

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest  
Corporation for Arbitration with Eschelon  
Telecom, Inc. Pursuant to 47 U.S.C. Section  
252 of the Federal Telecommunications Act of  
1996**

**Docket No. UT-063061**

**EXHIBIT JW-3**

**TO THE**

**DIRECT TESTIMONY OF JAMES WEBBER  
ON BEHALF OF ESCHELON TELECOM, INC.**

**SEPTEMBER 29, 2006**

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**3. RATE REGULATIONS AND CONDITIONS**

**3.2 TYPES OF RATES AND CHARGES**

**3.2.2 NONRECURRING CHARGES (CONT'D)**

**K. Reestablishment of Service Following Fire, Flood or Other Occurrence**

**1. Nonrecurring Charges Do Not Apply**

Charges do not apply for the reestablishment of service following a fire, flood or other occurrence attributed to an Act of God provided that:

- a. The service is of the same type as was provided prior to the fire, flood or other occurrence.
- b. The service is for the same customer.
- c. The service is at the same location on the same premises.
- d. The reestablishment of service begins within sixty days after Company service is available. (The sixty day period may be extended a reasonable period if the renovation of the original location on the premises affected is not practical within the allotted time period).

**2. Nonrecurring Charges Apply**

Nonrecurring Charges apply for establishing service at a different location on the same premises or at a different premises pending reestablishment of service at the original location.

**2. GENERAL REGULATIONS**

**2.4 PAYMENT ARRANGEMENTS AND CREDIT ALLOWANCES (CONT'D)**

**2.4.5 RE-ESTABLISHMENT OF SERVICE FOLLOWING FIRE, FLOOD OR OTHER OCCURRENCE**

**A. Nonrecurring Charges Do Not Apply**

Charges do not apply for re-establishment of service following a fire, flood or other occurrences attributed to an Act of God provided that:

1. The service is of the same type as was provided prior to the fire, flood or other occurrence.
2. The service is for the same customer.
3. The service is at the location on the same premises.
4. The reestablishment of service begins within 60 days after Company service is available. (The 60 day period may be extended a reasonable period if the renovation of the original location on the premises affected is not practical within the allotted time period.)

**B. Nonrecurring Charges Apply**

Nonrecurring Charges apply for establishing service at a different location on the same premises or at a different premises pending reestablishment of service at the original location.

**2.4.6 TITLE OR OWNERSHIP RIGHTS**

The payment of rates and charges by customers for the services offered under the provisions of this Tariff does not assign, confer or transfer title or ownership rights to proposals or facilities developed or utilized, respectively, by the Company in the provision of such services.

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**4. ORDER MODIFICATIONS AND MISCELLANEOUS CHARGES**

**4.1 GENERAL (CONT'D)**

**4.1.4 EXPEDITE**

- A. If a customer desires that service be provided on an earlier date than that which has been established for the order, the customer may request that service be provided on an expedited basis. If the Company agrees to provide the service on an expedited basis, an Expedite Charge will apply. The customer will be notified of the Expedite Charge prior to the order being issued.
- B. If the Company is subsequently unable to meet an agreed upon expedited service date, no Expedite Charge will apply unless the missed service date was caused by the customer.
- C. The Expedite Charge is based on the extent to which the order has been processed at the time the Company agrees to the expedited service date, and is calculated as follows:
  - 1. Based on the critical dates associated with the order, as defined in 4.1.3.B.4.b., preceding, the Company will determine which critical date will be next completed on the order.
  - 2. Using the table of 4.1.3.B.4.c., preceding, and the critical date as determined above, the Company will determine the percent of the provisioning interval not yet completed.
  - 3. The Company will apply this percentage to the sum of all the nonrecurring charges associated with the order and divide this sum by the number of days remaining in the original service interval.
  - 4. The per day charges so developed will then be applied on a per-day basis, per-order, but in no event shall the charge exceed 50% of the total nonrecurring charges associated with the order.
- D. When the request for expediting occurs subsequent to the issuance of the order, a Dispatch Charge as set forth in 4.1.20, following, may also apply.
- E. If costs other than additional labor are to be incurred when an order is expedited, the Company will develop, determine and bill the customer such costs in accordance with the special construction terms and conditions as set forth in Qwest Corporation Tariff, F.C.C. No. 2.

**5. ORDERING OPTIONS FOR SWITCHED SERVICES**

**5.2 ACCESS ORDER**

**5.2.2 ACCESS ORDER MODIFICATIONS (CONT'D)**

**D. Expedited Order Charge**

When placing an Access order for service(s) for which standard intervals exist, a customer may request a service date that is prior to the standard interval service date. A customer may also request an earlier service date on a pending standard or negotiated interval Access Order. If the Company agrees to provide the service on an expedited basis, an Expedited Order Charge will apply.

A customer may request a change of end user premises within the same serving wire center. When this occurs, the service date is changed to reflect the standard interval. If the customer requests an earlier service date, an Expedited Order Charge will apply.

Expedited Order Charges will not apply if the revised interval to a pending order is equal to or longer than the standard interval for that service.

When an expedited service date is missed, the Expedited Order Charge will apply unless the missed service date is caused by the Company.

The Expedited Order Charge is based on the extent to which the Access Order has been processed at the time the Company agrees to the expedited service date. A list of the critical dates and the number of days between each date is found in the Service Interval Guide. The tables in the Service Interval Guide will be used to determine the Expedited Order Charge. The Expedited Order Charge is calculated as follows:

- Based on the critical dates associated with the Access Order as defined in 5.2.3.B.4., following, the Company will determine the next critical date scheduled to be completed on the order.
- Using the table of 5.2.3.B.4., following, and the critical date as determined above, the Company will determine the percent of the provisioning interval not yet completed.

**5. ORDERING OPTIONS FOR SWITCHED SERVICES**

**5.2 ACCESS ORDER**

**5.2.2 ACCESS ORDER MODIFICATIONS**

D. Expedited Order Charge (Cont'd)

- The Company will apply this percentage to the sum of all the nonrecurring charges associated with the order and divide this sum by the number of days remaining in the original service interval.
- The per day charges so developed will then be applied on a per-day-of-improvement basis, per order, but in no event shall the charge exceed 50% of the total nonrecurring charges associated with the Access Order.
- The Company will provide the customer with an estimate of the Expedited Order Charge before expediting an order.

If costs other than additional labor are to be incurred when an Access Order is expedited, the Company will develop, determine and bill the customer such costs in accordance with the special construction terms and conditions as set forth in Tariff F.C.C. No. 2.