BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION

In the Matter of the Petition for Arbitration Of an Amendment to Interconnection Agreements of VERIZON NORTHWEST INC. With COMPETITIVE LOCAL EXCHANGE CARRIERS AND COMMERCIAL MOBILE RADIO SERVICE PROVIDERS IN WASHINGTON Pursuant to 47 U.S.C. Section 252(b) and The Triennial Review Order.	DOCKET NO. UT-043013 **VERIZON'S ANSWER TO MCI'S PETITION FOR REVIEW OF ORDER NO. 10 AND PETITION TO VACATE ORDER NO. 10**

1. Verizon Northwest Inc. ("Verizon") hereby files its Answer to MCI's Petition for Review of Order No. 10 ("Petition"). As permitted by the ALJ's Notice Granting Request (Sept. 22, 2004), this Answer also presents additional issues for review and requests that Order No. 10 be vacated.

I. INTRODUCTION

2. MCI's Petition must be dismissed for procedural reasons or denied on the merits. MCI's first argument—that it cannot submit resale orders because it places orders only through EDI—is wrong as a matter of fact. The unrebutted evidence presented at the September 9 hearing shows that MCI has placed *hundreds* of local service orders with Verizon in Washington using Verizon's "WISE" Web/GUI interface.

3. MCI's second argument—that Order No. 5 requires Verizon to unbundle its packet switch—was already rejected by the Commission in this docket. As MCI admits, it and other CLECs asked the Commission to "clarify" Order No. 5 to require

Verizon to unbundle its packet switch. The Commission rejected this request in Order No. 8 and instructed the CLECs to file a petition for enforcement. The CLECs did not comply with the Commission's instruction or file a petition for review of Order No. 8; instead, they filed a new "Motion for Enforcement" in this docket. In response, the ALJ in Order No. 10 again instructed the CLECs to file a petition for enforcement, which they finally did in Docket No. UT-041127. Thus MCI's Petition here, although styled as a petition for review of Order No. 10, is in fact an untimely and impermissible request for reconsideration of Order No. 8.

4. Finally, MCI's third argument—that its interconnection agreement requires Verizon to unbundle its packet switch—raises the precise issue to be decided in Docket No. UT-041127. MCI's attempt to litigate this issue here ignores the Commission's explicit directive in Order No. 8 that MCI and other CLECs must file a separate petition for enforcement. Thus MCI's request is nothing more than an unlawful attempt to circumvent Docket No. UT-041127.

5. Furthermore, Order No. 10 should be vacated in its entirety because it unlawfully granted emergency injunctive relief. The law is clear: the Commission cannot grant such relief unless there is an "immediate danger to the public health, safety, or welfare" and the moving party establishes a likelihood of success on the merits. Moreover, unlike the normal discretion afforded an administrative agency, in an emergency adjudicative proceeding the agency may order only such action needed to avoid the immediate danger. In Order No. 10, however, the ALJ granted emergency injunctive relief even though (1) she found that "there is no immediate harm to the public welfare" and (2) she explicitly refused to consider the merits of the CLECs' claims—

indeed, she ruled the merits would be addressed in a separate, subsequent proceeding. (Order No. 10 ¶¶ 31, 34.) The ALJ also violated statutory and Commission procedure for holding evidentiary hearings. Given these procedural and substantive errors, the ALJ could not lawfully have granted *any* relief, and Order No. 10 must be set aside.

II. MCI'S PETITION MUST BE DISMISSED ON PROCEDURAL GROUNDS OR DENIED ON THE MERITS

A. MCI Can Place, and Has Placed, Orders Using Verizon's WISE Interface.

6. MCI claims that it cannot place resale orders because it uses only EDI and would be required to build a new OSS interface. (Petition ¶ 17.) This is the same claim that MCI witness Sherry Lichtenberg initially made in her direct testimony at the September 9 hearing and that Verizon witness Kathleen McLean fully rebutted.[1]

7. During cross-examination, Ms. Lichtenberg admitted that when MCI's EDI system goes down or a customer is having a specific problem, MCI submits an order on Verizon's WISE interface "because it will move more rapidly." (Tr. at 243, l. 11-15.) She then tried to downplay MCI's current use of Verizon's existing WISE interface as an "exception," stating, "I do not believe we have used the WISE GUI[2] to place orders for local service for any of our entities." (Tr. at 243, l. 20-22.) Her "belief" was based on discussions she had with certain sales office personnel. (Tr. at 242, l. 11-12.)

