

4. LocalTel has served AT&T with this complaint through:

Greg Kopta
Davis, Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101
Regional Counsel AT&T Communications of the Pacific Northwest

AT&T Communications
Carrier Access Services Division
600 N. Point Parkway Rm. 64024B
Alpharetta, GA 30005-0000

JURISDICTION

5. The Washington State Utilities and Transportation Commission ("Commission") has jurisdiction over this matter pursuant to RCW 80.01.040, RCW 80.36.110, RCW 80.36.250, WAC 480-09-500, 480-120-540, 480-120-323 and pursuant to the

Telecommunications Act of 1996 and FCC 01-146 Access Reform Order.

STATEMENT OF FACT

6. LocalTel provides communication services to customers in North Central Washington, including those customers who also choose to place and receive toll calls to and from AT&T Communications. LocalTel also provides these same services to additional IXC customers such as Sprint, MCI, Global Crossing and others.
7. As allowed under the laws of the State of Washington and the Telecommunications Act of 1996 and as contained and adopted in FCC 01-146,47 C.F.R Part 61, LocalTel has engaged in the practice of billing IXC's access service charges as established and allowed by the various authorities above. LocalTel commenced billing IXC's for both Intrastate and Interstate access to LocalTel's network, starting in May of 2002 through a third party company known as Intec-Telecom, a nationally recognized leader in the third party billings of carrier access charges. Intec-Telecom continues to provide this service currently for LocalTel.
8. AT&T has continued to terminate calls to their customers upon LocalTel's network and has continued to have their customers originate calls from LocalTel's network, since the inception of LocalTel's network in 2001.
9. LocalTel has followed the access service billing guidelines as set forth by the jurisdictions above. All of the IXC's listed above, with the exception of AT&T, have willingly submitted monthly remuneration for their usage of LocalTel's network. Only AT&T has refused to pay for portions of their access charges.
10. AT&T in the year 2002 when presented with LocalTel's access bills on a monthly basis refused to pay the intrastate access charge portion of the bill. They did not communicate to LocalTel any

reason for this refusal. These unpaid 2002 access bills have an unpaid balance of \$5771.97. It should be noted that while AT&T did pay the Interstate rate of 2.5 cents per minute, they refused to pay the intrastate rate of 2.5 cents per minute, which at that time was at least one-half the rate they were paying other LEC's in the state of Washington.

11. In December of 2002, LocalTel Communication became a member of WECA and as required, filed a tariff with the WUTC to comply with the intrastate access service rates of the other WECA members. This filing caused LocalTel's intrastate access rates to rise to nearly 5.5 cents per minute. However, we assume, due to LocalTel's membership into WECA, AT&T commenced in February of 2003, to pay to LocalTel, the monthly intrastate access charges as billed by LocalTel.
12. Coinciding with AT&T's above change in intrastate access payments in February of 2003, AT&T again without notice, stopped paying LocalTel for the interstate access charges as billed. Again LocalTel received no documentation or reasons for this refusal by AT&T to pay the regulated charges. It should be noted, that in June of 2002, LocalTel complied with the FCC 01-146 Access Charge Reform Order and lowered their interstate access rates to the mandated rate of 1.8 cents per minute, which AT&T paid LocalTel for, through December of 2002. It should be again noted that on June 1st, 2003, LocalTel complied with the FCC 01-146 Access Charge Reform order and again lowered their interstate access rates to the mandated rate of 1.2 cents per minute. AT&T has continued to refuse to pay these mandated rates. Oddly enough, even though the 2003 interstate access rates are considerably lower than 2002 interstate access rates, that AT&T knowingly and willingly paid LocalTel, AT&T continues their refusal to pay the 2003 regulated charges. To date, AT&T has refused to pay LocalTel in 2003, Interstate access charges totaling \$16,175.92.

CLAIM AND REQUEST FOR RELIEF

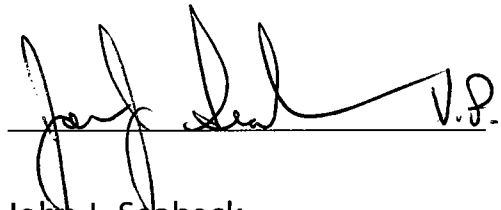
13. Clearly AT&T has attempted to use their superior financial resources to gain a competitive advantage over LocalTel by their refusal to pay access rates that are mandated and approved by the WUTC and the FCC. They continue to terminate calls for their customers and to originate calls on LocalTel's network without regard to the Laws of the State of Washington and Federal Communications Commission.

Wherefore, LocalTel respectfully requests that the Commission:

1. Find that LocalTel is entitled to all delinquent access rates that have been charged to and gone unpaid by AT&T.
2. Order AT&T to immediately pay to LocalTel, all unpaid access fees currently delinquent, plus interest and penalty for the lost opportunity of competition within the telecom marketplace, now suffered by LocalTel.
3. Such further and other relief as the Commission finds fair, just, reasonable and sufficient.

This complaint is true and correct to the best of signer's belief!

Dated this 15th Day of December, 2003.

A handwritten signature in black ink, appearing to read "John J. Seabeck", is written over a horizontal line. To the right of the signature, the initials "V.P." are written.

John J. Seabeck
Vice President
LocalTel Communications
343 Grant Road,
East Wenatchee, WA. 98802