

May 5, 2008

**NOTICE OF BENCH REQUEST
(Due by Friday, May 9, 2008)**

RE: *In the Matter of the Petition of QWEST CORPORATION for Commission Approval of Stipulation Regarding Certain Performance Indicator Definitions and Qwest Performance Assurance Plan Provisions; Docket UT-073034*

The Washington Utilities and Transportation Commission (Commission) seeks information from Qwest Corporation (Qwest) in the form of the following bench request concerning the 2008 Partial Settlement filed in Docket UT-073034:

TO: QWEST CORPORATION:

BENCH REQUEST NO. 9:

On April 2, 2008, the parties filed a Partial Settlement of Disputed Issues (2008 Partial Settlement) and a Narrative in Support of 2008 Partial Settlement Agreement (2008 Narrative). In each of these pleadings, paragraph 17 addresses the parties' agreement on elimination of "Resale DSL" from Qwest's Performance Indicator Definitions (PIDs) and refers to a proposed resolution set out in a previously filed Narrative in Support of Settlement Agreement from September 12, 2007 (2007 Narrative).

The 2007 Narrative, paragraph 9.A.1, discusses retroactive application of retail analogues in place of the eliminated DSL products. A footnote to that paragraph (footnote 6) explains that these "new retail analogues will apply retroactively for a maximum of six months or back to December 2006 if the Commission approves the changes by August 31, 2007" (as per paragraph 9 of the original filing in this docket). The footnote goes on to explain that Qwest had agreed to extend its stated deadline for affirmative Commission action beyond August 31, 2007.

The Commission has been unable to determine what deadline, if any, Qwest has imposed as a substitute for the originally suggested deadline of August 31, 2007. Neither the footnote in the 2007 Narrative nor any of the recently filed documents associated with the 2008 Partial Settlement Agreement address whether Qwest has agreed to extend this deadline to at least May 31, 2008. However, paragraph 8 in both the 2008 Partial Settlement and the 2008

Narrative suggest a deadline of June 25, 2008, for affirmative Commission action with regard to a wholly separate topic.

Please identify Qwest's deadline for retroactive application of the new retail analogues intended to replace resale DSL as discussed in paragraph 9.A.1 of the 2007 Narrative. If this previously contemplated deadline is no longer applicable or necessary, please explain.

Please respond to this Bench Request no later than **Friday, May 9, 2008**, with an original and **five (5) copies**. If you have any questions concerning this request, please contact Administrative Law Judge Adam E. Torem at 360-664-1138, or via e-mail at atorem@utc.wa.gov.

Please provide your response to this request on a separate sheet of paper and indicate the bench request number at the top of the page (no need to repeat the language of this bench request). Also, please indicate on the response the date the response was prepared, the individual who prepared the response, and the telephone number of the preparer. Please send your response via U.S. Mail to: Carole Washburn, Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504, and send an electronic response to the Records Center at records@utc.wa.gov.

Sincerely,

ADAM E. TOREM
Administrative Law Judge

cc: All Parties