

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
MCLEODUSA AND QWEST

MOTION

1 The Washington Utilities and Transportation Commission Staff (Staff) moves
to dismiss allegations against McLeodUSA Telecommunications, Inc. (McLeodUSA)
and Qwest Corporation (Qwest) relating to agreements 41A (Ex. TLW-35), 42A (Ex.
TLW-36), and 46A (Ex. TLW-39) 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 41A, 42A, and 46A 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 McLeodUSA 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 20th day of August, 2004.

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