

DANIEL WAGGONER
DIRECT (206) 628-7707
danwaggoner@dwt.com

May 1, 2002

VIA FEDERAL EXPRESS

Qwest Communications
Director, Interconnection Compliance
1801 California Street
Room 2410
Denver CO 80202

Re: Notice of Intent to File Petition

Dear Sir or Madam:

This firm represents Pac-West Telecomm, Inc. ("Pac-West").

Please take Notice that Pac-West, pursuant to WAC 480-09-530, intends to file a petition with the Washington Utilities and Transportation Commission for enforcement of the Pac-West Telecomm, Inc. – Qwest Local Interconnection Agreement for Washington, UT-013009 (adopted February 14, 2001) ("Agreement") no sooner than ten days from the date of this Notice. Specifically, Pac-West will seek to enforce Qwest's obligation to compensate Pac-West for the termination of Exchange Service (EAS/Local) traffic as set forth in the Agreement.

Since November 2001, Qwest has not fully paid Pac-West's reciprocal compensation invoices in Washington. Qwest is in violation of the Reciprocal Traffic Exchange provision set forth in Section (C)2 of the Agreement, which states, *inter alia*, "The Parties agree that per minute of use call termination rates as described in Part H of this Agreement will apply reciprocally for the termination of Exchange Service (EAS/Local) traffic." Agreement Section (C)2.3.4.1.1. The rate set forth in the Agreement is \$.0018/MOU. Furthermore, Qwest's decision to offset 2002 reciprocal compensation due with amounts allegedly overpaid in 2001 is improper. Not only has Qwest underpaid for 2001, but Qwest is not entitled to the \$.0012/MOU rate or any cap on 2001 payments.

If Qwest continues to refuse to comply with its legal obligations, Pac-West will file a petition with the Commission seeking to enforce the Agreement and Pac-West's legal rights to the full

Qwest Communications

May 1, 2002

Page 2

extent available under applicable state and federal law. Nonetheless, Pac-West remains committed to negotiating in good faith and reaching a resolution to this matter.

Sincerely yours,

Davis Wright Tremaine LLP

Daniel Waggoner

cc: Qwest Communications Law Department
Attention: General Counsel, Interconnection
1801 California Street, 51st Floor
Denver CO 80202

Lisa Anderl, Counsel for Qwest
Mart McCann, Pac-West Telecomm, Inc.
John Sumpter, Pac-West Telecomm, Inc.