

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 AGREEMENT BETWEEN
SBC AND QWEST

MOTION

1 The Washington Utilities and Transportation Commission Staff (Staff) moves
to dismiss allegations against SBC Telecom, Inc. (SBC) and Qwest Corporation
(Qwest) relating to agreement 10A (Ex. TLW-13) listed on Exhibit A to the
Amended Complaint.

2 Staff has investigated the allegations relating to this agreement and has
discovered that this agreement is not Interconnection Agreement under Section 252
of the Telecommunications Act of 1996 (47 U.S.C. § 151 *et seq.*) (“the Act”).
Agreement 10A is not an interconnection agreement because it does 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 SBC and Qwest relating to the interconnection agreement referenced above and listed on Appendix A to the Amended Complaint. All remaining allegations are unaffected by this motion.

DATED this 20th day of August, 2004.

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