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April 14, 2009

**VIA WEB PORTAL**

David Danner

Executive Secretary

Washington Utilities & Transportation Commission

1300 S. Evergreen Pk. Dr. S.W.

P. O. Box 47250

Olympia, WA 98504-7250

Re: *In the Matter of the Joint Application of Embarq Corporation and CenturyTel, Inc. For Approval of Transfer of Control of United Telephone Company of the Northwest d.b.a Embarq and Embarq Communications*  
Docket No. UT-082119

Dear Mr. Danner:

I am writing in response to the Commission's *Notice Concerning Agenda for Hearing*, which Axxis Communications, Inc. received on April 10, 2009. The notice identified an issue regarding certain side agreements between the applicants and two intervenors who are competitive local exchange companies.

Axxis Communications, Inc. is a competitive local exchange company doing business in Washington state. It currently has an interconnection agreement with Embarq.

Axxis considered intervening in this proceeding but concluded that, as a small, locally based CLEC, it did not have the financial resources that are required to participate as an intervenor in a formal adjudication at the Commission. It also recognized that its concerns would be quite similar to other CLECs. With two

CLECs already in the case, intervention by Axxis might have been viewed as duplicative.

Given this history, Axxis is quite concerned to learn that the CLEC intervenors later entered into "side-agreements" with the applicants. Axxis is glad that the Commission is asking whether these side-agreements will result in an unfair advantage to the intervenors in return for their withdrawal from the proceeding.

Axxis has today requested that the applicants provide copies of the side-agreements, so that it may evaluate the effect of the concessions provided to the intervenors in return for their withdrawal. Once Axxis has had the opportunity to review the side-agreements, it will be in a better position to state a position on the concerns raised by the Commission.

Sincerely,



Glenn Blackmon, Ph.D.

On behalf of

Axxis Communications, Inc.

cc: ALJ Dennis Moss (E-mail)  
Service List (E-mail)