

**EXHIBIT 1 TO ESCHELON'S RESPONSE TO ARBITRATION PETITION**  
**ISSUES BY SUBJECT MATTER – WASHINGTON**

**Prepared by Eschelon**

**September 1, 2006**

**1. INTERVAL CHANGES AND PLACEMENT<sup>1</sup> – ISSUE 1-1 and (a)-(e)<sup>2</sup>**

**Issue 1-1 (2 options- Two Eschelon Proposals and one Qwest Proposal for same issue): Changes to Intervals** -- Section 1.7.2 and Exhibits N and O

**Issue 1-1 (a): Interconnection trunks** -- Section 7.4.7

**Issue 1-1 (b): UDIT Rearrangements** -- Exhibit C, Group 2.0

**Issue 1-1 (c): LIS Trunking** -- Exhibit C, Group 9.0

**Issue 1-1 (d): ICB Provisioning Intervals** -- Exhibit I, Section 3

**Issue 1-1 (e): Intervals for Loop-Mux Combination (LMC)** -- Section 9.23.9.4.3 (Eschelon)/Section 24.4.4.3(Qwest), 1<sup>st</sup> provision/sentence only  
The section numbers differ, because Eschelon proposes placement in Section 9 (UNEs) and Qwest proposes placement in Section 24 (Commingling). [Regarding placement of LMC, and for the open issue in the remainder of this paragraph, *see* Issue 9-61.]

**2. RATE APPLICATION – ISSUE 2-3**

**Issue 2-3: Application of Rates in Exhibit A** -- Section 2.2 (1 of 2 issues); *see also* Section 22.0

**3. EFFECTIVE DATE OF LEGALLY BINDING CHANGES – ISSUE 2-4**

**Issue 2-4: Effective Date of Legally Binding Changes** -- Section 2.2 (2 of 2 issues)

**4. DESIGN CHANGES – ISSUE 4-5 and (a)-(c)<sup>3</sup>**

**Issue 4-5: Design Changes for Loops** – Sections 9.2.3.8 & 9.2.4.4.2

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<sup>1</sup> *Excludes* Length of Intervals for Commingled Arrangements and Intervals for Loop-Mux combinations. *See* Issue 9-57 and Issue 9-61.

<sup>2</sup> Former Issue Number 1-2 is now Intentionally Left Blank. Both options for the same provision are numbered as Issue 1-1 (two rows in the Issues Matrix for the two alternative language proposals for the same section of the ICA).

<sup>3</sup> Former Issue Numbers 9-48, 9-49, 9-51, and 9-62 are now Intentionally Left Blank. The definition of Design Change in Section 4.0 (formerly Issue 4-5) is also closed.

**Issue 4-5 (a): CFA Change** – Section 9.2.3.9

**Issue 4-5(b): Design Change rate for UDIT** -- Section 9.6.3.6

**Issue 4-5 (c): Design Change Charge** -- Exhibit A, Section 9.20.13

➤ *5-7 COLLECTIVELY: “PAYMENT AND DEPOSIT”*

**5. DISCONTINUATION OF ORDER PROCESSING AND DISCONNECTION – ISSUES 5-6 and 5-7 and subpart**

**Issue 5-6 (2 options - Two Eschelon Proposals and one Qwest Proposal for same issue):<sup>4</sup> Discontinuation of Order Processing for failure to make payment** - Section 5.4.2

**Issue 5-7: Commission approval prior to disconnection (cross reference)** – Section 5.4.3

**Issue 5-7(a): Commission approval prior to disconnection** – Section 5.1.13.1

**6. DEPOSITS – ISSUES 5-8, 5-9, 5-11 and 5-12**

**Issue 5-8: De Minimus Amount** – Section 5.4.5 (1 of 3 sub-issues in 5.4.5; same language for this issue appears in the first two of Eschelon’s proposals for 5.4.5)

