

[Service Date May 14, 2009]

May 14, 2009

**NOTICE OF STATUS CONFERENCE**

**(Wednesday, May 27, 2009)**

RE: *Pac-West Telecomm, Inc. v. Qwest Corporation*, Docket UT-053036;  
*Level 3 Communications, LLC, v. Qwest Corporation*, Docket UT-053039

TO ALL PARTIES:

One of the primary issues in these proceedings is the effect, if any, of the Federal Communications Commission's (FCC) decision on compensation for Internet Service Provider (ISP)-bound traffic issued on November 5, 2008, in response to a writ of mandamus granted by the United States Court of Appeals for the District of Columbia (D.C. Circuit).<sup>1</sup> The FCC's *ISP Mandamus Order* is now pending on appeal before the D.C. Circuit.<sup>2</sup> There is also pending before the Ninth Circuit Court of Appeals an appeal by Level 3 Communications, LLC (Level 3), of a decision by the Arizona Corporations Commission addressing compensation for ISP-bound traffic.<sup>3</sup>

As it is likely that a decision by either court may affect the outcome of the proceedings pending before the Washington Utilities and Transportation Commission (Commission), it is appropriate to schedule a status conference to discuss whether to hold these proceedings in abeyance pending a decision by either court.

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<sup>1</sup> *In the Matter of High-Cost Universal Service Support*, WC Docket No. 05-337, et al., FCC 08-262, Order on Remand and Report and Order and Further notice of Proposed Rulemaking (rel. Nov. 5, 2009) ("*ISP Mandamus Order*").

<sup>2</sup> See *Core Communications, Inc., v. FCC*, D.C. Circuit Nos. 08-1365, 08-1393 (consolidated).

<sup>3</sup> See *Qwest Corporation v. Arizona Corporation Comm'n, et al.*, Ninth Circuit No. 08-15887 (Docketed Apr. 4, 2008).

**THE COMMISSION GIVES NOTICE That a status conference in this matter will be held on Wednesday, May 27, 2009, beginning at 9:00 a.m. in Room 206, 2<sup>nd</sup> Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** If you are unable to attend the conference in person, you may attend via the Commission's teleconference bridge line, **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

Sincerely,

ANN E. RENDAHL  
Administrative Law Judge