

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of:)	DOCKET UT-063006
)	
LEVEL 3 COMMUNICATIONS, LLC,)	
)	ORDER 11
For Arbitration Pursuant to Section)	
252(b) of the Communications Act of)	
1934, As Amended by the)	ORDER GRANTING MOTION
Telecommunications Act of 1996, and)	FOR LEAVE TO FILE REPLY;
the Applicable State Laws for Rates,)	PROVIDING OPPORTUNITY
Terms, and Conditions of)	FOR SURREPLY
Interconnection with Qwest)	(By Monday, June 4, 2007)
Corporation)	
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-063006 involves Level 3 Communications, LLC’s (Level 3), request to arbitrate an interconnection agreement with Qwest Corporation (Qwest) under Section 252(b) of the Telecommunications Act of 1996.

2 **APPEARANCES.** Erik Cecil, Regulatory Counsel, Broomfield, Colorado, and Scott Porter, Regulatory Counsel, Tulsa, Oklahoma, and Lisa F. Rackner, McDowell & Rackner PC, Portland, Oregon, represent Level 3. Lisa A. Anderl, Associate General Counsel, Seattle, Washington, Thomas M. Dethlefs, Senior Attorney, Denver, Colorado, and Ted Smith, Stoel Rives LLP, Salt Lake City, Utah, represent Qwest.

3 **PROCEDURAL HISTORY.** Level 3 filed with the Washington Utilities and Transportation Commission (Commission) a petition for arbitration of an interconnection agreement with Qwest on January 26, 2006. Following evidentiary hearings and post-hearing briefs, the Arbitrator entered Order 10, the Arbitrator’s Report and Decision on March 12, 2007. Level 3 and Qwest both filed petitions for review and responses to the petitions. The procedural schedule included oral argument before the Commission on May 24, 2007, with a final order to be entered by June 15, 2007.

- 4 On May 22, 2007, the Commission cancelled the scheduled oral argument, finding argument unnecessary to resolve the issues after reviewing the Arbitrator's order and the parties' pleadings. On May 23, Qwest submitted a letter providing comments on Level 3's response to Qwest's petition for review, asserting misstatements in the response. The Commission rejected the comments on May 25 as procedurally inappropriate.
- 5 **QWEST'S MOTION.** On May 25, Qwest filed with the Commission a motion for leave to file a reply and a reply to Level 3's response. Qwest asserts that it understood the oral argument would allow parties an opportunity to address arguments raised in petitions for review and seeks to correct what it believes are misstatements in Level 3's response. Qwest asserts that, by rule, arbitrations are not subject to the Administrative Procedure Act or the Commission's procedural rules. To ensure that parties have a full opportunity to address the contested issues in this proceeding and to develop a complete record prior to entering a final order, the Commission grants Qwest's motion for leave to file a reply and provides an opportunity for Level 3 to respond to Qwest's reply.
- 6 **The Commission gives notice that Level 3 may file a written response to Qwest's reply by Monday, June 4, 2007.** Pursuant to WAC 480-07-145(6)(a), Level 3 may submit the written response electronically to the Commission on the due date, and file the original and **three** paper copies by noon the following business day, Tuesday, June 5.

Dated at Olympia, Washington, and effective May 30, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Arbitrator and Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to *WAC 480-07-810*.