**Issue 5-9 (2 options - Two Eschelon Proposals and one Qwest Proposal for same issue):<sup>5</sup> Definition of Repeatedly Delinquent** – Section 5.4.5 (2 of 3 sub-issues in 5.4.5)

**Issue 5-11: Disputes Before Commission** – Section 5.4.5 (3 of 3 sub-issues in 5.4.5; same language in first two of Eschelon’s proposals)

**Issue 5-12 (Alternative Approach to Deposits): Commission Determines Right to Deposit based on Relevant Circumstances** –Section 5.4.5 (all)

Eschelon offers the language shown in Issue 5-12 (Eschelon’s Proposal #3) as an alternative to the other two Eschelon versions of 5.4.5. If this provision (Proposal #3) were adopted, there would be no de minimus or repeatedly delinquent language. This entire paragraph, if adopted, would replace all other Eschelon proposals for all of Section 5.4.5. Qwest’s counter is the same for all proposals.

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<sup>4</sup> Former Issue Number 5-7 is now Intentionally Left Blank.

<sup>5</sup> Former Issue Number 5-10 is now Intentionally Left Blank.

## **7. REVIEW OF CREDIT STANDING – ISSUE 5-13**

**Issue 5-13 (2 options - Two Eschelon Proposals and one Qwest Proposal for same issue):<sup>6</sup> Review of Credit Standing – Section 5.4.7**

## **8. COPY OF NON-DISCLOSURE AGREEMENT – ISSUE 5-16**

**Issue 5-16:<sup>7</sup> Non-disclosure Agreement -- Section 5.16.9.1**

## **9. TRANSIT RECORD CHARGE AND BILL VALIDATION – ISSUES 7-18 and 7-19**

**Issue 7-18: Application of Transit Record Charge -- Section 7.6.3.1**

**Issue 7-19: Transit Record Bill Validation Detail -- Section 7.6.4**

## **10. COLLOCATION AVAILABLE INVENTORY – ISSUES 8-20 and (a)**

**Issue 8-20: Collocation Available Inventory - Posting of Price After QPF -- Section 8.1.1.10.1.1.1<sup>8</sup>**

**Issue 8-20(a): Collocation Available Inventory – Space augments -- Section 8.2.10.4.3**

## **11. POWER – ISSUES 8-21 and (a) – (d), 8-22, 8-23<sup>9</sup>**

**Issue 8-21: 48V Power Measurement - 8.2.1.29.2.1**

**Issue 8-21(a): 48V Power Measurement - 8.2.1.29.2.2**

**Issue 8-21(b): 48V Power Measurement – 8.3.1.6**

**Issue 8-21(c): 48V Power Measurement – 8.3.1.6.1**

**Issue 8-21(d): 48V Power Measurement – 8.3.1.6.2 and subparts a & b**

**Issue 8-22: QPF – 8.3.9.1.3, 8.3.9.2.2**

**Issue 8-23: DC Power Restoration Charge – 8.3.9.2.1**

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<sup>6</sup> Former Issue Number 5-14 is now Intentionally Left Blank.

<sup>7</sup> Per Qwest's response to the petition, Issue 5-15 (ICA Section 5.12.1) is closed with Eschelon's language. Per Eschelon's 6/28/06 filing, Issue 6-17 (Section 6.2.2.7) is closed with Qwest's language.

<sup>8</sup> Per Eschelon's 6/28/06 filing, Issues 8-20(a)-(d) (Sections 8.2.10.3.4, 8.2.10.4.3, 8.3.11.2, 8.3.11.3) were closed with Qwest's language. Since then, the language of Section 8.2.10.4.3 has re-opened. See Issue 8-20(a).

<sup>9</sup> Former Issue Numbers 8-25, 8-26, 8-27, 8-28, and 8-31 and subpart are now Intentionally Left Blank.

