

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation into  
U S WEST Communications, Inc.'s  
Compliance with § 271 of the  
Telecommunications Act of 1996

Docket No. UT-003022

In the Matter of U S WEST  
Communications, Inc.'s Statement of  
Generally Available Terms Pursuant to  
Section 252(f) of the Telecommunications  
Act of 1996

Docket No. UT-003040

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**AT&T'S MOTION TO STRIKE PORTIONS OF  
QWEST'S BRIEF DATED FEBRUARY 16, 2001**

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Pursuant to WAC 480-09-420 and WAC 480-09-425, AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle and TCG Oregon (collectively "AT&T") hereby submit this Motion to Strike Portions of Qwest's Legal Brief Regarding Disputed Workshop # 2 Issues: Checklist Item 1 – Collocation, dated February 16, 2001. As grounds therefore, AT&T states as follows:

1. By order of the Administrative Law Judge ("ALJ") overseeing the procedure of the workshops pursuant to the above captioned proceedings, the parties were ordered to brief all disputed interconnection, resale and local number portability issues on or before January 22, 2001.<sup>1</sup>

2. By that same notice and a subsequent extension of time, the parties were to brief disputed collocation issues on or before February 16, 2001.

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<sup>1</sup> Notice of Suspension of Briefing Schedule issued January 10, 2001.

3. Qwest's collocation brief contains its legal argument in regard to Washington Issue Log items WA-I-68 & 69, otherwise described as Qwest's attempted application of switched access charges to phone-to-phone internet telephony.

4. The issues of internet telephony and the definition of switched access (SGAT § 4.39, etc.) has nothing to do with collocation and, in fact, came up in the context of interconnection and the type of traffic to which local interconnection applied.<sup>2</sup> In fact, Qwest's interconnection witness, Mr. Freeberg, provided pre-filed testimony on the topic<sup>3</sup> and the parties agreed that the issue would be discussed primarily under the definitions section 4.39.

5. Finally the Washington Issues Log confirms that this issue is and should have been dealt with in the context of Qwest's brief on interconnection; the Log has the issue listed under interconnection and AT&T's exhibit related thereto was also introduced in that context.<sup>4</sup> This issue has never been discussed in the context of collocation and no confusion could therefore exist in relation to where the issue should have been briefed.

6. Finally, the initial recommended decision on these issues has already been made and it is manifestly unfair for Qwest to now get a second bite at the apple by including more discussion of this topic in its collocation brief.

7. For the foregoing reasons, AT&T requests that the discussion contained in Qwest's collocation brief, subsection C beginning on page 9, be stricken and considered no further.

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<sup>2</sup> WA Transcript at 1413-14 and 1428.

<sup>3</sup> WA Exhibit 362 (Thomas R. Freeberg Exh. 48); *see also* Nov. 7, 2000 WA Transcript at 1413-14.

<sup>4</sup> WA Exhibit 356.

Respectfully submitted this 26th day of February, 2001.

**AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.,  
TCG SEATTLE AND TCG OREGON**

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