

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF THE PACIFIC NORTHWEST, INC.,)	Docket No. UT-020406
)	
Complainant,)	ISSUE STATEMENT OF VERIZON
)	NORTHWEST INC.
)	
vs.)	
)	
VERIZON NORTHWEST INC.,)	
)	
Respondent.)	
<hr/>		

Verizon Northwest Inc. (“Verizon”) hereby submits the following issues list pursuant to the request of the Administrative Law Judge at the pre-hearing conference on June 11, 2002.

INTRODUCTION

The threshold issue to be resolved by the Commission is whether to grant Verizon’s Motion to Dismiss. Granting the motion in its entirety will render this issue list moot. If the motion is not granted this case should be structured according to the issues inherent in each “claim for relief” raised by the Complaint (the “Complaint Issues”). As the Complainant, AT&T Communications of the Pacific Northwest, Inc. (“AT&T”) has the burden of proof on each of these issues.¹ Only if AT&T satisfies this burden should the Commission address the appropriate remedy(ies), which create a second set of issues (“Remedy Issues”).

¹ The Complaint Issues correspond to each AT&T claim for relief. This list is not exhaustive. Verizon mainly summarizes the major complaint issues here. AT&T will have to meet its burden of proof on the many other underlying legal and factual issues in its Complaint.

COMPLAINT ISSUES

A. Pricing Of Or Access To Noncompetitive Services

1. Do Verizon's access charges violate RCW 80.36.186 ?
2. Do Verizon's access charges give it an unreasonable preference or advantage?
3. Do Verizon's toll prices violate the Commission's imputation test and RCW 80.36.186?
4. What unreasonable prejudice or competitive disadvantage has AT&T suffered as a result of Verizon's toll prices?

B. Rate Discrimination

1. Are long distance switched access services, and transport and termination services, "like and contemporaneous services" for purposes of setting rates?
2. Does RCW 80.36.180 require Verizon to price its switched access services at the same level as (a) unbundled network element (UNE) rates or (b) reciprocal compensation for local traffic termination?

C. Imputation Standard Violations

1. What is the imputation standard established by the Commission for Verizon's toll rates?
2. Do Verizon's toll rates pass that standard?

D. Violation Of Federal Law

1. Does this Commission have jurisdiction to grant any relief for AT&T's claimed violations of federal law?
2. Does 47 U.S.C. § 251(c)(2)(D) require Verizon to price its switched access services like its interconnection rates for transport and termination?
3. Is Verizon's interim universal service rate element, approved by the Commission, an unlawful contribution to universal service under 47 U.S.C. § 254(f)?
4. Is AT&T prohibited from providing intrastate telecommunication services in Washington by virtue of Verizon's switched access service rates or by Verizon's intrastate toll service rates?

5. Do Verizon's tariffed rates violate 47 U.S.C. Sec. 253?

REMEDY ISSUES

1. Does any Verizon affirmative defense prevent relief for any proven AT&T claim?²
2. If AT&T proves one or more of its claims, what remedy should be ordered?
3. Should the Commission increase Verizon's intrastate toll rates; if so, what rates should be increased, by what amount and when?
4. If the Commission orders any reduction in Verizon's access charges what offsetting increases should be ordered to other Verizon rates?³

RESPECTFULLY SUBMITTED this _____ day of June, 2002.

GRAHAM & DUNN PC

By _____
Judith A. Endejan
WSBA# 11016
Attorneys for Verizon Northwest, Inc.

² These include the legal defenses of collateral estoppel, res judicata, acquiescence, actual and constructive knowledge, notice, agreement, assumption, consent, course of conduct, laches, ratification, rescission settlement and/or waiver.

³ The ALJ asked for comment on the anticipated impact, if any, of any potential Supreme Court review of *Wash. Indep. Tel. Ass'n v. WUTC*, 110 Wn.App. 147 (2002). If Verizon was ordered to reduce access charges in this case, it would impact any access charge restructure due to the Court of Appeals' decision if sustained.