

Law Office of
Richard A. Finnigan
2405 Evergreen Park Drive SW
Suite B-1
Olympia, Washington 98502
(360) 956-7001
Fax (360) 753-6862

Kathy McCrary
Paralegal

September 30, 2002

Carole Washburn
Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

Re: Docket No. UT- 020667

Dear Ms. Washburn:

This letter is in response to the letter from the Commission Staff dated September 24, 2002, but mailed with a postmark date of September 26, 2002. Commission Staff characterizes WITA's position in a manner which totally misunderstands WITA's Petition.

Commission Staff describes WITA's position as a concern about the location of the "switching machine."¹ The objection put forth by WITA is not the location of the switch. WITA understands and takes no adverse position against the concept of having a switch located in a central place for efficiency purposes. The fundamental element of WITA's petition is the location of the two parties to the call. If the calling party is in one exchange and the called party (even if it is an ISP) is in another exchange which does not have EAS to the first exchange, then that call should be treated as an interexchange call subject to access charges. That is the fundamental basis of WITA's concern.

¹ WITA does not use the somewhat obscure term "switching machine." It is unclear what Staff means by this term. Presumably, it is a reference to a switch or router.

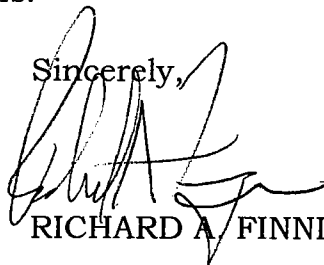
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COMMISSION

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Further, Commission Staff misunderstands the FCC's ISP Remand Order.² If one takes the time to read the ISP Remand Order in detail, it is clear that the ISP Remand Order does not address calling outside of a local calling area. The factual situation that is discussed in the ISP Remand Order is the question whether Section 251(b)(5) reciprocal compensation obligations occur. Those questions only come up in the context of the local traffic. The treatment of interexchange traffic is not at issue in that case.³

Thank you for attention to these important clarifications of Commission Staff's characterization of WITA's concerns.

Sincerely,



RICHARD A. FINNIGAN

RAF/sle

cc: Terrence Stapleton
Members
Service List

²In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 Intercarrier Compensation for ISP-bound Traffic, CC Docket Nos. 96-98, 99-68 (FCC-01-131, released April 27, 2001) Order on Remand and Report and Order.

³ WITA understands that the FCC might, when faced with an appropriate set of facts, also conclude that Section 201 applies to interexchange ISP bound traffic. However, that set of facts has not been presented to the FCC and the FCC has not ruled on the issue.