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9	BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	
10	In the Matter of the Complaint and Request for) Expedited Treatment of AT&T Communications) No. UT-991292	
11	of the Pacific Northwest, Inc. Against U S WEST)	
12	Communications, Inc. Regarding Provisioning of)U S WEST'S MOTION TO HOLD THEAccess Services)SCHEDULE IN ABEYANCE PENDING)FCC RESOLUTION OF	
13) JURISDICTIONAL ISSUES	
14)	
15	U S WEST Communications, Inc., (U S WEST) hereby moves the Commission to hold the	
16	schedule in this docket in abeyance pending FCC resolution of jurisdictional issues. U S WEST	
17	filed a petition with the FCC earlier today asking for a declaratory ruling on the jurisdictional	
18	issues raised by this complaint, and U S WEST believes that it would be consistent with sound	
19	legal and policy principles to suspend proceedings in this docket until that resolution is reached.	
20	This proceeding was initiated by AT&T Communications of the Pacific Northwest, Inc.	
21	(AT&T) on August 18, 1999. On September 16, 1999, U S WEST filed a motion to dismiss,	
22	contending, inter alia, that the Washington Utilities and Transportation Commission	
23	("Commission") lacks jurisdiction to consider any complaint or claims related to interstate	
	U S WEST'S Motion to Hold U S WEST'S Motion to Hold South WA 08101 South WA 08101	
	Schedule in Abeyance- 1 -Seattle, WA 98191Telephone: (206) 343-4000Facsimile: (206) 343-4040	

services. The Commission denied U S WEST's motion, noting that while it has the duty not to 2 usurp federal jurisdiction, it also has a responsibility to Washington ratepayers to protect their 3 interests when it does have jurisdiction. The Commission determined that the jurisdictional 4 question was not clear, and that the FCC has not in any way clearly provided that it preempts state 5 regulatory agencies from inquiring into the matters that AT&T raises. The Commission's denial 6 of the motion to dismiss concluded by noting that the parties had cited no clearly pertinent or 7 binding statute, decision, or rule providing that the FCC has exclusive preemptive jurisdiction over 8 the subject of the complaint. 9

In light of the Commission's ruling, and decisions in other states, U S WEST determined 10 that the jurisdictional issues should be clarified. As such, U S WEST filed the attached Petition 11 for Declaratory Ruling with the FCC earlier today. The petition asks the FCC to decide the very 12 issues that were unclear to the Commission in this case. A resolution of those issues consistent 13 with U S WEST's position would render any proceedings at the state level unnecessary and 14 meaningless from a legal standpoint, and wasteful of resources. For those reasons alone, it would 15 benefit all parties to await an FCC decision of these issues. The Commission should suspend 16 proceedings in this matter until such a decision is rendered. 17

If the FCC does not decide the issues in U S WEST's favor, a new schedule could be
established and the matter could proceed with the knowledge that the parties efforts would not be
for naught. Alternatively, the Commission could establish a schedule now, for hearings to be held
later next year. This would have the advantage of reserving the hearing dates for future use if
necessary, and would still obviate the need for potentially unnecessary preparation and hearings
over the next five weeks.

U S WEST'S Motion to Hold Schedule in Abeyance

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U S WEST, Inc. 1600 7th Ave., Suite 3206 Seattle, WA 98191 Telephone: (206) 343-4000 Facsimile: (206) 343-4040

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2	For the reasons set forth herein, U S WEST requests that the Commission issue an order		
3	suspending the schedule in this matter, or, in the alternative, that the Commission establish hearing		
4	dates during the second or third quarters of 2000, to enable the FCC to resolve the jurisdictional		
5	issues before requiring hearings on issues raised in connection with the purchase of interstate		
6	services from U S WEST's FCC tariff.		
7	DATED this day of December, 1999.		
8	U S WEST Communications, Inc.		
9	9		
10	10 Lisa A. Anderl, WS	PA No. 12226	
11		DA NO. 13230	
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	U S WEST'S Motion to Hold Schedule in Abeyance - 3 -	U S WEST, Inc. 1600 7th Ave., Suite 3206 Seattle, WA 98191 Telephone: (206) 343-4000 Facsimile: (206) 343-4040	