

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Petitioners,

v.

ADVANCED TELECOM GROUP, INC.,
et al,

Respondents.

DOCKET NO. UT-033011

MOTION TO DISMISS
ALLEGATIONS RELATING
TO JULY 19, 2001, AGREEMENT
BETWEEN ELI AND QWEST

MOTION

1 The Washington Utilities and Transportation Commission Staff (Staff) moves to dismiss allegations against Electric Lightwave, LLC. (ELI) and Qwest Corporation relating to the July 19, 2001, agreement listed on Exhibit A to the Amended Complaint (the agreement is identified as number 49 in Exhibit A to the Amended Complaint).

2 Staff has investigated the allegations relating to this agreement and has discovered that this agreement is not an Interconnection Agreement under section 252 of the Telecommunications Act of 1996 (47 U.S.C. § 151 *et seq*) (“the Act”). This agreement is with Qwest Communications Corporation, (QCC), a different entity than Qwest Corporation, the ILEC against whom the complaint in UT-033011 is

pending. Following investigation of the issue, Staff determined that QCC is a long distance company that doesn't own local network and is not bound under section 251 of the Act to provide access to unbundled network elements or other obligations under section 251(c) of the Act.

RELIEF REQUESTED

3 Staff respectfully requests that the Commission dismiss the allegations against ELI and Qwest relating to the July 19, 2001, interconnection agreement listed on Appendix A to the Amended Complaint. All remaining allegations are unaffected by this motion.

DATED this 4th day of June, 2004.

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