

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of:
Douglas and Jessica Rupp; Kathie Dunn and
Chris Hall; Michelle Lechuga; Verlin
Jacobs; Anthony Williams; Christine and
Samuel Inman; Robert Jacobs; and Sam
Haverkemp and Chris Portrey,

Petitioners,

vs.

Verizon Communications, Inc.,

Respondent.

) DOCKET NO. UT-050778

) **ANSWER OF VERIZON,
NORTHWEST, INC.**

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Respondent, Verizon Northwest, Inc. (“Verizon”) hereby answers and submits defenses to the Petition filed by Douglas and Jessica Rupp, Kathie Dunn and Chris Hall, Michelle Lechuga, Verlin Jacobs, Anthony Williams, Christine and Samuel Inman, Robert Jacobs, and Sam Haverkemp and Chris Portrey (“Petitioners”). The paragraph numbers of the following answers correspond to the paragraphs of the Petition for Order to Extend Service Area. (“Petition”).

1. Parties.

- 1.1 Verizon is without knowledge or information sufficient to verify the names and addresses of Petitioners contained in this paragraph, and therefore denies the same.
- 1.2 Verizon is without knowledge or information sufficient to form an answer to this paragraph, and therefore denies the same.
- 1.3 Verizon denies that it is Verizon Communications, Inc. Verizon is a wholly owned subsidiary of that company. Verizon admits that it is a public service company doing business in the state of Washington.

2. Rules/Statutes at Issue.

- 2.1 Verizon is without knowledge or information sufficient to form an answer to this paragraph, and therefore denies the same.

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- 2.2 The statute, RCW 80.36.040, speaks for itself. Verizon denies that said statute imposes any duty upon it in connection with this Petition.
- 2.3 The statute, RCW 80.36.090, speaks for itself. Verizon denies that the statute imposes any duty upon it in connection with this Petition.
- 2.4 The statute, RCW 80.36, speaks for itself. Verizon denies that said statute imposes any duty upon it in connection with this Petition.
- 2.5 The statutes, RCW 80.36.230 and 240, speak for themselves. Verizon denies that these statutes grant the Commission the power to force Verizon to extend service outside of its tariffed service exchange boundaries.
- 2.6 The statute, RCW 80.36.260, speaks for itself. Verizon denies that this statute imposes any duty upon it in connection with this Petition.
- 2.7 The statute, RCW 80.36.300, speaks for itself. Verizon denies that the statute imposes any duty upon it in connection with this Petition.
- 2.8 The rule, WAC 480-120-071, speaks for itself. Verizon denies that this rule imposes any obligation upon it in connection with this Petition.
- 2.9 The statute, 47 USC § 214, speaks for itself. Verizon denies that this statute authorizes the commission to force Verizon to extend service outside of its tariffed service exchange boundaries.
- 2.10 The statute, 47 USC § 254, speaks for itself. Verizon denies that the statute imposes any duty upon it in connection with this Petition.

3. Statements of Fact.

- 3.1 Verizon is without knowledge or information sufficient to form an answer to this paragraph, and therefore denies the same.
- 3.2 Verizon admits that the petitioners live outside the serving boundary of Verizon. Verizon is without knowledge or information sufficient to admit that it is the “nearest provider” and therefore denies the same.

3.3 Verizon denies the first sentence, and is without knowledge or information sufficient to form an answer as to the second sentence, and therefore denies the same.

3.4 Verizon is without knowledge or information sufficient to form an answer to this paragraph, and therefore denies the same.

3.5 Verizon is without knowledge or information sufficient to form an answer to this paragraph, and therefore denies the same.

3.6 Verizon is without knowledge or information sufficient to form an answer to this paragraph, and therefore denies the same.

Affirmative Defenses

By way of further answer and as affirmative defenses to the Petition, Verizon alleges as follows:

First Affirmative Defense:

1. The Petition fails to state a claim upon which relief can be granted.

Second Affirmative Defense:

2. The Commission lacks jurisdiction to afford the relief requested by the Petition.

Third Affirmative Defense:

3. The Petition fails to join necessary parties, to wit: other telecommunications carriers that might serve Petitioners, which are necessary for a just adjudication.

Fourth Affirmative Defense:

4. The intrastate tariffs, which define Verizon's dedicated serving area, have been reviewed and approved by the Commission and have the effect of law and cannot be changed as a result of this Petition.

Fifth Affirmative Defense:

5. The Petition lacks a necessary condition precedent in that Verizon receives no federal universal service support as an eligible telecommunications carrier.

Sixth Affirmative Defense:

6. The Commission lacks jurisdiction over the named respondent, Verizon Communications, Inc.

WHEREFORE, having fully answered the Petition, Verizon prays for the following relief:

1. An Order from the Commission dismissing the Petition with prejudice;
2. Such other relief as the Commission finds fair, just, reasonable, and sufficient.

DATED this 13th day of June, 2005.

GRAHAM & DUNN PC

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