8. In rebuttal, however, Verizon witness Ms. McLean explained that MCI has, in fact, submitted *hundreds* of orders in Washington using the WISE interface:

---

[1] As a preliminary matter, the only reason that MCI cannot use EDI for resale orders is because it has affirmatively chosen not to make the modifications necessary to do so. And while MCI is free to make such a decision, it cannot then use that decision as a basis to insist that Verizon be required to provide an unbundled network element that does not exist and never has existed.

[2] The terms "WISE interface," "WISE GUI," or "Web/GUI" all refer to the same thing: a simple, Web-based system for placing UNE or resale orders. (*See, e.g.,* Tr. at 291-93.)

> [T]hey [MCI] actually have submitted north of 700 LSRs [local service orders] using the WISE interface in Washington. . . . [A]nd MCI does use WISE in other [Verizon] states to place resale orders.

(Tr. at 280, l. 8-13.) Counsel for MCI then cross-examined Ms. McLean on this very issue:

> Q. MCI is not ordering through the WISE system today, isn't that right?
>
> A. That's not right. I have several hundred local service requests received from MCI via the Web GUI in Washington State so far in 2004.
>
> Q. Are those related to local number portability?
>
> A. No, they're not, they're related to migrations, new connects, disconnects, and change activities.
>
> Q. But those are not orders for –
>
> A. For UNE platform.
>
> Q. UNE Platform?
>
> A. Yes, they are.

(Tr. at 311, l. 5-18.)

9. Furthermore, Ms. McLean explained that MCI has used Verizon's WISE system in California to perform changes to existing resale accounts, to migrate new accounts, to suspend service, to restore service, and to disconnect service. (Tr. at 286, l. 4-9.) She also explained that MCI has several thousand trained WISE users. (Tr. at 294, l. 15-16.) After listening to all this evidence, ALJ Rendahl observed at the hearing, "I think there's sufficient testimony in the record that MCI does use the [WISE] system for certain circumstances, and I don't know that we need to beat that horse anymore . . . ." (Tr. at 296, l. 4-6.)

10. MCI, of course, did not rebut any of this testimony, and therefore failed to meet its burden of proof that it cannot place orders via the WISE interface.[3] In short, MCI's witness, Ms. Lichtenberg, was apparently unaware that MCI uses Verizon's WISE interface. Repeating Ms. Lichtenberg's erroneous opinion in a Petition for Review does not make it true.[4]

B. As the ALJ Determined, the Relief MCI Seeks Cannot Currently Be Provided.

11. In addition to properly reflecting the fact that MCI can and does use Verizon's existing WISE interface to place resale orders and thus MCI can, if it is so inclined, support its end user customers served out of the Mount Vernon central office, the Order also properly reflects the fact that Verizon *cannot* process UNE-P orders for a packet switch. Thus MCI's petition seeks the immediate and precipitous imposition on Verizon of a legal obligation that is, by definition, impossible to comply with. This would be arbitrary and capricious as a matter of law under any test. *See, e.g., Isla Verde*

---

[3] Significantly, when MCI was confronted with evidence that it was using the WISE interface in Washington, it requested the purchase order numbers for these orders. (Tr. at 311-12.) Verizon quickly provided this information to MCI, and MCI has not even attempted to refute the specific facts that MCI currently uses the WISE interface to place orders in Washington. MCI's subsequent silence on this point implicitly ratifies the conclusion that MCI so strenuously attempts to avoid: MCI is already using in Washington an interface that will allow it to order resale services if it actually wishes to do so. There is thus no harm to MCI that warrants the extraordinary relief MCI seeks, much less reconsideration of the ALJ's ruling.

[4] The only other CLEC witness to testify at the hearing, UNICOM witness Daughtry, in response to questions from the ALJ, candidly stated that "technically," UNICOM's customers do not see any difference between UNE-P and resale and, importantly, that UNICOM, a "small company," does not have any ordering or billing problems as a result of Verizon's switch replacement because it uses the WISE GUI system. (Tr. at 269.) Given that UNICOM, a small company, is able to place orders and conduct business by using Verizon's WISE interface, it is inconceivable that MCI cannot do the same.

