



William E. Hendricks III
Attorney
902 Wasco Street
Hood River, OR 97031
541.387.9439 (phone)
541.387.9753 (fax)

September 10, 2002

Ms Carole Washburn
Executive Secretary
Washington Utilities & Transportation
Commission
1300 S. Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

HAND DELIVERED

RE: UT 021053

Dear Ms. Washburn:

Please find enclosed for filing, an original and 19 copies of Sprint's Motion To Dismiss,
Or In The Alternative, Answer.

Thank you for your attention to this matter.

Sincerely,


William E. Hendricks III

WEH/sm
Enclosure
c. service list

RECEIVED
02 SEP 10 PM 3:01
OFFICE OF THE
CLERK OF THE COURT

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

Ritzville Warehouse Company,)
)
 Complainant,)
)
 v.)
)
 Sprint Communications Company L.P.,)
)
 Respondent.)

DOCKET NO. 021053

SPRINT'S MOTION TO DISMISS, OR
IN THE ALTERNATIVE, ANSWER

SEP 10 11 3:01 AM
OFFICE OF THE CLERK
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

I. INTRODUCTION

Sprint Communications Company L.P. ("Sprint") requests that the Commission dismiss the complaint of Ritzville Warehouse Company ("Ritzville Warehouse"). The complaint was not filed by a qualified representative, in accordance with the Commission's rules. If the Commission decides to entertain the complaint purportedly filed on behalf of Ritzville Warehouse, Sprint also provides in this pleading its answer.

II. MOTION TO DISMISS

Sprint requests that the Commission dismiss Ritzville Warehouse's complaint. According to WAC 480-09-710, a person must meet one of the following qualifications in order to appear before the Commission:

- (a) Membership in good standing in the Washington State Bar Association;
- (b) Admission to practice, in good standing before the highest court of any other state;
- (c) Upon permission of the presiding officer, an officer or employee of a party or person seeking party status;
- (d) Legal interns admitted to limited practice under Rule 9 of the Washington state Supreme Court's Admission to Practice Rules.

WAC 480-09-710(1). The complaint was filed by Howard D. Bourne, an employee of a company identified as "Practical Solutions," which appears not to be owned or operated by Ritzville Warehouse. Mr. Bourne does not hold himself out to be a member in good standing of any bar association, and it does not appear that he has been admitted to practice law in

1 Washington or any other state. Moreover, Mr. Bourne is not an “officer or employee” of
2 Ritzville Warehouse, but appears to be independent contractor for the company. *See Complaint,*
3 *at p. 3.*

4 The Commission has been reluctant to allow non-attorney representatives to appear in
5 adjudicative proceedings. Mr. Bourne appears not to be an attorney, and therefore is not bound
6 by codified rules of ethics nor regulated by any ethics board, as are attorneys admitted to practice
7 law. In addition, Mr. Bourne is not directly accountable to Ritzville Warehouse, because he is
8 not an employee. The Commission should not set a precedent by allowing persons to represent
9 parties in adjudicative proceedings who are not employed by the person seeking party status, or
10 are otherwise qualified under WAC 480-09-710(2).

11 With due respect to Mr. Bourne, there is no assurance to the Commission that Mr. Bourne
12 is accurately representing Ritzville Warehouse. In fact, the Commission cannot be certain that
13 Ritzville Warehouse actually seeks the relief set forth in the complaint, as no employee of the
14 company signed the complaint. The Commission’s ability to assure the quality of advocacy and
15 the due process rights of the parties appearing before it is comprimised if it allows parties to be
16 represented by persons which are not directly accountable to an independent professional
17 association or to a party to the proceeding. Therefore, Sprint requests that the Commission
18 dismiss the complaint and, if it deems it appropriate, allow Ritzville Warehouse to refile the
19 complaint in accordance with the Commission’s rules.

20 **III. ANSWER**

21 Sprint files this answer pursuant to RCW 80.04.110 and WAC 480-09-420, in the event
22 that the Commission rejects Sprint’s motion to dismiss. Sprint denies all allegations of the
23 complaint that Sprint does not expressly admit in this answer.

- 24 1. Sprint admits the allegations in section 1 on information and belief.
25 2. Sprint denies the allegations in section 2, because it states legal assertions and
conclusions for which an answer is not appropriate.

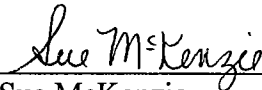
**BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION**

Ritzville Warehouse Company,)	
)	
Complainant)	Docket No. UT-021053
)	
v.)	
)	
Sprint Communications Company L.P.,)	CERTIFICATE OF SERVICE
)	
Respondent)	
<hr/>		

I certify that true and correct copies of Sprint's Motion to Dismiss, Or In The Alternative, Answer were sent via Certified Mail, postage prepaid, on September 10, 2002 to the parties listed below.

John C. Anderson
Authorized Representative
Ritzville Warehouse Company
201 E. First Avenue
Ritzville, WA 99169

Howard D. Bourne
Practical Solutions
3515 21st Place
Coeur d'Alene, ID 83815



Sue McKenzie
State Exec Assistant