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October 29, 2004

VIA E-MAIL AND HAND DELIVERY

Carole Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

Re: Docket No. UT-041244 – WECA, et al. v. Marathon
Communications, Inc. – **Expedited Treatment Requested (In
Part) November 3, 2004**

Dear Ms. Washburn:

Enclosed you will find the original and fourteen copies of a Motion to Dismiss to be filed in this docket along with a Certificate of Service. Please note that for the portion of the Motion related to holding discovery in abeyance, WECA requests expedited treatment.

Marathon has propounded discovery to WECA. Responses to that discovery are due November 8, 2004. The basis for holding the discovery in abeyance is, in part, that Marathon's Testimony is due November 5, 2004 and, thus, a delay in providing responses and objections to the discovery will not work a hardship on Marathon.

WECA respectfully requests that a determination of the responsibilities to respond to discovery and whether it will be held in abeyance be provided no later than noon, November 3, 2004.

Thank you for your consideration of this Motion.

Carole Washburn
October 29, 2004
Page 2

Sincerely,

RICHARD A. FINNIGAN

RAF/lis
Enclosures

cc: ALJ Moss
Parties of Record
Clients (via e-mail)