Indeed, according to MCI, "it began to market its Neighborhood product to customers in the Mount Vernon area in early 2004" and only "provides services to more than 100 customers in that area." (Petition ¶ 18.) Even assuming optimistically that MCI is adding 25 Neighborhood customers a month, that would still on average be less than one customer a day. Any suggestion that a company with the resources of MCI cannot place those orders through Verizon's WISE interface—an interface that MCI currently uses—is simply absurd on its face.

Int'l Holdings v. City of Camas, 146 Wn.2d 740, 750, 49 P.3d 867 (2002). It would also amount to a prohibition on the deployment of new packet switching technology by ILECs in Washington.

12. At the hearing, Ms. McLean testified at length and in detail regarding the fact that Verizon does not have the processes in place to offer UNE-P from the Mount Vernon packet switch or any other such switch. (Tr. at 283, l. 7-13.) This should not be a surprise, since the FCC declined to order the unbundling of a packet switch more than eight years ago in its first Local Competition Order and twice reaffirmed that position. Moreover, as Ms. McLean explained, even if Verizon were somehow legally obligated to create the OSS needed to support the unbundling of a packet switch, it would take Verizon six to nine months, hundreds of people, and as much as millions of dollars to implement such processes (assuming they could be implemented). (Tr. at 297, l. 21-24.) Ms. McLean contrasted the extensive and expensive work required of Verizon with the work that CLECs would have to undertake to place resale orders using Verizon's *existing* processes. (Tr. at 283, l. 13-21; Tr. at 297, l. 5-24.) As Ms. McLean explained, even if a CLEC suddenly insisted on using only Verizon's EDI interface for placing resale orders, the modifications that a CLEC would have to make to use EDI would be small and incremental in contrast to the significant software development that Verizon would have to undertake to provide the OSS capability to unbundle a packet switch. (Tr. at 280-81; 297, l. 6-24.)

13. Indeed, CLECs are already serving end users in Verizon's Washington territory using resale. As Ms. McLean pointed out, there are approximately 6,000 resale lines in service today in Verizon's Washington territory. (Tr. at 284, l. 4.) More

specifically, of the five CLEC complainants, "two have resale lines in service at Mt. Vernon and all five use *both* of the electronic interfaces common to both resale and UNE-P." (Tr. at 278, l. 17-21 (McLean Testimony) (emphasis added)).[5] This point was reiterated during Ms. McLean's cross examination, when she confirmed for AT&T's counsel that "[t]here is no CLEC in the Mt. Vernon switch that exclusively uses EDI." (Tr. at 338, l. 5-6.)

14. The ALJ heard all this evidence, and Order No. 10 properly reflects the facts that Verizon cannot process UNE-P orders placed for its Mt. Vernon packet switch and that there is no immediate harm to the CLECs or their customers from requiring them to use existing systems to order resale on this switch. (Order No. 10 ¶¶ 31-32.)

C. Order No. 5 Does Not Require Verizon to Unbundle Its Packet Switch.

15. This is the third time MCI has made its Order No. 5 argument. Enough is enough.

16. As Verizon has explained several times, and as MCI's Petition admits, in Order No. 8 the Commission rejected the CLECs' request to "clarify" Order No. 5 to require Verizon to unbundled its Mt. Vernon packet switch. Instead, the Commission instructed the CLECs to present this issue by filing a petition for enforcement. Rather than follow this instruction, the CLECs filed a Motion for Enforcement of Order No. 5 in this docket. The ALJ should have immediately dismissed this improper motion, but instead scheduled an emergency hearing to determine whether Verizon's switch conversion would cause immediate harm to any customer. In Order No. 10, the ALJ found that there was no such harm and instructed the CLECs to file a petition for

[5] Mr. Daughtry, the UNICOM witness, admitted at the hearing that his company currently purchases resale from Verizon today. (Tr. at 273, l. 16-18.)

enforcement, just as the Commission instructed them to do in Order No. 8 when it refused the CLECs' request to "clarify" Order No. 5.

