

May 6, 2004

**NOTICE OF OPPORTUNITY TO SUBMIT COMMENTS**  
**(Due by Friday, May 21, 2004)**

RE: *In the Matter of the Petition of Qwest Corporation to Initiate a Mass-Market Switching and Dedicated Transport Case Pursuant to the Triennial Review Order*, Docket No. UT-033044.

On March 3, 2004, the Commission entered Order No. 14 in this proceeding, suspending the proceeding indefinitely due to the uncertainty prompted by the D.C. Circuit's decision in *United States Telecom Association v. Federal Communications Commission*, No. 00-1012 (D.C. Cir. 2004). In that Order, the Commission advised the parties that it would schedule by separate notice a status conference to be held at a later date, most likely after the 60-day stay of the D.C. Circuit's decision had elapsed, to address whether to continue with the proceeding, and how to address the evidentiary record in the proceeding.

Since that time, the Federal Communications Commission has encouraged telecommunications carriers and trade associations to enter into commercial negotiations to reach agreements for the availability of unbundled network elements, and the D.C. Circuit has granted the FCC's motion to extend the stay of the mandate in *USTA II* through June 15, 2004.

The Commission seeks comments from the parties as to whether a status conference is necessary at this time. In addition, the Commission also invites comments from parties concerning this Commission's options and obligations after *USTA II*, similar to comments filed recently with the Colorado Commission.

In Decision No. C04-0333, the Colorado Public Utilities Commission requested comments from parties in Docket Nos. 03I-478T and 03I-485T on the effect of USTA on the telecommunications service for CLEC customers, and the plans of active participants in the docket to conduct negotiations as urged by the FCC. In particular, the Colorado Commission, sought comment on the following questions:

- 1) What FCC unbundling rules will be in effect in light of the *USTA* decision?
- 2) What unbundling obligations, if any, will remain in effect for Qwest Corporation for mass market switching and high-capacity (DS1, DS3, and dark fiber) transport, either under §§ 251 or 271 of the Telecommunications Act, when the *USTA* decision becomes effective?
- 3) In the event *USTA* becomes effective, will Qwest have any legal obligation to provide network elements and services at prices based on Total Element Long Run Incremental Cost (TELRIC)?
- 4) Will Qwest's current Statement of Generally Available Terms and Conditions (SGAT) as it relates to unbundled switching and dedicated transport remain in full force and effect in the event *USTA* becomes effective?
- 5) What state unbundling rules remain in effect after *USTA* becomes effective?
- 6) Which state tariffs remain in effect after *USTA* becomes effective?
- 7) What should the Commission do to facilitate negotiations between parties on prices, terms, and conditions of unbundled network elements affected by *USTA*?
- 8) Should the Commission set a procedural schedule and/or hear oral argument on these issues?

Qwest, AT&T, WorldCom, Xo Colorado, Cbeyond, Xpedius, Colorado Trial Staff, and the Colorado Consumer Counsel filed comments in response to the Colorado Commission's order. To the extent that these parties file comments in Washington, parties' comments should supplement, not repeat comments filed before the Colorado Commission.

**Comments in response to this notice must be filed with the Commission by the close of business on Friday, May 21, 2004.** Parties may submit comments to the Commission electronically or via facsimile pursuant to WAC 480-07-145(6).

Sincerely,

ANN E. RENDAHL  
Administrative Law Judge