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May 3, 2004

TIMOTHY J. O'CONNELL
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VIA E-MAIL AND HAND DELIVERY

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

**Re: WECA, et al. v. LocalDial Corporation
WUTC Docket No. UT-031472**

Dear Ms Washburn:

On behalf of Verizon Northwest Inc., an "interested party" in this proceeding, enclosed for filing in the above-referenced docket is Verizon's Response to Staff's Motion for Summary Disiposition and 16 copies. A copy of this document has also been sent to the parties on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink, appearing to read "T. J. O'Connell".

Timothy J. O'Connell

Enclosures

cc: Parties of Record

**BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION**

WASHINGTON EXCHANGE)	DOCKET NO. UT-031472
CARRIER ASSOCIATION, et al.,)	
)	
Complainants,)	
)	
v.)	VERIZON'S RESPONSE TO
)	STAFF'S MOTION FOR
LOCALDIAL CORPORATION,)	SUMMARY DISPOSITION
an Oregon corporation,)	
)	
Respondent.)	
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1. For all the reasons set forth in Verizon Northwest Inc.'s Response to Complainants' Motion for Summary Disposition, which arguments are incorporated herein, Verizon supports Staff's Motion For Summary Disposition. Verizon files this Response only to identify two issues touched on by Staff's Motion which need not, under the facts of this case, be resolved.

2. First, Staff suggests in passing that the current system of access charges is not required by RCW 80.36.160. Staff's Motion For Summary Determination [Corrected], at 4, fn. 4. Verizon respectfully submits that the statutory basis for the current access charge system is a complicated question, raising matters that go far beyond the issues presented in this proceeding. Moreover, addressing such an issue is not necessary to determine whether access charges should be assessed for LocalDial's service. Verizon respectfully requests that the Commission refrain from addressing this question, given the limited brief presented on this complex question.

3. Second, Staff's memorandum presents some discussion of the jurisdictional division between interstate and intrastate regulation of telecommunications. Staff's Motion for Summary Determination [Corrected] at ¶¶ 21-22, ¶¶ 38-39. Again, the complicated question whether *true* Voice Over Internet Protocol services would be subject to intrastate regulation is simply not raised by LocalDial's actual service. As Staff correctly notes, LocalDial's service is nothing more than "IP-in-the-middle VoIP," Staff's Motion for Summary determination [Corrected], at 31, ¶54, and is thus a functional equivalent to traditional inter-exchange service provided by toll carriers. *Id.*, ¶53. The more complicated questions of the appropriate treatment of true VoIP, involving computer-to-computer or computer-to-phone services, *see* Staff's Motion for Summary Determination [Corrected] at 26-27, ¶¶47-48, are simply not presented on the facts of this case. Verizon respectfully urges the Commission to not venture into an advisory opinion in this Complaint case.

DATED: April 26, 2004

Respectfully submitted,

STOEL RIVES LLP

A handwritten signature in black ink, appearing to read "Timothy J. O'Connell", written over a horizontal line.

Timothy J. O'Connell, WSB No. 15372
Attorneys for Verizon Northwest Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this 3rd day of May, 2004, served the true and correct original, along with the correct number of copies, of the foregoing document upon the WUTC, via the method(s) noted below, properly addressed as follows:

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I hereby certify that I have this 3rd day of May, 2004, served a true and correct copy of the foregoing document upon parties of record, via the method(s) noted below, properly addressed as follows:

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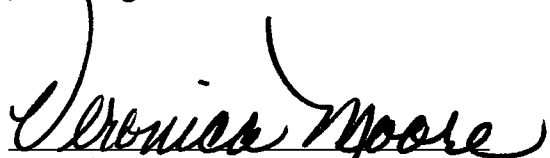
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I declare under penalty under the laws of the State of Washington that the foregoing is correct and true.

DATED this 3rd day of May, 2004 at Seattle, Washington.


Veronica Moore