

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SANDY JUDD and TARA HERIVEL,

Complainants,

v.

**AT&T COMMUNICATIONS OF THE PACIFIC
NORTHWEST, INC. and T-NETIX, INC.,**

Respondents.

Docket No. UT-042022

NOTICE OF FILING

TO: Counsel of Record Listed on Certificate of Service

PLEASE TAKE NOTICE that on Monday, September 19, 2005, AT&T caused to be filed with the Executive Secretary of the Washington Utilities and Transportation Commission, AT&T's Response to T-Netix's Motion to Dismiss in the above-referenced proceeding, a copy of which is attached hereto and served upon you.

Dated: September 19, 2005

**AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.**

By: /s/ Letty S.D. Friesen (by DCS)

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AT&T'S RESPONSE TO T-NETIX'S MOTION TO DISMISS

1. Respondent AT&T Communications of the Pacific Northwest, Inc. ("AT&T"), pursuant to the Notice of Opportunity to Respond to T-Netix's Motion to Dismiss issued by the ALJ on September 8, 2005, respectfully submits this response to T-Netix, Inc.'s ("T-Netix") Motion to Dismiss.

2. T-Netix has moved to dismiss this administrative proceeding on the ground that the King County Superior Court entered an order granting T-Netix's motion for summary judgment, which "terminate[s] the primary jurisdiction referral to the WUTC." T-Netix's Motion to Dismiss at 1. The Superior Court Judge, in granting T-Netix's motion for summary judgment, signed the proposed order that T-Netix presented to him. *Id.* at Ex. 3. As a result, the order does not address specifically whether AT&T also is entitled to summary judgment. Of course, AT&T is entitled to such a judgment because the ground upon which T-Netix moved for summary judgment — Plaintiffs' (here, Complainants') complete lack of standing — applies equally to AT&T. Accordingly, AT&T intends to file a motion with the Superior Court clarifying that AT&T is also entitled to summary judgment because of the Plaintiffs' lack standing and terminating the Superior Court's primary jurisdiction referral to the WUTC. That order would obviate the need for further proceedings here.

Dated: September 19, 2005

**AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.**

By: /s/ Letty S.D. Friesen (by DCS)

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on September 19, 2005, he served the true and correct original, along with the correct number of copies, of the foregoing document upon the WUTC via e-mail and Federal Express, properly addressed as follows:

Carole Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250
records@wutc.wa.gov

The undersigned, an attorney, further certifies that on September 19, 2005, he served a true and correct copy of the foregoing document upon counsel of record via e-mail and Federal Express, properly addressed as follows:

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Dated: September 19, 2005

/s/ David C. Scott

David C. Scott