

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

AT&T CORPORATION and AT&T  
COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC.,

Complainants,

vs.

QWEST CORPORATION,

Respondent.

Docket No. UT-041394

QWEST CORPORATION'S MOTION FOR  
LEAVE TO FILE A SECOND AMENDED  
ANSWER, ADDING CROSS-COMPLAINT

- 1 Respondent Qwest Corporation ("Qwest") respectfully moves the Commission for leave to file a second amended answer in this matter in order to revise the answer and add a cross-complaint. The second amended answer, including cross-complaint, is attached hereto. In that amended answer, Qwest has (1) revised language in paragraphs 17 and 30 to clarify that it does not believe that the SGAT conduit rates are fair, just, reasonable or sufficient in accordance with RCW 80.54.030; and (2) withdrawn its allegations contesting the Commission's jurisdiction to hear this matter.
- 2 In addition, Qwest has added a cross complaint in Section V. This cross complaint addresses the possibility that, contrary to Qwest's advocacy, the Commission might agree to revise the

contractual rates at issue in this proceeding. In that event, the cross-complaint alleges that the SGAT rates do not conform with the Washington criteria for fair, just, reasonable and sufficient rates, and asks the Commission to establish rates that do conform with the Washington criteria.

3 Pursuant to WAC 480-07-395(5), the Commission may allow amendments to pleading, motions or other documents on such terms as promote fair and just results. Furthermore, RCW 80.04.110(2) states that “all matters upon which complaint may be founded may be joined in one hearing. . . .” Qwest believes that this statutory provision contemplates that a cross complaint of this nature be joined for hearing with the original complaint, and that such joinder will promote efficiency in the proceeding. Qwest further believes that no party will be prejudiced by allowing it to amend its answer in the manner described herein.

4 Thus, Qwest asks the Commission to grant its motion and to accept the attached amended answer to the complaint.

RESPECTFULLY SUBMITTED this \_\_\_\_ day of January, 2005.

QWEST

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