17. This procedural history proves that MCI's Order No. 5 argument has nothing to do with Order No. 10; rather, it is an unlawful attempt to seek reconsideration of Order No. 8. The Commission issued that order on August 13, 2004, and any petition for reconsideration should have been filed within 10 days. *See* WAC 480-07-810(3) (10-day requirement for review of interlocutory orders); WAC 480-07-850(1) (10-day requirement for review of final orders). MCI's procedural gamesmanship and attempts to flout Order No. 8 must be rejected.

D. MCI's Interconnection Agreement Argument Will Be Addressed in Docket No. UT-041127, Not Here.

18. MCI's third and final argument is that its interconnection agreement requires Verizon to unbundle its Mt. Vernon packet switch. This is the very issue that will be addressed in Docket No. UT-041127. In fact, MCI's Petition for Review in this docket incorporates by reference the CLECs' Joint Petition for Enforcement in that docket. For the reasons stated above, MCI's attempt to litigate this issue here ignores Order No. 8 and therefore must be rejected.

19. Read most charitably, MCI's attempt to litigate the interconnection agreements in this docket is an attempt to obtain a final decision on the merits as quickly as possible. Verizon shares this desire, and this is one of the reasons why Verizon's Response in UT-041127 specifically requests that the Commission decide the dispute based solely on the parties' submissions. But MCI's Petition for Review of Order No. 10 is not the proper procedural vehicle to resolve the issue. Instead, for the reasons

described above, the Commission should deny MCI's Petition for Review of Order No. 10 and issue a prompt decision in UT-041127, which is now ripe for review.

II. ORDER NO. 10 IS UNLAWFUL

20. The ALJ's Notice Granting Request (Sept. 22, 2004) allows a party to present additional issues for review in its Answer. Here, Verizon requests that Order No. 10 be vacated for three reasons:

21. ***First***, Order No. 10 must be vacated because it unlawfully grants emergency injunctive relief. The ALJ specifically found that "there is no immediate harm to the public welfare." (Order No. 10 ¶ 31.) The law is clear: the Commission cannot grant such relief *unless* there is an "immediate danger to the public health, safety, or welfare." (RCW 34.05.479; WAC 480-07-620). Given the ALJ's own findings, she could not have granted any relief and Order No. 10 must be vacated.

22. ***Second,*** Order No. 10 must be vacated because the ALJ granted relief—albeit very limited in nature—without any consideration of likelihood of success on the merits. The ALJ simply deferred this issue to another docket (yet to even be properly opened at the time of her ruling). The law is clear that in addition to irreparable injury a party seeking preliminary relief must make some demonstration of likelihood of success on the merits. *See, e.g., Air Liquide America Corp., v. Puget Sound Energy*, Sixth Supplemental Order, Docket Nos. UE-001952, UE-001959 (W.U.T.C. Jan. 22, 2001) (requiring moving party to establish "a clear legal or equitable right" to emergency relief); *Tyler Pipe Indus. v. Dep't of Revenue*, 96 Wn.2d 785, 793, 638 P.2d 1213 (1982) (moving party must show likelihood of success on merits to prove clear legal or equitable right). Because the ALJ simply ignored one factor essential to *any* preliminary relief

(and a factor upon which the movant bears the burden of proof), Order No. 10 is contrary to law and must be vacated.

23. ***Third,*** Order No. 10 must be vacated because the September 9 emergency hearing was procedurally unlawful. The ALJ's recognition that a petition to enforce was the proper procedural vehicle for presentation of these issues should have been the end of the matter. There was simply no jurisdiction to order preliminary relief outside of a petition to enforce any Commission order or meeting all of the statutory criteria for entering such relief, which, as noted above, require a showing of imminent danger to end user service. In addition, the hearing itself violated the Commission's procedural rules. The law is clear: the Commission cannot hold a hearing on less than seven days' notice. RCW 34.05.434; WAC 480-07-440. Moreover, the notice for any hearing *shall* include a "statement of the legal authority and jurisdiction under which the hearing is to be held" as well as a "reference to the particular sections of the statutes and rules involved." (RCW 34.05.434(2)(f), (g). Here, the hearing was held on only one day's notice, and the September 8 "Notice of Hearing" failed to include any statement of legal authority and jurisdiction. For these reasons, the hearing was unlawful and the order resulting from that hearing must be set aside.

