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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:

Pac-West Telecomm, Inc. ("Pac-West"), by its attorneys, respectfully responds to Verizon Northwest Inc.'s ("Verizon") Proposed Schedule that was filed in the above-referenced proceeding on August 27, 2004. Pac-West supports the Competitive Carrier Coalition's recommendation but believes that the Commission, while dismissing Verizon's Arbitration Petition or abating the resolution of the issues that Verizon raised in its Petition, can still move forward with respect to non-cost issues raised by CLECs in response to Verizon's Petition. These issues, such as Verizon's obligation to offer Commingling, Combinations and Routine Network Modifications, are effectively counterclaims to Verizon's Petition and are ripe for Commission resolution at this juncture.

Significantly, the contract language proposed by Pac-West with respect to such issues has not changed since it filed its response to Verizon's Arbitration Petition back on April 13, 2004 because Verizon's obligations in this regard were not overturned by *USTA II and are effective*. Resolution of the issues, however, has been extensively deferred mainly as a result of Verizon's repeated desire to amend its amendment. Because the Commission will have to address these issues regardless of what amendment Verizon ultimately seeks to arbitrate, the Commission should address the commingling, combination, and routine network modification issues immediately. Verizon agrees that these non-cost issues are legal in nature and can be resolved on the basis of briefs alone (no pre-filed testimony or hearing is necessary).¹ Pac-West therefore proposes that the Commission move forward with the arbitration with respect to these issues and adopt the following arbitration schedule:

September 17, 2004 Submission of Joint Issues Lists Associated with Verizon's Obligation to Offer Commingling, Combinations and Routine Network Modifications.

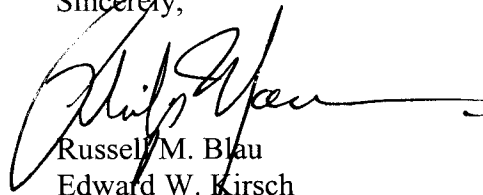
¹ Verizon's Proposed Schedule at 2.

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October 1, 2004 Initial Briefs on Law and Proposed Contract Language
October 13, 2004 Reply Briefs on Law and Proposed Contract Language
November 8, 2004 Arbitrator's Decision on Law and Proposed Contract Language
November 15, 2004 Filing of Executed Amendment of Such Contract Language with an
 Effective Date of November 15, 2004

An original and twelve (12) copies of this filing are attached as well as a diskette containing an electronic version of the filing. Please date-stamp the enclosed extra copy of this filing and return it in the attached self-addressed, postage prepaid envelope provided.

Sincerely,



Russell M. Blau
Edward W. Kirsch
Philip J. Macres

Counsel for Pac-West Telecomm, Inc.

cc: Honorable Anne E. Rendahl, Administrative Law Judge
 UT 043013 Service list

CERTIFICATE OF SERVICE

Docket No. UT-043013

I hereby certify on the date given below that true and correct copies of Pac-West Telecomm, Inc.'s Response to Verizon's Procedural Schedule dated September 3, 2004 which are being filed in the above-referenced docket, were sent by Federal Express, overnight delivery or U.S. Mail to:

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Dated this 3rd day of May, 2004



Philip J. Macres