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

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

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.

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For the reasons set forth herein, U S WEST requests that the Commission issue an order suspending the schedule in this matter, or, in the alternative, that the Commission establish hearing dates during the second or third quarters of 2000, to enable the FCC to resolve the jurisdictional issues before requiring hearings on issues raised in connection with the purchase of interstate services from U S WEST's FCC tariff.

DATED this ____ day of December, 1999.

U S WEST Communications, Inc.

Lisa A. Anderl, WSBA No. 13236