24. In an effort to deal with the notice requirement, the ALJ suggested in footnote 3 of Order No. 10 that RCW 34.05.434 requires seven days' notice for *initial* hearings but that this requirement does not apply to *continued* hearings under WAC 480-07-440(2). The fault with this analysis, though, is that WAC 480-07-440(2) applies only "[w]hen a hearing is not concluded as scheduled," a situation which simply does not apply to the hearing scheduled for September 9. Furthermore, the seven-day requirement

in RCW 34.05.434 is not limited to "initial" hearings, as footnote 3 states; instead, the distinction between "initial" and "continued" hearings is drawn in WAC 480-07-440. This Commission rule cannot trump the statute.[6] *Wash. Indep. Tel. Ass'n v. Telecomms. Ratepayers Ass'n*, 75 Wn. App. 356, 880 P.2d 50 (1994).

25. As Verizon has previously pointed out, the ALJ was placed in a very difficult position because of the CLECs' strategic decision to wait for months, and until the very eve of the deployment, before seeking expedited relief. The CLECs' attempt to create an emergency by failing to raise their concerns in a timely fashion, therefore forcing the ALJ to rule expeditiously, no doubt greatly contributed to the errors the ALJ made. This is one of the reasons why it is hornbook law that a party cannot benefit from an "emergency" that the party itself has created. But while the CLECs' conduct explains the ALJ's errors, it does not cure them.

///

///

///

///

///

///

///

[6] Footnote 3 of Order No. 10 also explains that the Commission may hold an emergency adjudicative proceeding under RCW 34.05.479 to address a situation involving "an immediate danger to the public health, safety or welfare requiring immediate agency action." As noted above, however, Order No. 10 expressly found that there is no such danger. Indeed, the CLECs themselves did not even allege any such danger in their motion. Nor had they, at the time the ALJ called for the emergency hearing, offered any evidence of impending danger or proffered anything more than a naked assertion of harm by the CLECs' counsel in a prehearing conference. Thus, if the ALJ conducted a proceeding under RCW 34.05.479, and it appears she did, she erred in granting relief.

26. Order No. 10 is unlawful on procedural and substantive grounds, and therefore must be vacated.

Dated this 4 day of October, 2004.

Respectfully submitted,

Timothy J. O'Connell
John H. Ridge
STOEL RIVES LLP
One Union Square
600 University St., Suite 3600
Seattle, WA 98101
(206) 624-0900
(206) 386-7500 (fax)

Aaron M. Panner
Scott H. Angstreich
KELLOGG, HUBER, HANSEN,
TODD & EVANS, P.L.L.C.
Sumner Square
1615 M Street, N.W., Suite 400
Washington, D.C. 20036
(202) 326-7900
(202) 326-7999 (fax)

Kimberly Caswell
Associate General Counsel, Verizon Corp.
201 N. Franklin St.
Tampa, FL 33601
(727) 360-3241
(727) 367-0901 (fax)

CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of October, 2004, served the true and correct original, along with the correct number of copies, of ***Verizon's Answer to MCI's Petition for Review of Order No. 10 and Petition to Vacate Order No. 10*** and a ***Certificate of Service*** upon the WUTC, via the method(s) noted below, properly addressed as follows:

Carole Washburn, Executive Secretary Washington Utilities & Transportation Commission 1300 S. Evergreen Park Drive SW Olympia, WA 98503-7250	X X	Hand Delivered U.S. Mail (1st class, postage prepaid) Overnight Mail Facsimile (360) 586-1150 E-mail (records@wutc.wa.gov)

I hereby certify that I have this 4th day of October, 2004, served a true and correct copy of the foregoing documents upon parties noted below via E-Mail and U.S. Mail:

William E. Hendricks III
Sprint Communications Co. LP
902 Wasco Street
Hood River, OR 97031-3105
Email: tre.e.hendricks.iii@mail.sprint.com

Gregory J. Kopta
Davis Wright Tremaine LLP
1501 Fourth Avenue, Suite 2600
Seattle, WA 98101-1688
Email: gregkopta@dwt.com

Heather T. Hendrickson
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Washington, D.C. 20036
Email: hhendrickson@kelleyrye.com

Michel L. Singer Nelson
Worldcom, Inc.
707 17th Street, Suite 4200
Denver, CO 80202-3432
Email: michel.singer_nelson@mci.com