## **12. NEBS STANDARDS – ISSUE 8-24**

**Issue 8-24: NEBS Standards (notice of noncompliance based on collocation application)** -- Section 8.2.3.9

## **13. OPTIONED CONTIGUOUS SPACE – ISSUE 8-29**

**Issue 8-29: Optioned Contiguous Space** -- Section 8.4.1.8.7.3

## **14. NONDISCRIMINATORY ACCESS TO UNES – ISSUE 9-31**

**Issue 9-31: Nondiscriminatory Access to UNEs** – Section 9.1.2

## **15. INTENTIONALLY LEFT BLANK<sup>10</sup>**

## **16. NETWORK MAINTENANCE AND MODERNIZATION – ISSUES 9-33, 9-34, 9-35, and 9-36**

**Issue 9-33: Affect on End User Customers** -- Section 9.1.9; Section 9.1.9.1

**Issue 9-34: Location at Which Changes Occur** -- Sections 9.1.9, 9.1.9.1

**Issue 9-35: Emergencies** -- Sections 9.1.9, 9.1.9.1

**Issue 9-36: Placement/Charges** -- Sections 9.1.9, 9.1.9.1

➤ *POTENTIALLY DEFERRED – WIRE CENTER RELATED ISSUES –  
SEE BELOW [9-37, 9-37(a), 9-37(b), 9-38, 9-39 (except caps), 9-40, 9-41, 9-42]*

## **17. CAPs – DATA RELATING TO CAPS – ISSUE 9-39**

**Issue 9-39 (caps):** Portions of Section 9.1.13.4.1.2 and subparts as they apply to caps

## **18. CONVERSION – ISSUES 9-43 and 9-44 and (a)-(c)<sup>11</sup>**

**Issue 9-43: Conversions - Circuit ID** -- Section 9.1.15.2.3

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<sup>10</sup> ISSUE 9-32 is closed in the state of Washington, and of the issues (Issue 12-83 – Subject Matter 41) recently closed, so both are listed as Intentionally Left Blank. Issue 9-51 (Subject Matter 22A) and 12-68 (Subject Matter 31A) are open in Washington and numbers have been added for them (so these two cancel out the Intentionally Left Blanks in the count), leaving a total of 48 Subject Matters in both Minnesota and Washington. These adjustments were made in the numbering to carry the numbers forward across states, for ease of reference of witnesses testifying in multiple states.

<sup>11</sup> Per Eschelon's 6/28/06 Minnesota filing, Issues 9-43 and 9-44 and subparts were closed. Since then, due to changed circumstances, these issues are open. Eschelon has asked Qwest to continue negotiating these issues, so there may be further developments as to status, of which the parties will keep the Commission informed. Issue 9-45 is closed.

**Issue 9-44: Manner of Conversion** -- Section 9.1.15.3 and subparts

**Issue 9-44(a): Manner of Conversion – Use of Adder or Surcharge** -- Section 9.1.15.3.1

**Issue 9-44(b): Manner of Conversion – Use of USOC** -- Section 9.1.15.3.1.1

**Issue 9-44(c): Manner of Conversion – Same USOC** -- Section 9.1.15.3.1.2

## **19. INTERFERING BRIDGED TAP – ISSUE 9-46**

**Issue 9-46: Bridged Taps** – Section 9.2.2.9.6

## **20. SUBLOOPS – QWEST CROSS CONNECT/WIRE WORK – ISSUE 9-50**

**Issue 9-50: Wire Work by Qwest** - Section 9.3.3.8.3.1<sup>12</sup>

➤ *Issue 9-51 – see Subject Matter 22A below*

## **21. ACCESS TO 911 DATABASES – ISSUE 9-52**

**Issue 9-52: Access to 911 Databases** -- Sections 9.8. and 9.8.1

## **22. UNBUNDLED CUSTOMER CONTROLLED REARRANGEMENT ELEMENT (UCCRE) – ISSUE 9-53**

**Issue 9-53: Unbundled Customer Controlled Rearrangement Element (UCCRE) – 9.9.1**<sup>13</sup>

## **22A.<sup>14</sup> APPLICATION OF UDF-IOF TERMINATION (FIXED) RATE ELEMENT – ISSUE 9-51**

**Issue 9-51: Application of UDF-IOF Termination (Fixed) Rate Element (Two Eschelon Proposals and one Qwest Proposal for same issue) – Section 9.7.5.2.1.a**

