

UT-023036 (IA)  
9-28-05



August 16, 2005

*Via DHL Overnight Express Mail*

Ms. Carole J. Washburn  
Executive Secretary  
WA Utilities & Transportation Commission  
1300 S. Evergreen Park Drive S.W.  
P.O. Box 40128  
Olympia, WA 98504-0128

RECEIVED  
RECORDS MANAGEMENT  
05 AUG 16 AM 9:48  
STATE OF WASH  
UTILITY DIVISION  
COMMUNICATIONS

Re: Litigation Settlement Agreement and Release

Dear Ms. Washburn:

Enclosed are an original and two copies of Requests for Approval fo Fully Negotiated Amendment to Interconnection Agreement by Eschelon Telecom of Washington, Inc. and Advanced Telcom, Inc. with Verizon Services Corp. and two copies of the Wholesale Advantage Services Agreement (Agreement) between Verizon Services Corp. (Verizon) and Eschelon Telecom of Washington, Inc. and Advanced Telcom, Inc. (collectively "Eschelon"). This Agreement was signed by Eschelon on July 20, 2005 and by Verizon on or about July 22, 2005.

The Agreement provides that Eschelon may file the Agreement with the applicable state commission if ordered to do so by that commission. On September 8, 2004, in Docket No. UT-033011, in Order No. 12, the Washington Utilities and Transportation Commission (Commission) ordered Eschelon to file all interconnection agreements with the Commission within 30 days of execution.<sup>1</sup> On October 20, 2004, in Docket Nos. UT-960310 and UT-043084, the Washington Commission found that the Qwest Platform Plus wholesale agreement with MCI was subject to the jurisdiction of the Commission, was part of the interconnection agreement between the parties and subject to the Commission's review. On May 11, 2005, in Docket No. UT-990385, the Commission made a similar determination as to the Qwest Platform Plus wholesale agreement between Qwest and Eschelon.

Eschelon does not of any Commission precedent concerning that enclosed Agreement to be an agreement that must be filed. However, in light of the above-mentioned orders, unless and until the Commission rules otherwise, Eschelon believes

<sup>1</sup> WAC 480-07-640(2) (a) (i) also contains such a requirement.


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that it has been ordered to file this Agreement. Therefore, Eschelon is submitting the agreement to the Commission.

Please note that this Agreement is marked and submitted as "Confidential Information" pursuant to WAC 480-07-160(2)(c), awaiting such a determination.

Please contact me if you have any questions.

Sincerely,



Dennis D. Ahlers  
Senior Attorney  
Eschelon Telecom, Inc.  
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Enclosures

cc: Director-Contract Performance, Verizon  
Vice President and Associate General Counsel, Verizon  
Judy Endejan, Graham & Dunn, P.C.  
Thomas Wilson, WUTC