Letty Friesen
1875 Lawrence Street
Suite 1500
Denver, CO 80202
Email: lfriesen@lga.att.com

Richard A. Finnigan
2405 Evergreen Park Drive SW
Suite B-1
Olympia, WA 98502
Email: rickfinn@ywave.com

Edward W. Kirsch
Swidler Berlin Shereff Friedman LLP
300 K Street NW, Suite 300
Washington, D.C. 3007-5116
Email: ewkirsch@swidlaw.com

Brooks E. Harlow
Miller Nash LLP
4400 Two Union Square
601 Union Street
Seattle, WA 98101
Email: brooks.harlow@millernash.com

Karen Shoresman Frame
Covad Communications Co.
7901 Lowry Boulevard
Denver, CO 80230
Email: kframe@covad.com

Jon Frankel
Swidler Berlin Shereff Friedman LLP
3000 K Street NW, Suite 300
Washington, DC 20007
Email: jsfrankel@swidlaw.com

Russell M. Blau
Swidler Berlin Shereff Friedman LLP
3000 K Street, Suite 300
Washington, DC 20006
Email: rmblau@swidlaw.com

Roy Harsila
Carrier Relations Manager
Comm South Companies Inc.
6830 Walling Lane
Dallas, TX 75231
Email: rharsila@commsouth.net

Richard A. Pitt
P. O. Box 667
12119 Jacqueline Drive
Burlington, WA 98233
Email: rapitt98232@msn.com

Paul Masters
Ernest Communications Inc.
5275 Triangle Parkway
Suite 150
Norcross, GA 30092
Email: pmasters@ernestgroup.com

Lisa F. Rackner
Ater Wynne LLP
222 SW Columbia, Suite 1899
Portland, OR 97202
Email: lfr@aterwynne.com

The Honorable Ann E. Rendahl
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Dr SW
Olympia, WA 98504-7250
Email: arendahl@wutc.wa.gov

William E. Braun
Vice President and General Counsel
1-800-RECONEX INC.
2500 Industrial Avenue
Hubbard, OR 97032
Email: bill.braun@reconex.com

Mark P. Trinchero
Davis Wright Tremaine
1300 SW Fifth Avenue, Suite 2300
Portland, WA 97201
Email: marktrinchero@dwt.com

Hong N. Huynh
Miller Nash LLP
111 SW Fifth Avenue, Suite 3400
Portland, OR 97204
Email: hong.huynh@millernash.com

Brian Bolinger
dPi Teleconnect LLC
2997 LBJ Freeway
Dallas, TX 75234
Email: bbolinger@dpitelconnect.com

Sam Vogel
CMO & SVP Interconnection
Metropolitan Telecomm. of Washington Inc.
44 Wall Street, 6th Floor
New York, NY 10005
Email: svogel@mettel.net

I hereby certify that I have on the 4th day of October, 2004, served true and correct copies of the foregoing documents upon parties noted below via U.S. Mail:

John Giannella
Vice President - Transport Engineering
AT&T Wireless Services Inc.
7277 164th Avenue NE
Redmond, WA 98052

Jill Mounsey
Director - External Affairs
AT&T Wireless Services Inc.
7277 164th Avenue NE
Redmond, WA 98052

Ronald Munn Jr.
Tariffs and Carrier Relations Manager
Budget Phone Inc.
6901 W. 70th Street
Shreveport, LA 71129

Chuck Schneider
BullsEye Telecom Inc.
25900 Greenfield, Suite 330
Oak Park, NH 48237

Dudley Upton, Director of Interconnection
Cellco Partnership and Verizon Wireless LLC
Verizon Wireless
One Verizon Place, GA3BlREG
Alpharetta, GA 30004-8511

Director - Regulatory-Interconnection
Cellco Partnership and Verizon Wireless LLC
Verizon Wireless
1300 I Street NW, Suite 400W
Washington, DC 20005

Richard Stevens
President
Centel Communications Inc.
P.O. Box 25
Goldendale, WA 98620

Robert Livingston
Ciera Network Systems Inc.
1250 Wood Branch Park Drive
Houston, TX 77079

John G. Sullivan
Vice President Legal/Regulatory
Comcast Phone of Washington LLC Comcast Corporation
1500 Market Street
Philadelphia, PA 19120