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<sup>12</sup> Per Eschelon’s 6/28/06 Minnesota filing, Sections 9.3.5.4.5; 9.3.5.4.6; 9.3.6.4.2, and also Issues A-97 and A-98 (Exhibit A 9.3.3.3 & 9.3.3.4), are closed.

<sup>13</sup> Per Eschelon’s 6/28/06 Minnesota filing, the remainder of Section 9.9 and subparts; Exhibit C, 2.0 are closed, as well as Issue 9-53(a) (Rates – Exhibit A, Section 9.9& subparts).

<sup>14</sup> Issue 9-51 was not assigned a Subject Matter number in Minnesota. To carry the numbering from state-to-state, for ease of reference for witnesses for all parties testifying in multiple states, an “A” is used here, rather than renumbering the remaining Subject Matters listed. Issue 9-51 is also slightly out of order, since Issues 9-50, 9-52, and 9-53 may sometimes be discussed together.

## **23. DIFFERENT UNE COMBINATIONS – ISSUES 9-54 and (a)**

**Issue 9-54: UNE Combination Availability** -- Sections 9.23.2 (1 of 2 issues)

**Issue 9-54(a):<sup>15</sup> Recurring Rates for Different UNE Combinations** -- Section 9.23.5.1.3

## **24. LOOP-TRANSPORT COMBINATIONS – ISSUE 9-55**

**Issue 9-55: Combinations of Loops and Transport – Terminology** -- Sections 9.23.4, 9.23.4.4; 9.23.4.4.1; 9.23.4.5; 9.23.4.6; 9.23.4.5.4. *See* subparts to Issue 9-58 for related issues in 9.23.4.5.1

## **25. SERVICE ELIGIBILITY CRITERIA – AUDITS - ISSUE 9-56**

**Issue 9-56: Audits - Concern** -- Sections 9.23.4.3.1.1

**Issue 9-56(a): Audits - Notice** – Section 9.23.43.1.1.1.1

## **26. COMMINGLED EELS/ARRANGEMENTS – ISSUE 9-58 and (a)-(e) and ISSUE 59**

**Issue 9-58: ORDERING for Commingled Arrangements** –Sections 9.23.4.5.1, 9.23.4.5.1.1

**Issue 9-58 (a) and Issue 9-59 (Eschelon’s *Alternate Proposal for same issue*): CIRCUIT ID for Commingled Arrangements** –Section 9.23.4.5.4 or, in the alternative, Section 9.23.4.7

**Issue 9-58 (b) and 9-58(c) (Eschelon’s *Alternate Proposal for same issue*): BILLING for Commingled Arrangements** -- Section 9.23.4.6.6 (and subparts)

**Issue 9-58 (d): OTHER COMMINGLED ARRANGEMENTS - Ordering, Billing, and Circuit ID** – Section 9.1.1.1.1 & 9.1.1.1.2

**Issue 9-58(e):<sup>16</sup> INTERVAL for Commingled Arrangements** -- Sections 9.23.4.4.3.1 & 24.3.2; 9.1.1.1.1 & 9.1.1.1.1

*Issue 9-59 (Eschelon alternate proposal): See 9-58(a) above, Section 9.23.4.7*

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<sup>15</sup> Former Issue Number 9-60 is now Intentionally Left Blank.

<sup>16</sup> Former Issue Number 9-57 is now Intentionally Left Blank.

