

September 3, 2004

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Ms. Carole Washburn, Executive Secretary
Washington Utilities & Transportation Committee
1300 Evergreen Park Drive, S.W.
Olympia, Washington 98504

Re: Docket No. UT-043013

Dear Ms. Washburn:

This letter responds to Verizon Northwest Inc.'s ("Verizon") Proposed Schedule that was filed in this docket on August 27, 2004. In its proposal, Verizon states that on September 10, 2004, it will submit its newest revised TRO Amendment reflecting the FCC's Interim Order and that parties should be allowed 30 days to negotiate it. Verizon then proposes dates for submitting issues lists, filing briefs, and an arbitrator's decision to be issued in January 2005.

MCI disagrees with Verizon's proposal since there is no reason for the Commission to adopt a procedural schedule for the arbitration of an amendment that the competitive local exchange carriers ("CLECs") have yet to see or negotiate with Verizon. MCI agrees with the Competitive Carrier Coalition ("CCC") that it is premature at this time, to set a procedural schedule for the arbitration.

Rather, MCI asks the Commission to hold the proceeding in abeyance pending resolution of the FCC's NPRM addressing the *USTA II*¹ remand. In its *Interim Order*, the FCC suggests that the parties wait to litigate the issues raised by *USTA II* until after the FCC issues its final rules, thereby avoiding wasteful proceedings.² Once the final

¹ *United States Telecom Ass'n v. FCC*, 359 F3d 554, 568 (D.C. Cir. 2004), *pets. for cert. filed*, Nos. 04-12, 04-15, 04-18 (June 30, 2004) ("*USTA II*").

² *Order and Notice of Proposed Rulemaking*, In the Matter of Unbundled Access to Network Elements, FCC 04-179, WC Docket No. 04-313, CC Docket No. 01-338 (rel. Aug. 20, 2004) ("*Interim Order*") at para. 17.

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rules are issued, Verizon may propose interconnection agreement amendments based on those rules, the parties may negotiate the amendments based on the change of law provisions set forth in their individual interconnection agreements and the Commission may then arbitrate any remaining disputed issues.

At a minimum, MCI joins the CCC's recommendation that the Commission hold this proceeding in abeyance or dismiss Verizon's Petition altogether and ask that Verizon file a new arbitration petition if issues remain unresolved after Verizon negotiates its newest amendment with CLECs. If Verizon files such a new petition, then, after CLECs have responded to it, it may be appropriate for the Commission to establish a procedural schedule for an arbitration.

Sincerely,

Michel L. Singer Nelson

cc: UT 043013 Service list (electronically and via U.S. Mail)