Dennis Kelley
Director of Operations (Provisioning)
1-800-RECONEX INC.
2500 Industrial Avenue
Hubbard, OR 97032

Dimitri Mandelis
Computers 5*
341 Grant Road
East Wenatchee, WA 98802

Tom Cook
Cook Telecom Inc.
2963 Kerner Blvd.
San Rafael, CA 94901

General Counsel
Covad Communications Company
3420 Central Expressway
Santa Clara, CA 95051

Valerie Evans
Covad Team Lead for Verizon
Covad Communications Company
600 14th Street, NW, Suite 750
Washington, DC 20005

Jill Sandford
Senior Attorney
AboveNet Communications Inc.
360 Hamilton Avenue
White Plains, NY 10601

Stephen Zamansky
DSLnet Conununications LLC
545 Long Wharf Drive, 5th Floor
New Haven, CT 06511-5960

Joelle Sinclair
Adelphia Business Solutions.
121 Champion Way
Canonsburg, PA 15317

J. Jeffrey Oxley
Vice President and General Counsel
Eschelon Telecom of Washington Inc.
730 2nd Ave. South, Suite 1200
Minneapolis, MN 55402

General Counsel
Focal Communications Corporation of Washington
200 N. LaSalle Street, Suite 1100
Chicago, IL 60601

Eleanor Spillman
Gold-Tel Corporation
16212 Bothell WA Ste. F107
Mill Creek, WA 98012

Thomas Sawatzki
HighSpeed.Com LLC
6 W Rose Street, Suite 500
Walla Walla, WA 99362

Karen J. Johnson
Corporate Regulatory Attorney
Integra Telecom of Washington Inc.
19545 NW Von Neuman Drive, Suite 200
Beaverton, OR 97006

Robert Sokota, Esquire
General Counsel
AboveNet Communications Inc.
360 Hamilton Avenue
White Plains, NY 10601

Charles L. Best
Associate General Counsel
Electric Lightwave Inc.
4400 NE 77th Avenue
Vancouver, WA 98662

CT Corporation
Eschelon Telecom of Washington Inc.
520 Pike Street, Suite 2610
Seattle, WA 98101

Melissa Smith
Vice President External Legal Affairs
Excel Telecommunications Inc.
1600 Viceroy Drive, 4th Floor
Dallas, TX 75235-2306

Daniel Horton
Chief Technology Officer
Fox Communications Corp.
5210 Carillon Point
Kirkland, WA 98033-7588

Geoff Cookman
Granite Telecommunications, LLC
234 Copeland Street
Quincy, MA 02169

LaCharles Keesee
ICG Telecom Group Inc.
161 Invemess Drive West
Englewood, CO 80112

Mike Tyler
International Telcom Ltd.
417 Second Avenue West
Seattle, WA 98119

John B. Glicksman
Vice President, General Counsel
Adelphia Business Solutions
1 North Main Street
Coudersport, PA 16915

Genevieve Morelli
KMC Telecom V Inc.
Kelley Drye & Warren LLP
1200 19th Street NW, Suite 500
Washington, DC 20036

Michael Duke
Director of Government Affairs
KMC Telecom V Inc.
1755 North Brown Road
Lawrenceville, GA 30043

Mike Romano
Level 3 Communications LLC
1025 Eldorado Blvd.
Broomfield, CO 80021

Counsel B Network & Facilities
MCI Communications, Inc.
22001 Loudoun County Parkway
Ashburn, VA 20147

Vice President
B National Carrier & Contract Management
MCI Communications, Inc.
5055 North Point Parkway
Alpharetta, GA 30022

Counsel - Network & Facilities
MCI WORLDCOM Communications, Inc. (as successor to Rhythms Links Inc.)
22001 Loudoun County Parkway
Ashburn, VA 20147

Chief Technology & Network Counsel
MCImetro Access Transmission Services LLC
1133 19th Street, N.W.
Washington, DC 20036

Andrew M. Klein
KMC Telecom V Inc.
Kelley Drye & Warren LLP
1200 19th Street, NW, Suite 500
Washington, DC 20036

Marva Brown Johnson
Director of Carrier Management
KMC Telecom V Inc.
1755 North Brown Road
Lawrenceville, GA 30043

Interconnection Services
Director
Level 3 Communications LLC
1025 Eldorado Blvd.
Broomfield, CO 80021

