BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1 2 3 Washington Exchange Carrier Association, 4 5 6 7 8 9 10 11 a Washington corporation, Inland Telephone 12 Company, a Washington corporation, YCOM Networks, Inc., a Washington corporation. 13 and Ellensburg Telephone Company, a Washington corporation, 14 15 16 17 18

a Washington non-profit corporation, CenturyTel of Washington, Inc., a Washington corporation, Hood Canal Telephone Company, a Washington corporation, Kalama Telephone Company, a Washington corporation, Tenino Telephone Company, a Washington corporation, Mashell Telecom, Inc., a Washington corporation, McDaniel Telephone Company d/b/a TDS Telecom, a Washington corporation, Lewis River Telephone Company, d/b/a TDS Telecom, a Washington corporation, The Toledo Telephone Co., Inc.,

Complainants,

V.

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Marathon Communications Incorporated. d/b/a Marathon Communications of Washington, a Delaware corporation,

DOCKET NO. UT- 041244

DECLARATION OF RICHARD A. FINNIGAN

Respondent.

I, Richard A. Finnigan, hereby declare under penalty of perjury under the laws of the state of Washington that the following statements are true and correct:

I am the attorney for the Washington Exchange Carrier Association and the 1 individual member companies that are complainants in this docket.

DECLARATION OF RICHARD A. FINNIGAN - 1

Law Office of Richard A. Finnigan 2405 Evergreen Park Dr. SW Suite B-1 Olympia, WA 98502 (360) 956-7001

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- 2. Attached is a true and correct copy of an e-mail from Mr. Jonathon Thompson to Mr. Henry Hamilton concerning Marathon's use of PRI service.
- 3. Marathon has stated in its pleadings that "The only service Marathon offers in WECA territory is 800 numbers." Paragraph 5 of Marathon's Response to WECA's Motion for Restraining Order. No WECA member is blocking access to any Marathon 800 number and there is no intention to do so in the future.
- 4. In September of 2004, Mr. Jeff Grieff, as counsel for Marathon, called me to tell me that Marathon would be through using PRI service in the near future. He asked if that would be sufficient for WECA to dismiss its claims against Marathon. He stated that Marathon would continue with its counterclaim, however. When asked why the counterclaim would continue, Mr. Grieff responded that Marathon wanted to get a Commission pronouncement concerning blocking traffic so that they could pursue a damage action in Superior Court.

RESPECTFULLY SUBMITTED, this 29th day of October, 2004.

RICHARD A. FINNIGAN, WSBA No. 6443

Attorney for the Washington Exchange Carriers Association

DECLARATION OF RICHARD A. FINNIGAN - 2

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