## **27. MULTIPLEXING (LOOP-MUX COMBINATIONS) – ISSUE 9-61 and (a)-(c)**

**Issue 9-61: Loop-Mux Combination (LMC) – Placement [Section 9 (UNEs) or Section 24 (Commingling) of the ICA]** -- Sections 9.23.9 and sub-parts; 24.4 and sub-parts; 9.23.2 (2 of 2 issues; For 1<sup>st</sup> issue, see Section 9.23.2); 9.23.4.4.3; 9.23.6.2

**Issue 9-61 (a): Loop-Mux Combination (LMC) – LMC Loop versus LMC** -- Sections 9.23.9 and sub-parts; 24.4 and sub-parts; 9.23.2 (2 of 2 issues; For 1<sup>st</sup> issue, see Section 9.23.2); 9.23.4.4.3; 9.23.6.2

**Issue 9-61(b): LMC Multiplexing –Intervals** – Section 9.23.9.4.3, 9.23.4.4.3, 9.23.6.2, Exhibit C; 24.4.4.3

**Issue 9-61(c): LMC Multiplexing** -- Exhibit A Section 9.23.6.1 and subparts

## **28. MICRODUCT RATE - ISSUE 10-63**

**Issue 10-63: Microduct Rate** – Section 10.8.2.29

## **29. ROOT CAUSE ANALYSIS AND ACKNOWLEDGEMENT OF MISTAKES – ISSUE 12-64 and (a)–(b)**

**Issue 12-64: Root Cause & Acknowledgement of Mistakes** -- Section 12.1.4 and subparts (all)

**Issue 12-64(a): Acknowledgement of Mistakes – Qwest identification** -- Section 12.1.4.2.3

**Issue 12-64(b): Acknowledgement of Mistakes – Non-Confidentiality** - Section 12.1.4.2.5

## **30. COMMUNICATIONS WITH CUSTOMERS – ISSUES 12-65 and 12-66**

**Issue 12-65: Responsibilities Relating to End User Customers – Repair** -- Section 12.1.5.4.7

**Issue 12-66(a): Responsibilities Relating to End User Customers – Winbacks (cross reference)** -- Section 12.1.5.4.8

### **31. EXPEDITED ORDERS – ISSUE 12-67 and (a)-(g)**

Eschelon proposes addressing expediting the due date when ordering centrally in Section 12.2 (“Pre-Ordering, Ordering, and Provisioning”). Qwest proposes addressing this subject in Section 7 (“Interconnection”) and Section 9 (UNEs). Therefore, Eschelon’s language and Qwest’s counter language do not appear in the same sections of the ICA.

**Issue 12-67: Expedited Orders** -- Section 12.2.1.2

**Issue 12-67(a): Expedited Orders – Emergencies** -- Section 12.2.1.2.1

**Issue 12-67(b): Expedited Orders – Charges in Exhibit A** -- Section 12.2.1.2.2 & Exhibit A

**Issue 12-67(c): Expedited Orders – NRC** -- Section 12.2.1.2.3

**Issue 12-67 (d): Expedited Orders – UNEs** -- Section 9.1.12.1 and subparts

**Issue 12-67 (e): Expedited Orders – Combinations** -- Section 9.23.4.5.6

**Issue 12-67 (f): Expedited Orders – Trunk orders** -- Section 7.3.5.2 and subparts

**Issue 12-67(g): Expedite Charge** -- Exhibit A, Section 9.20.14

### **31A.<sup>17</sup> SUPPLEMENTAL ORDERS – ISSUE 12-68**

**Issue 12-68: Supplemental Orders (Two Eschelon Proposals and one Qwest Proposal for same issue)** -- Section 12.2.3.2

### **32. PENDING SERVICE ORDER NOTIFICATIONS (PSONs) – ISSUE 12-70**

**Issue 12-70: Pending Service Order Notification** -- Section 12.2.7.2.3

### **33. JEOPARDIES – ISSUES 12-71, 12-72, 12-73**

**Issue 12-71 – Jeopardy** -- Section 12.2.7.2.4.4

**Issue 12-72: Jeopardy Classification** -- Section 12.2.7.2.4.4.1

**Issue 12-73: Jeopardy Correction** -- Section 12.2.7.2.4.4.2

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<sup>17</sup> Issue 12-68 was not assigned a Subject Matter number in Minnesota. To carry the numbering from state-to-state, for ease of reference for witnesses for all parties testifying in multiple states, an “A” is used here, rather than renumbering the remaining Subject Matters listed. (Issue 12-69 is Intentionally Left Blank.)