Chief Technology & Network Counsel
MCI WORLDCOM Communications, Inc.
1133 19th Street, N.W.
Washington, DC 20036

Senior Manager B Carrier Agreements
MCI WORLDCOM Communications, Inc.
2678 Bishop Drive, Suite 200
San Ramon, CA 94583

Chief Technology & Network Counsel
MCI WORLDCOM Communications, Inc.
1133 19th Street, N.W.
Washington, DC 20036

Senior Manager - Carrier Agreements
MCI WORLDCOM Communications, Inc.
2678 Bishop Drive, Suite 200
San Ramon, CA 94538

Counsel B Network & Facilities
MCImetro Access Transmission Services LLC
22001 Loudoun County Parkway
Ashburn, VA 20147

Senior Manager B Carrier Agreements
MCImetro Access Transmission Services LLC
2678 Bishop Drive, Suite 200
San Ramon, CA 94583

Vice President B National Carrier & Contract Management
MCImetro Access Transmission Services LLC
5055 North Point Parkway
Alpharetta, GA 30022

Group Vice President - Material Management
McLeodUSA Telecomm. Services Inc.
15th East 5th Street, Suite 1800
Tulsa, OK 74103

Office of General Counsel
McLeodUSA Telecomm. Services Inc.
6400 C Street SW
PO Box 3177
Cedar Rapids, IA 52406-3177

Ken Goldstein
Metrocall Inc.
6677 Richmond Highway
Alexandria, VA 22306

Paul Besozzi
Metrocall Inc.
Patton Boggs LLP
2550 M Street Northwest
Washington, DC 20037

David Aronow, President
Metropolitan Telecomm. of Washington Inc.
44 Wall Street, 6th Floor
New York, NY 10005

Irina Armstrong, Legal Department
Metropolitan Telecommunications of Washington Inc.
44 Wall Street, 14th Floor
New York, NY 10005

John B. Glicksman
Vice President, General Counsel
Adelphia Business Solutions Operations Inc.
1 North Main Street
Coudersport, PA 16915

Lon E. Blake
Director of Regulatory Affairs
Advanced TelCom Group Inc.
3723 Fairview Industrial Dr. SE
Salem, OR 97303

John P. Andrist
NCI DATA.com Inc.
700 B Okoma Drive
Omak, WA 98841

Steven Clay
New Access Communications LLC
801 Nicollet Mall, Suite 350
Minneapolis, MN 55402

Susan McAdams
Vice-President Government & Industry Affairs
New Edge Network Inc.
3000 Columbia House Blvd., Suite 106
Vancouver, WA 98661

Andrew Metcalfe
Northwest Telephone Inc.
1630 N. Wenatchee Ave., Suite 9
Wenatchee, WA 98801

Joseph Isaacs, CEO
Northwest Telephone Inc.
ISG - Telecom Consultants
838 Village Way, Suite 1200
Palm Harbor, FL 34683

Joseph Koppy
President
NOS Communications Inc.
4380 Boulder Highway
Las Vegas, NV 89121

Rudolph J. Geist
Executive Vice President
O 1 Communications
770 L Street, Suite 960
Sacramento, CA 95814

Michael Van Weelden
Director Wholesale Services –
Pacific Bell Wireless Northwest LLC
Cingular Wireless
5565 Glenridge Connector
Atlanta, GA 30342

John Sumpter
Pac-West Telecomm Inc.
4210 Coronado Avenue
Stockton, CA 95204

Michael J. Bradshaw
General Manager/Executive Vice President
PowerTelNET Communications Inc.
402 7th Street
Prosser, WA 99350

Mary C. Albert
Allegiance Telecom of Washington Inc.
1919 M Street, NW, Suite 420
Washington, DC 20036

Robert E. Heath
American Fiber Network Inc.
9401 Indian Creek Parkway, Suite 140
Overland Park, KS 66210

Bruce W. Cooper
Regional Vice President, AT&T
AT&T Comm. of the Pacific Northwest Inc.
3033 Chain Bridge Rd, Rm D-325
Oakton, VA 22185

I declare under penalty under the laws of the State of Washington that the foregoing is correct and true.

DATED this 4th day of October, 2004, at Seattle, Washington.

Heidi L. Wilder