

**BEFORE THE WASHINGTON 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

v.

Verizon Communications, Inc.,  
Respondent.

**NO. UT-050778**

RESPONSE TO MOTION TO  
DISMISS PETITION TO EXTEND  
SERVICE AREA OF RESPONDENT

**I. INTRODUCTION**

Pursuant to WAC 480-07-380 Petitioners hereby oppose the dismissal by the Washington Utilities at Transportation Commission (“Commission”). Petitioners would like to clarify some issues of fact misstated by Verizon Northwest (“Verizon”) the intended Respondent (“Respondent”), state some arguments in rebuttal to Respondent’s legal arguments in their motion for dismissal, and propose to move to amend the petition to name Verizon Northwest, Inc. as Respondent. For reference, this response generally follows the outline and numbering of Respondent’s motion.

**II. STATEMENT OF FACTS**

Respondent states that it is not clear from the Petition that all petitioners actually live in the area. To the best of the Lead Petitioners knowledge, all Petitioners either live year-around in the area (7 petitioners) or are building homes and intend to live there year-around in the near future (1 petitioner).

Respondent states that the area between the Petitioners' properties and the end of Verizon's serving territory is primarily National Forest land that will never be developed. The 1999 US Forest Service map of the Mt. Baker – Snoqualmie National Forest map shows this statement to be turned on its head. The area in question bordering Index-Galena Rd is 60% - 70% privately owned.

### **III. REPOSENSE TO LEGAL ARGUMENTS**

A. Whether Petitioners can or cannot prove a set of facts in support of the claim is a matter that can only be decided after a full investigation and formal hearing.

B. The citations in Respondent's argument all (except for one) pre-date the Telecommunications Act of 1996. These alleged precedents need to be carefully scrutinized in light of that law. The one modern citation is from a legal encyclopedia and doesn't have the force of law.

C. Whether or not the petitioners are an "unserved community" is a matter for the Commission to investigate and decide in due course. Secondly, Respondent's contention that they don't receive federal universal service support in Washington is simply not true.

Verizon received \$22,244,293 in 2003 (see WUTC Docket No. UT-043067 – WAC 480-120-311(2) Compliance Filing for Verizon). In fact the amount of money received by Verizon out of the federal universal service fund is one of the largest amounts of any carrier in the state according to the filings.

D. Petitioners express their regret for apparently mistakenly naming Verizon Communications as the respondent rather than their subsidiary Verizon Northwest and would move to amend the Petition accordingly. It is obviously not grounds for dismissal with prejudice and it would be immediately be re-filed otherwise, resulting in a waste of time and money for all parties involved. Regardless of this minor defect, the Petition seems to have somehow found its way to the proper parties for response.

**For the foregoing reasons, the Petition should not be dismissed.**

**DATED** this 23rd day of June, 2005.

The facts alleged in this response are true and correct to best of my belief.

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Douglas B Rupp  
Spokesman and Lead Petitioner  
Email: rupp@gnat.com