

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

QWEST CORPORATION

Petition for Commission Approval of
2007 Additions to Non-Impaired Wire
Center List

For Investigation Concerning the Status
of Competition and Impact of the FCC's
Triennial Review Remand Order on the
Competitive Telecommunications
Environment in Washington State

DOCKET NO. UT-073033

DOCKET NO. UT-073035

QWEST RESPONSE TO OBJECTION
OF ESCHELON TELECOM OF
WASHINGTON, INC. TO QWEST'S
PETITION FOR APPROVAL OF 2007
ADDITIONS TO NON-IMPAIRED
WIRE CENTER LIST;

QWEST RESPONSE TO ESCHELON'S
MOTION FOR A STANDING
PROTECTIVE ORDER

- 1 On July 30, 2007, Eschelon Telecom of Washington, Inc. ("Eschelon") filed objections to Qwest's Petition for Approval of 2007 Additions to the Non-Impaired Wire Center List. In that objection, Eschelon asks the Washington State Utilities and Transportation Commission ("Commission") to recognize that the Commission has not yet considered or approved the proposed settlement agreement between Qwest and certain competitive local exchange carriers and makes a number of requests to the Commission.

QWEST RESPONSE TO OBJECTION
TO QWEST'S PETITION AND
QWEST RESPONSE TO MOTION FOR
STANDING PROTECTIVE ORDER

Qwest Response to Eschelon Objections

- 2 Eschelon argues that, because the proposed settlement agreement is not yet approved, the filing deadlines in the Settlement Agreement do not apply. Even though the Commission had not yet approved the settlement agreement, Qwest made its June 29, 2007 filing in order to comply with the terms of the settlement agreement, which states that Qwest may request the addition of Non-Impaired Wire Centers based in whole or part upon line counts at any time up to July 1 of each year, based on prior year line count data. The settlement agreement also allows a CLEC or any other party 30 days from the Filing Date to raise objections to Qwest's request with the Commission. Notwithstanding the language of the settlement agreement and for purposes of the 2007 additions to the non-impaired wire center list only, Qwest does not object to the Commission allowing CLECs additional reasonable time to make their objections after the Commission has reviewed the settlement. Indeed, the parties have already agreed upon a schedule in this docket that will allow the CLECs a full 30 days after the settlement is approved in which to file comments or objections. This is more time than the settlement agreement contemplates – Qwest notes that the settlement agreement clearly anticipates that CLECs will have 30 days from the date of Qwest's *filing* to review Qwest's data provided in support of its filing and to make objections. That filing happened in early July, and under the current schedule the parties have requested that the Commission approve the settlement no later

than September 7, 2007. The Commission issued the Amended Protective Order on July 5, 2007. Qwest promptly provided its supporting information to the CLECs who requested the data under the terms of the protective order. However, even using Eschelon's own recitation of when it received the data, it will have had 30 days for review of Qwest's data as of August 10, 2007. Thus, there should not really be a need for an additional full 30 days of review time after approval of the settlement agreement, but that is what the parties have already agreed to, effectively rendering Eschelon's request on this issue moot. However, if review of the settlement agreement becomes protracted, Qwest may revise its position on this issue.

Qwest Response to Motion for Standing Protective Order

- 3 Eschelon raises issues related to the protective order issued in this matter. Qwest believes that it complied with the terms of the Settlement Agreement, which states, at VI.C:

At least five (5) days prior to filing new non-impairment or tier designations for Commission review, Qwest will request a protective order from the Commission to govern the handling of confidential information during the proceedings. Attached as Attachment E to this Settlement Agreement, is a model protective order. The Parties agree to seek from the individual Commission's approval for a standing protective order based upon the attached model protective order that will apply in future proceedings. Where a Commission adopts a standing protective order, Qwest is not required to submit a request for a new protective order, and CLECs that have signed the protective order are not required to re-sign it for each

new Qwest request. A Commission may modify a standing protective order using its standard processes and procedures after Qwest has made its filing.

Qwest requested a protective order in accordance with this provision and further requested an Amended Protective Order to address concerns raised by Eschelon.

Nevertheless, consistent with its prior pleadings in this matter, Qwest supports adoption of Eschelon's Attachment 2, Draft Washington Protective Order.

Respectfully submitted this 6th day of August, 2007.

QWEST CORPORATION

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