

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Petitioners,

v.

ADVANCED TELECOM GROUP, INC.,
et al,

Respondents.

DOCKET NO. UT-033011

MOTION TO DISMISS
ALLEGATIONS RELATING
TO NOVEMBER 18, 1999,
AGREEMENT BETWEEN
MCIWORLD.COM, INC., AND
QWEST

MOTION

1 The Washington Utilities and Transportation Commission Staff (Staff) moves to dismiss allegations against MCI WorldCom, Inc., (MCI) and Qwest Corporation relating to the November 18, 1999, agreement listed on Exhibit A to the Amended Complaint (the agreement is identified as number 31 in Exhibit A to the Amended Complaint).

2 Staff has investigated the allegations relating to this agreement and has discovered that this agreement is not an Interconnection Agreement under section 252 of the Telecommunications Act of 1996 (47 U.S.C. § 151 *et seq*) (“the Act”). This agreement is a one-time settlement of disputes under U S WEST’s interstate tariff FCC No. 5. Billing account numbers and services covered by the settlement

agreement indicate that no local interconnection services were involved. The agreement only pertained to interstate applications under U S WEST's interstate tariff, FCC No. 5, of dark fiber, disconnected circuits, non-recurring charges associated with switched access trunks, and back-billed charges. Staff's investigation found that none of the interstate services obligated U S WEST under section 251 of the Act to provide access to unbundled network elements or other obligations under section 251(c) of the Act.

RELIEF REQUESTED

3 Staff respectfully requests that the Commission dismiss the allegations against MCI and Qwest relating to the November 18, 1999, interconnection agreement listed on Appendix A to the Amended Complaint. All remaining allegations are unaffected by this motion.

DATED this 26th day of July, 2004.

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