**34. FATAL REJECTION NOTICES – ISSUE 12-74**

**Issue 12-74: Fatal Rejection Notices** -- Section 12.2.7.2.6.1 and subpart

**35. TAG AT DEMARCATION POINT – ISSUE 12-75 and (a)**

**Issue 12-75: Tag at Demarcation Point** -- Sections 12.3.1 and subpart

**Issue 12-75 (a): Tag at Demarcation Point** -- Section 12.4.3.6.3

**36. LOSS AND COMPLETION REPORTS - ISSUE 12-76 and (a)**

**Issue 12-76: Loss and Completion Reports** -- Sections 12.3.7.1.1, 12.3.7.1.2

**Issue 12-76 (a): Loss and Completion Reports** -- Section 12.3.7.1.2

**37. TESTING CHARGES WHEN CIRCUIT IS ON PAIR GAIN – ISSUE 12-77**

**Issue 12-77: Testing Charges When Circuit is on Pair Gain** -- Section 12.4.1.5.1

**38. DEFINITION OF TROUBLE REPORT – ISSUE 12-78**

**Issues 12-78:**<sup>18</sup> **Trouble Report Definition** -- Section 12.4.1.7

**39. CHARGES FOR REPEATS – ISSUE 12-80 and (a)-(c)**

**Issue 12-80: Trouble Isolation Charge** -- Sections 12.4.1.8

**Issue 12-80(a): Remote Testing Capability** -- Sections 12.4.1.8.1

**Issue 12-80(b) and 12-80(c): Repeat Dispatch v. Repeat Trouble (cross references)** – Sections 6.6.4 & 9.2.5.2

**40. TEST PARAMETERS – ISSUE 12-81**

**Issue 12-81: Test Parameters and Levels** -- Section 12.4.3.5

**41. INTENTIONALLY LEFT BLANK**<sup>19</sup>

**42. TROUBLE REPORT CLOSURE – ISSUE 12-86**

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<sup>18</sup> For Issue 12-78, Option 1 is withdrawn (and capitalization issue is thus resolved). Former Section Numbers 12-79 and 12-82 are now Intentionally Left Blank.

<sup>19</sup>Issue 12-83 is now closed. Former Section Numbers 12-84, 12-85, and 12-89 are now Intentionally Left Blank.

**Issue 12-86: Trouble Report Closure** -- Sections 12.4.4.1; 12.4.4.2; 12.4.4.3

**43. CONTROLLED PRODUCTION – ISSUE 12-87**

**Issue 12-87: Controlled Production** -- Section 12.6.9.4

**44. RATES FOR SERVICES – ISSUE 22-88 and (a) and (b)**

**Issue 22-88: Rates in Exhibit A** -- Section 22.1.1

**Issue 22-88(a): IntraLATA Toll Traffic** -- Exhibit A Section 7.11

**Issue 22-88 (b): Request for Cost Proceeding** – Section 22.4.1.3

**45. UNAPPROVED RATES – ISSUE 22-90 and (a)**

**Issue 22-90: Unapproved Rates - Notice and Cost Support** -- Section 22.6.1

**Issue 22-90(a) [see Issue A-93]: Unapproved Rates – Interim Augment Quote Preparation Fee; ICDF Quote Preparation Fee** -- Exhibit A Section 8.1.1.2; 8.8.1

**Issue 22-90(b) [see Issue A-93(a)]: ICDF DS3 Circuit, per two legs** - Exhibit A Section 8.8.4

**Issue 22-90(c) [see Issue A-93(b)]: Special Site Assessment Fee; Network Systems Assessment Fee; Transfer of Responsibility; Microduct Occupancy Fee, per Microduct, per Foot, per Year; Daily Usage Record File, per Record** – Exhibit A Sections 8.15.2.1; 8.15.2.2; 10.7.10; 10.7.12.1; 12.3.

