

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 AGREEMENTS BETWEEN
ESCHELON AND QWEST

MOTION

1 The Washington Utilities and Transportation Commission Staff (Staff) moves to dismiss allegations against Eschelon Telecom of Washington, Inc. (ESCHELON) and Qwest Corporation (Qwest) relating to agreements 17A (Ex. TLW-16), 18A (Ex. TLW-17), 20A (Ex. TLW-19) and 23A (Ex. TLW-21) listed on Exhibit A to the Amended Complaint.

2 Staff has investigated the allegations relating to these agreements and has discovered that these agreements are not Interconnection Agreements under Section 252 of the Telecommunications Act of 1996 (47 U.S.C. § 151 *et seq.*) (“the Act”). Agreements 17A, 18A, 20A, and 23A are not an interconnection agreements

because they do not create an ongoing obligation related to the provision of local interconnection service.

RELIEF REQUESTED

3 Staff respectfully requests that the Commission dismiss the allegations against ESCHELON and Qwest relating to the interconnection agreements referenced above and listed on Appendix A to the Amended Complaint. All remaining allegations are unaffected by this motion.

DATED this 12th day of August, 2004.

CHRISTINE O. GREGOIRE
Attorney General

CHRISTOPHER G. SWANSON
Assistant Attorney General
Washington Utilities and
Transportation Commission
(360) 664-1220