

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**MCLEODUSA** )  
**TELECOMMUNICATIONS SERVICES,** )  
**INC.,** ) **Docket No. 05 \_\_\_\_**  
 )  
**Petitioner,** )  
**v.** ) **MCLEODUSA MOTION FOR**  
**QWEST CORPORATION,** ) **EMERGENCY RELIEF**  
 )  
**Respondent.** )  
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McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”), through its undersigned counsel, and pursuant to RCW 34.05.479 and WAC 480-07-620, moves the Commission for emergency relief. This Motion seeks emergency consideration of the McLeodUSA Petition for Enforcement of Interconnection Agreement with Qwest Corporation (“Qwest”) (“Petition”) filed concurrently with this Motion.

**MOTION**

1. As explained in greater detail in the Petition, McLeodUSA is seeking relief in a dispute between McLeodUSA and Qwest over Qwest’s right, under the interconnection agreement between McLeodUSA and Qwest and approved by this Commission (“Interconnection Agreement”), to demand a security deposit from McLeodUSA for services provided under the agreement, and to discontinue services to McLeodUSA should McLeodUSA not comply with Qwest’s demand by 5 p.m. Mountain Standard Time on April 1, 2005. Qwest demanded on March 21, 2005, that McLeodUSA pay more than \$15.9 million to Qwest within 10 days – \$848,486.28 in Washington alone – or Qwest will “suspend[] order activity” and “disconnect[] services” provided to McLeodUSA.

2. McLeodUSA seeks an order from this Commission that Qwest may not demand a security deposit and that Qwest may not “suspend order activity” or “disconnect services” until all procedures for dispute resolution in the interconnection agreement have been satisfied. Because Qwest has threatened to “suspend order activity” and “disconnect services” on April 1, 2005, McLeodUSA asks this Commission to provide McLeodUSA with its requested relief on an expedited, emergency basis.

3. The Commission has the authority to grant the emergency relief requested by McLeodUSA. Qwest has threatened to terminate service to McLeodUSA, which would leave all of McLeodUSA’s residential and business customers without the ability to complete or receive telephone calls. The Commission has authority “to require immediate action in any situation involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission.” WAC 480-07-620(1). Qwest’s threat to disconnect services it provides to McLeodUSA under the Interconnection Agreement represents an immediate danger to the public health, safety, and welfare of thousands of end-user customers served by McLeodUSA who would be without access to telecommunications services if Qwest were permitted to carry out its threatened action.

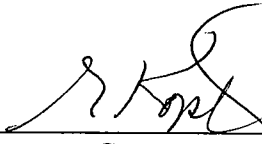
#### **REQUEST FOR RELIEF**

4. For the foregoing reasons, McLeodUSA asks the Commission to consider the McLeodUSA Petition on an emergency basis, and to rule that Qwest may not disconnect or discontinue providing telecommunications services under the Parties’ Interconnection Agreement or demand a security deposit from McLeodUSA at this time. McLeodUSA further requests that the Commission order that in the event of a default under the Interconnection Agreement, Qwest must follow the dispute resolution provisions in the Interconnection

Agreement and may not “suspend order activity,” “disconnect services,” or terminate the Agreement until those dispute resolution procedures have been completed.

RESPECTFULLY SUBMITTED this 30th day of March, 2005.

DAVIS WRIGHT TREMAINE LLP  
Attorneys for McLeodUSA Telecommunications  
Services, Inc.

By  \_\_\_\_\_  
Gregory J. Kopta