

March 23, 2004

NOTICE OF OPPORTUNITY TO RESPOND TO ISSUES LISTS

(By Noon, Monday, March 29, 2004)

RE: In the Matter of the Review of Unbundled Loop and Switching Rates and
Review of the Deaveraged Zone Rate Structure
Docket No. UT-023003

TO ALL PARTIES OF RECORD:

In the Twentieth Supplemental Order entered on March 11, 2004, the parties were asked to submit revised issues lists and to explain why they may have eliminated issues from the list established in the Fourth Supplemental Order in this case.

AT&T, XO, Qwest, and Commission Staff essentially responded that nonrecurring cost issues and issues related to Qwest (except for deaveraged 2/4 wire loops and subloops) should be eliminated.

Verizon responded that one issue (transfer of installed splitters) should be eliminated based on the agreement of the parties and that several other issues were eliminated by the FCC's *Triennial Review Order* and the subsequent order of the D.C. District Court in *U.S. Telecom Ass'n v. FCC*, ___F.3d___, 2004 WL 374262 (D.C.Cir. Mar. 2, 2004).

MCI responded that approximately 26 issues should be added to the list. It is uncertain whether or not some of these additions are actually subsidiaries to issues already on the list.

NOTICE IS GIVEN That on or before March 29, 2004, at noon, the parties may respond to the changes proposed by Verizon and MCI. In particular, the parties should address:

- **Whether MCI and Covad agreed to eliminate the transfer of installed splitters;**
- **What are the legal ramifications of the TRO order and subsequent D.C. Circuit court order in relation to the issues list in this case;**
- **Whether, and under what circumstances, additions to the issues list are appropriate at this point in the proceeding.**

In addition, on March 29th, Verizon should file a revised issues list, based on the issues list appended to the Fourth Supplemental Order, in accord with its comments.

The parties may respond electronically with hard copies to follow.

Sincerely,

THEODORA M. MACE
Administrative Law Judge