GEORGIA L. LOCKWOOD
LEGAL SECRETARY
(206) 340-9609
glockwood@grahamdunn.com

August 10, 2004

Hand Delivered

Ms. Carole Washburn
Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Dr. S.W.
Olympia, WA 98504

Re: In the Matter of Tel West Communications, LLC
Docket No. UT-040572

Dear Ms. Washburn:

Enclosed for filing please find the original and 20 copies of the following document in the above-referenced matter:

- Response to Commission Staff's Motion for Adjudication.

Please date-stamp and return to us in the enclosed envelope a copy of the filing for our records. If you have any questions, please call me at (206) 340-9609.

Very truly yours,

GRAHAM & DUNN PC

Georgia Lockwood
Legal Secretary

Enclosures
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Pier 70
2801 Alaskan Way ~ Suite 300
Seattle WA 98121-1128
Tel 206.624.8300
Fax 206.340.9599
www.grahamdunn.com

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of,	)	No. UT-040572
	)	
TEL WEST COMMUNICATIONS, LLC	)	RESPONSE TO COMMISSION STAFF'S
	)	MOTION FOR ADJUDICATION
	)	
	)	
	)	

Pursuant to WAC 480-07-375(4), Tel West Communications, LLC ("Tel West") hereby opposes the Commission Staff's ("Staff") Motion for Adjudication ("Motion"). When evaluating a motion for a brief adjudication, the Commission should consider: (1) preferences of the parties, (2) the possible benefits to be gained from a brief adjudication, and (3) the nature of the issues involved. WAC 480-07-610(1).

1. Tel West opposes the Motion. Tel West opposes the Motion because a brief adjudication is not necessary for a cost effective resolution of the penalty assessment. In its Motion, Staff suggested that the Commission should initiate a brief adjudication in order to give the parties an adequate opportunity to present their respective positions in this matter. Tel West and Staff have taken the time to carefully prepare and file with the Commission extensive memoranda, affidavits and documents in support of their respective positions. The parties have made available to the Commission the information that the Commission needs to review the

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matter and reach a decision on the merits. Therefore, Tel West opposes Staff's Motion because the brief adjudication is not necessary for a cost effective resolution of this matter.

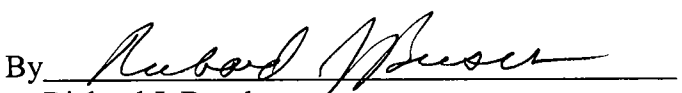
2. Staff cites no possible benefits to the brief adjudication. In support of its Motion, Staff argues that the brief adjudication would give the parties an adequate opportunity to present their respective positions. The parties have already presented their facts and memoranda, and are able to present their respective positions through oral argument to the Commission. Staff does not describe any possible benefits to be gained from a brief adjudication. Therefore, the Commission should deny Staff's Motion.

3. The issues are straightforward and do not require a brief adjudication. The questions before the Commission are whether certain actions constitute a violation of the Commission's rules, and whether the penalties should be mitigated. These factual issues are not complex, and the legal and policy questions should be argued before the Commission. Since Staff has not presented any arguments to show that the nature of the issues require a brief adjudication, Staff's Motion should be denied.

Tel West believes that the Commission would benefit from oral argument by the parties, and respectfully requests that Tel West's Application for Mitigation of Penalties be scheduled for oral argument before the Commission.

DATED this 10th day of August, 2004.

GRAHAM & DUNN PC

By 

Richard J. Busch
WSBA# 16739
Email: RBusch@grahamdunn.com
Attorneys for Tel West Communications, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this 10th day of August 2004, served the true and correct original along with the correct number of copies, of Response to Commission Staff's Motion for Adjudication, via the method(s) noted below, properly addressed as follows:

Ms. Carole Washburn
Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 South Evergreen Park Dr. S.W.
Olympia, WA 98504-7250

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
__X__ Overnight Mail (Federal Express)
____ Facsimile (360) 586-1150
____ Email (records@wutc.wa.gov)

I hereby certify that I have this 6th day of August 2004, served a true and correct copy of the Response to Commission Staff's Motion for Adjudication, via the method(s) noted below, properly addressed as follows:

Lisa Watson
Assistant Attorney General of Washington
Utilities & Transportation Division
1400 S. Evergreen Park Drive SW
P.O. Box 40128
Olympia, WA 98504-0128

____ U.S. Mail, Postage Prepaid
____ Hand Delivered
__X__ Overnight Mail (Federal Express)
____ Facsimile (206) 586-5522)
____ Email (lwatson@wutc.wa.gov)

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

DATED this 10th day of August, 2004, at Seattle, Washington.

By _____
Georgia Lockwood
Legal Secretary