

To: Melissa Geraghty, Davis Wright  
CC: UTC Records Center to referenced file

Dear Ms. Geraghty,

Thank you for the telephone conversation earlier. This EM is to confirm our conversation. The UTC has assigned the referenced docket number to the petition filed on behalf of Time Warner Telecom of Washington under your cover letter for Greg Kopta dated April 22, 2003. I will be the lead Staff assigned.

The UTC has received a virtually identical petition from Qwest in Docket No. UT-030417.

In reviewing petitions for waiver of the UTC's new rules for telecoms companies the Staff are carefully considering whether each item is properly addressed by considering the waiver or whether the rule itself requires permanent revision or clarification. In the case of LEC to LEC customer migrations using the LNP process it is Staff's preliminary and informal opinion that a slight rule clarification will better serve the public interest.

Upon discussing this with Qwest subsequent to the Qwest filing date and prior to the instant matter filed by Time Warner, Staff and Qwest have informally agreed that the best approach to the issue will be if Qwest makes a filing proposing to revise the rule permanently. Staff understands that subject to there being no opposition and the revision being minor and essentially non-substantive in terms of any negative impact on the public interest and in fact bearing only positive effects on the public interest, the rule revision process could be completed in relatively short order by the time the new rules will take effect. This outcome would also be dependent upon a party such as Qwest making the petition for rule revision including specific language.

If the rule is not quite yet adopted, the remaining petitions can be left open and granted on a temporary basis to fill any gap in regulation until the new and revised rule might become effective.

I hope that this clarifies matters and accurately confirms our conversation on the phone earlier. If there are any questions or concerns, please advise me. My telephone number is (360) 664-1282

Please forward a copy of this message to Mr. Kopta with my regards. I am also sending a CC to the UTC Records Center for association with this docket. Thank you, have a nice day.

Sincerely,  
Tom Wilson, UTC Staff