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July 18, 2005

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

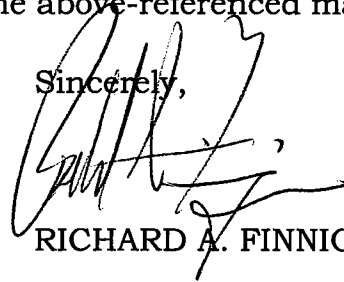
RECEIVED
RECORDS SECTION
05 JUL 18 PM 3:44
STATE OF WASH
UTILITY DIVISION
1300 SOUTH EVERGREEN PARK DRIVE
OLYMPIA WA 98504

Re: Docket No. UT-053040 – Pend Oreille County Public Utility District
No. 1 v. Pend Oreille Telephone Company

Dear Ms. Washburn:

Enclosed are the original and nineteen copies of Answer to Formal
Complaint and Certificate of Service in the above-referenced matter.

Sincerely,



RICHARD A. FINNIGAN

RAF/km
Enclosures

cc: Robert Geddes (w/encl.)
James Martell (w/encl.)

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UTILITY DIVISION

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Pend Oreille County Public Utility District
No. 1,

Complainant,

v.

Pend Oreille Telephone Company,

Respondent.

DOCKET NO. UT-053040

ANSWER TO FORMAL COMPLAINT

TO: Washington Utilities and Transportation Commission

AND TO: Pend Oreille County Public Utility District No. 1, c/o Robert Geddes, General Manager

COMES NOW Pend Oreille Telephone Company, by and through its attorney of record, Richard A. Finnigan, attorney-at-law, and pursuant to WAC 480-370(c) files this Answer to Formal Complaint.

Admissions:

1. Pend Oreille Telephone Company admits that: (1) it is a telecommunications company operating in the State of Washington with its address at 892 W. Madison Avenue, Glens Ferry, ID 83623; (2) its general telephone number is (208) 366-2840; (3) its registered agent is CT Corporation located at 520 Pike Street, Seattle WA 98101; (4) its UBI Number is 601-503-481; and (5) its President is Mr. James Martell.

ANSWER TO FORMAL COMPLAINT- 1

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1 2. Pend Oreille Telephone Company also admits that Public Utility District No. 1 of Pend Oreille
2 County, Washington (PUD No. 1) has an address of PO Box 190, Newport WA 99156 and a telephone
3 number of (509) 447-3137.

4 Denials:

5 3. Pend Oreille Telephone Company is either without knowledge sufficient to know the truth or
6 falsity of the allegations contained in the Formal Complaint and therefore denies the same or expressly
7 denies the same. Further, Pend Oreille Telephone Company denies that any relief is entitled to PUD No.
8

9 1.

10 Affirmative Defenses:

11 4. By way of affirmative defenses, Pend Oreille Telephone Company alleges as follows:

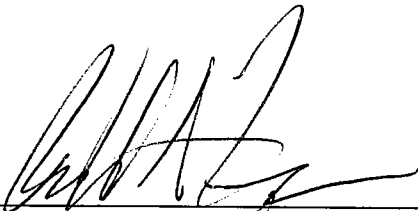
- 12 1. The Formal Complaint filed by PUD No. 1 is based upon unsubstantiated hearsay and fails to
13 state a claim upon which relief may be granted;
- 14 2. Pend Oreille Telephone Company has never received a request for service from PUD No. 1
15 as described in the Formal Complaint and therefore the Formal Complaint should be
16 dismissed as premature or not yet ripe;
- 17 3. PUD No. 1 is not a telecommunications company as defined by Washington statute and is not
18 entitled to receive wholesale services from Pend Oreille Telephone Company and this matter
19 should be dismissed for failure to state a claim or as beyond the subject matter jurisdiction of
20 the Commission;
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- 1 4. PUD No. 1 has never filed an interconnection request with Pend Oreille Telephone
2 Company, has not requested negotiations of any sort with Pend Oreille Telephone Company
3 and the Formal Complaint should be dismissed as improper and beyond the jurisdiction of
4 the Commission as exceeding the Commission's delegated authority under Sections 251 and
5 252 of the Telecommunications Act of 1996;
- 6
- 7 5. Pend Oreille Telephone Company and RCC Holdings, Inc. have reached an agreement in
8 principle under which Pend Oreille Telephone Company will provide services to RCC
9 Holdings, which agreement is in the process of being reduced to writing and, therefore, this
10 Formal Complaint should be dismissed as moot;
- 11 6. PUD No. 1 lacks standing to assert a claim on behalf of an unrelated third party;
- 12 7. PUD No. 1 has engaged in conduct which exceeds its statutory authority and the Formal
13 Complaint should be dismissed under either the doctrine of estoppel or the doctrine of
14 unclean hands.
15

16 Relief Requested:

- 17 5. Pend Oreille Telephone Company respectfully requests that the Commission dismiss the Formal
18 Complaint on its face.
19

20 Dated this 18th day of July, 2005.
21

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23 _____
24 RICHARD A. FINNIGAN, WSB #6443
25 Attorney for Pend Oreille Telephone Company
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CERTIFICATE OF SERVICE

UT-053040

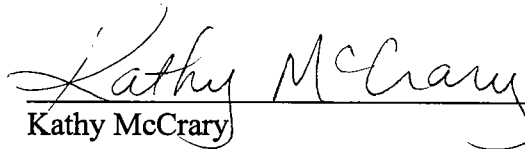
I hereby certify that I have this day served the attached Answer to Formal Complaint upon all parties of record in this proceeding by U.S. mail, postage prepaid, to the following parties or attorneys of parties:

Robert D. Geddes
General Manager
Pend Oreille County Public Utility District
PO Box 190
Newport, WA 99156

I further certify that I have this day delivered the original and nineteen copies of the attached Answer to Formal Complaint by hand delivery to the following:

Ms. Carole Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive SW
Olympia, WA 98504

Dated at Olympia, Washington, this 18th day of July, 2005.


Kathy McCrary