

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

SANDY JUDD, and TARA HERIVEL,

Complainants,

v.

**AT&T COMMUNICATION OF THE PACIFIC
NORTHWEST, INC., and T-NETIX, INC.,**

Respondents.

Docket No. UT-042022

AT&T'S RESPONSE TO BENCH REQUEST NO. 3

AT&T Communications of the Pacific Northwest, Inc. ("AT&T"), by its attorneys, hereby submits this response to Bench Request No. 3.

1. In Bench Request No. 3, the Administrative Law Judge recognized that AT&T contends in this proceeding that Complainants are collaterally estopped from arguing that AT&T was obligated by RCW 80.36.520 to provide rate disclosures. Complainants are collaterally estopped because they raised the same theory that they are raising here before the Superior Court of Washington for King County in response to AT&T's and Verizon's' motions to dismiss, but the Superior Court rejected that theory. The Administrative Law Judge recognized that AT&T has submitted in this proceeding the Superior Court's decision, but AT&T has not submitted its motion to dismiss. In the Bench Request, the Administrative Law Judge asked AT&T to provide a copy of that motion.

2. Attached as Exhibit A is a copy of AT&T's Motion to Dismiss. The discussion about why RCW 80.36.520 does not obligate AT&T to make rate disclosures is contained at pages five to six. Verizon made essentially the same argument. Verizon's Motion to Dismiss is attached as Exhibit B. The most relevant discussion is contained at pages seven to eight.

Complainants responded to both motions when they presented the argument that the Superior Court ultimately rejected. See Ex. 1 to AT&T's Reply in Support of its Amended Motion for Summary Determination. Because the Superior Court addressed the arguments raised in both motions at the time it ruled, AT&T has provided a copy of Verizon's motion to dismiss in addition to its own.

SUBMITTED BY:

**AT&T COMMUNICATIONS OF
THE PACIFIC NORTHWEST, INC.**

By: /s/ Charles H.R. Peters

Charles H.R. Peters
David C. Scott
SCHIFF HARDIN, LLP
233 S. Wacker Dr.
Chicago, IL 60606
(312) 258-5500
(312) 258-5600 (fax)
cpeters@schiffhardin.com
dscott@schiffhardin.com

Letty S.D. Friesen
AT&T Communications of the Pacific
Northwest, Inc.
2535 E. 40th Avenue
Ste. B1201
Denver, CO 80205
(303) 299-5708
(303) 298-6301 (fax)
Lf2562@att.com