**Issue 22-90(d) [see Issue A-93(c)]: Private Line/Special Access to UNE loop Conversion; Private Line/Special Access to LMC Conversion; Private Line/Special Access to EEL Conversion** – Exhibit A – Sections 9.2.8; 9.23.6.5; 9.23.7.6.

**Issue 22-90(e) [see Issue A-93(d)]: Private Line/Special Access to UDIT Conversion; LMC Rearrangement-DS0; LMC Rearrangement-High Cap; EEL Rearrangement-DS0; EEL Rearrangement-High Cap** – Exhibit A – Sections 9.6.12; 9.23.6.8.1; 9.23.6.8.2; 9.23.7.7.1; 9.23.7.7.2

**Issue 22-90(f) [see Issue A-95]: Unapproved Rates – Interim Rate proposal – DC Power Reduction** -- Exhibit A, 8.13 & subparts

#### **46. INTERCONNECTION ENTRANCE FACILITY<sup>20</sup> - ISSUE 24-92**

**Issue 24-92: Interconnection Entrance Facility** -- Section 24.1.2.2

➤ *Issue A-93 and subparts – See Issue 22-90(a) above*

#### **47. REMOTE COLLOCATION – ISSUE A-94 and (a)**

**Issue A-94: Power – Less than or equal to 60 amps** – Exhibit A – Section 8.6.1.3.1.1.

**Issue A-94(a): Power – Greater than 60 Amps** – Exhibit A – Section 8.6.1.3.1.2

➤ *Issue A-95 – See Issue 22-90(b) above*

#### **48. EEL TRANSPORT, NONRECURRING – ISSUE A-95**

**Issue A-96: EEL Transport, Nonrecurring** -- Exhibit A, Sections 9.23.7.8.1, 9.23.7.8.2, 9.23.7.8.3

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<sup>20</sup> Issue 24-91 (Section 24.1.1.2) is closed. The number is now Intentionally Left Blank.

**POTENTIALLY DEFERRED ISSUES (UNTIL LATER IN THIS ARBITRATION)**

As indicated in Eschelon’s position statements for these issues in the Issues List (Exhibit 1 to Qwest’s Arbitration Petition):<sup>21</sup> *“Eschelon does not believe that this issue is currently an issue in the Washington wire center proceeding. Eschelon is willing to discuss deferment of this issue until later in this case, however, if the Commission will address it in the wire center proceeding, provided that the issue is either resolved before the statutory nine-month deadline or that deadline is extended.”*

**Issue 9-37: Wire Center List** -- Section 9.1.13.3

**Issue 9-37(a): Wire Center List – Additional Non-Impaired Wire Centers** – 1<sup>st</sup> of the 2 issues in Section 9.1.14.4

**Issue 9-37(b): Wire Center List – Change in UNE Status** – Section 9.1.15.1

**Issue 9-38: Processing of High Capacity Loop and Transport Requests** -- Section 9.1.13.4 (portion)

**Issue 9-39 (except caps): Wire Center List – Review of Wire Center List** – Section 9.1.13.4.1.2 and subparts (except caps)

**Issue 9-40: NRCs for Conversion** – Sections 9.1.13.5.2, 9.1.14.6, 9.1.15.2.1

**Issue 9-41: Length of Time Period** - 2<sup>nd</sup> of 2 issues in Section 9.1.14.4

**Issue 9-42: Rate During Time Period** – Section 9.1.14.4.1

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<sup>21</sup> Eschelon recognizes that which wire centers are currently non-impaired is an issue in the Washington proceeding. Eschelon believes that the other issues on this list are not being decided in that proceeding at this time.