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June 11, 2004

VIA FACSIMILE AND U.S. MAIL

TIMOTHY J. O'CONNELL
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The Honorable Ann E. Rendahl
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

Re: UT-043013 - Verizon TRO Arbitration

Dear Judge Rendahl:

Order No. 4 in this docket granted Verizon's request to abate this proceeding through June 15, 2004. Paragraph 22 of that Order asked Verizon to advise the Commission, by June 11, as to whether the Commission should resume the proceeding or stay it further, in light of the possibility of a further judicial review.

The Commission should resume this proceeding after the mandate issues on June 16, 2004. On June 4, the United States Court of Appeals for the D.C. Circuit denied the FCC's and CLECs' motions to extend the deadline for issuance of the mandate in the *USTA II* decision. Furthermore, neither the FCC nor the Department of Justice will ask the Supreme Court to overturn *USTA II*, so even if other parties seek *certiorari*, the vacated unbundling rules will "have little chance of remaining in effect." *U.S. Sides With Bells in Battle Over Local Calling*, Wall St. J., June 10, 2004, at A1. "[I]t is rare for the Supreme Court to take a case in which an agency was overturned by an appeals court unless the agency itself files an appeal." Regulatory Sources Associates, LLC, Telecom Regulatory Note, *The FCC Will Not Appeal to the Supreme Court*, June 10, 2004, at 2.

There is no reason to further delay amending Verizon's interconnection agreements to reflect binding law. Verizon anticipates proposing a schedule and disputed issues list by the prehearing conference currently scheduled for June 16, 2004.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. O'Connell". The signature is fluid and cursive, with a large initial "T" and "J".

Timothy J. O'Connell

cc: Parties of Record

Oregon
Washington
California
Utah
Idaho