

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

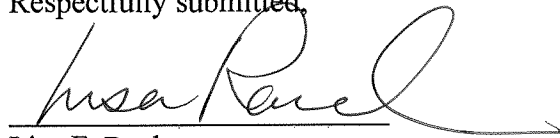
PAC-WEST TELECOMM, INC.,	)	DOCKET UT-053036
	)	
Petitioner,	)	
	)	
v.	)	
	)	
QWEST CORPORATION,	)	
	)	
Respondent.	)	
_____	)	
	)	
LEVEL 3 COMMUNICATIONS, LLC,	)	DOCKET UT-053039
	)	
Petitioner,	)	
	)	
v.	)	
	)	
QWEST CORPORATION,	)	
	)	
Respondent.	)	

**MOTION FOR SUMMARY DETERMINATION OF LEVEL 3  
COMMUNICATIONS, LLC AND PAC-WEST TELECOMM, INC.**

1. Level 3 Communications, LLC (“Level 3”) and Pac-West Telecomm, Inc. (“Pac-West”) hereby move for summary determination, pursuant to the Prehearing Conference Notice in this proceeding and WAC 480-07-382(2), on the issues presented below as there are no genuine issues as to any material fact.
2. Level 3 and Pac-West respectfully request that the Commission grant any or all of the following relief:
  - A. Dismiss this proceeding in its entirety for lack of subject matter jurisdiction;

- B. Rule that Qwest Corporation (“Qwest”) is not, under the terms of its own access tariffs, entitled to collect access charges from Level 3 and Pac-West on VNXX ISP-bound traffic;
- C. Rule that Level 3 and Pac-West are not estopped from challenging the jurisdiction of the Commission in this matter;
- D. Rule that any claim by Qwest for access charges would be subject to Washington’s two-year statute of limitations and would not relate back to Qwest’s original counterclaims in this proceeding; and
- E. Grant to Level 3 and Pac-West such other, further and different relief as to the Commission appears just and proper in the premises.

Respectfully submitted,



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*Counsel for Level 3 Communications, LLC*

June 1, 2012

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 1st day of June, 2012, served the true and correct original, along with the correct number of copies, of the **Motion for Summary Determination of Level 3 Communications, LLC and Pac-West Telecomm, Inc., the Memorandum of Law in Support of Level 3's and Pac-West's Motion for Summary Determination, and Level 3's and Pac-West's Documentary Appendix to Motion for Summary Determination** upon the WUTC, via the method(s) noted below, properly addressed as follows:

David Danner Executive Director and Secretary Washington Utilities and Transportation Commission 1300 S Evergreen Park Drive SW PO Box 47250 Olympia, WA 98504-7250	<input type="checkbox"/> Hand Delivered <input type="checkbox"/> U.S. Mail (first-class, postage prepaid) <input checked="" type="checkbox"/> Overnight Mail (UPS) <input type="checkbox"/> Facsimile _____ <input checked="" type="checkbox"/> Email (records@wutc.wa.gov)
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I hereby certify that I have this 1st day of June, 2012, served the true and correct original, along with the correct number of copies, of the **Motion for Summary Determination of Level 3 Communications, LLC and Pac-West Telecomm, Inc., the Memorandum of Law in Support of Level 3's and Pac-West's Motion for Summary Determination, and Level 3's and Pac-West's Documentary Appendix to Motion for Summary Determination** upon the WUTC, via the method(s) noted below, properly addressed as follows:

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**Courtesy Copy:**

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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 1st day of June, 2012, at Portland, Oregon.



\_\_\_\_\_  
Lisa Rackner