

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

QWEST CORPORATION,

Complainant

v.

LEVEL 3 COMMUNICATIONS LLC;)	DOCKET NO. UT -063038
PAC-WEST TELECOMM, INC.;)	
NORTHWEST TELEPHONE INC.; TCG-)	
SEATTLE; ELECTRIC LIGHTWAVE,)	
INC; ADVANCED TELECOM GROUP,)	ANSWER OF ADVANCED
INC. D/B/A ESCHELON TELECOM, INC.;)	TELECOM GROUP, INC. d/b/a
FOCAL COMMUNICATIONS)	ESCHELON TELECOM, INC.
CORPORATION; GLOBAL CROSSING)	
LOCAL SERVICES, INC; AND, MCI)	
WORLDCOM COMMUNICATIONS,)	
WORLDCOM COMMUNICATIONS, INC.)	

Pursuant to Washington Administrative Code (WAC) 480-07-370, Respondent Advanced Telcom, Inc. d/b/a Eschelon Telecom, Inc. (ATI)¹ files this Answer in response to the Complaint of Qwest Corporation. (Qwest). ATI's authorized representative and attorney in this proceeding is:

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¹ Qwest incorrectly named "Advanced Telcom Group, Inc. d/b/a Eschelon Telecom, Inc." as a Respondent. In 2000, Advanced Telcom Group, Inc. changed its name to Advanced Telcom, Inc. (ATI). In 2005, Eschelon purchased ATI. ATI continues to operate as a wholly-owned subsidiary of Eschelon Telecom, Inc. It is our understanding that the allegations herein are directed at the operations of ATI.

ATI has studied the allegations in Qwest's Complaint in some detail and is convinced that ATI is not engaging in the conduct that is the basis for Qwest's Complaint. Irrespective of the merits of Qwest's legal position in this matter, ATI does not, as a factual matter, engage in the conduct complained of by Qwest. Therefore, the Commission should dismiss Qwest's Complaint as to ATI.

ATI, for its Answer to the allegations in the Complaint, states as follows:

1. No response is necessary to the introductory statements Paragraphs 1-3 of the Complaint and ATI makes none.
2. ATI admits the allegations in Paragraph 4 of the Complaint.
3. ATI neither admits nor denies the allegations in Paragraphs 5-8 of the Complaint as to other Respondents. ATI admits the allegations contained in Paragraph 8, as to ATI.
4. ATI denies that Advanced Telcom Group, Inc. is registered with the Commission as a CLEC and is authorized to provide local and long distance services in Washington. Advanced Telcom Group, Inc. changed its name to Advanced Telcom, Inc. in September of 2000.
5. ATI admits the allegations in Paragraph 9 to the extent that they address intrastate calling.
6. ATI neither admits nor denies the allegations in Paragraphs 10 and 11, but asserts that the documents cited speak for themselves.
7. Paragraph 12 is a characterization of the Complaint which does not require an Answer.

8. Eschelon neither admits nor denies the allegations in Paragraph 13 and asserts that WAC 480-120-021 speaks for itself.
9. Eschelon denies that the definition of interexchange (toll) traffic in Paragraph 14 is correct in all circumstances.
10. Eschelon denies the allegations in Paragraph 15.
11. Eschelon denies the allegations in Paragraph 16 as applied to ATI.
Specifically, ATI denies that it does “not pay Qwest access charges that would otherwise be due”. ATI asserts that, contrary to the allegations in Paragraph 16, ATI does indeed “purchase dedicated access transport to route these calls” or otherwise routes these calls over facilities obtained by ATI.
12. Eschelon admits that it may use its own version of FX service to allow end users to make what appears to them to be local calls but denies the remainder of Paragraph 17.
13. ATI denies the allegations in Paragraph 18.
14. ATI neither admits nor denies the allegations in Paragraph 19, as it is without knowledge of information sufficient to for a belief as to how Qwest provides its FX service.
15. ATI denies the allegations in Paragraphs 20.
16. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 21.
17. ATI admits the first sentence of Paragraph 22 and is without sufficient information to admit or deny the remainder of the allegations in that Paragraph.
18. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 23.

19. ATI asserts that the statute and rule cited in Paragraph 24 speak for themselves.
20. In response to Paragraph 25, ATI asserts that Qwest's tariff speaks for itself. ATI specifically denies the allegations contained in the last sentence of Paragraph 25.
21. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 26.
22. ATI asserts that RCW 80.36.080, cited in Paragraph 27, speaks for itself.
23. ATI denies the allegations in Paragraph 28.
24. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 29.
25. ATI asserts that RCW 80.36.140, cited in Paragraph 30, speaks for itself.
26. ATI denies the allegations contained in Paragraph 31.
27. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 32.
28. ATI asserts that RCW 80.36.360, cited in Paragraph 33, speaks for itself.
29. ATI denies the allegations contained in Paragraph 34.
30. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 35.
31. ATI asserts that RCW 80.36.170, cited in Paragraph 36, speaks for itself.
32. ATI denies the allegations contained in Paragraph 37.
33. ATI repeats its responses to Paragraphs 1-20 in response to Paragraph 38.
34. ATI neither affirms nor denies the allegations in Paragraph 39 but asserts that the orders cited in Paragraph 39 speak for themselves.
35. ATI denies the allegations in Paragraph 40.

AFFIRMATIVE DEFENSES

36. For its First Affirmative Defense, ATI alleges that Complainant has failed to state a claim upon which relief may be granted.

WHEREFORE, ATI, having fully answered the Complaint in this matter, respectfully requests the Commission to dismiss the Complaint with prejudice as to ATI and issue an order affirming that ATI's practices for providing FX service are legal and proper.

Respectfully submitted,

Dated: June 22, 2006.

/s/ Dennis D. Ahlers

Dennis D. Ahlers

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