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March 6, 2007

### **VIA EMAIL & FEDERAL EXPRESS**

Ms. Carole J. Washburn, Executive Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250

Re: Qwest AFOR, Docket No. UT-061625

Dear Ms. Washburn:

Integra Telecom of Washington, Inc., Time Warner Telecom of Washington, LLC, Covad Communications Company, and XO Communications Services, Inc. (collectively "Joint CLECs"), WeBTEC, and the Department of Defense and all other Federal Executive Agencies (all collectively "Selected Intervenors") are parties to the Settlement Agreement filed today in the above-referenced proceeding. The Selected Intervenors, however, have not joined in the Settlement Narrative filed in support of that Agreement because they do not take a position on the alternative form of regulation ("AFOR") proposed by Qwest Corporation ("Qwest") or on the resolution of issues other than the issue that the Selected Intervenors raised. The Selected Intervenors, therefore, provide this separate narrative statement supporting only the aspect of the Settlement Agreement that is specific to that issue.

The Selected Intervenors in their petitions to intervene in this proceeding raised the legal and public policy issue of the effect of the proposed AFOR on Qwest's high capacity special access or private line services. Specifically, the Selected Intervenors opposed application of the proposed AFOR to these Qwest services should the Commission determine in the future that the services should no longer be classified as competitive telecommunications services.

The Settlement Agreement resolves this issue by amending the proposed AFOR to incorporate Qwest's express agreement that if the Commission determines, after an appropriate proceeding, to revoke the previously-granted competitive classification for Qwest's DS-1 or DS-3 private

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line services, Qwest will not contend that the provisions of this AFOR nonetheless require those services to be treated as competitively classified. The Settlement Agreement also provides that the issue of whether Qwest's rates for these services are fair, just, and reasonable is not before the Commission in this docket, and that the participation of the Selected Intervenors in the Settlement Agreement is based on that understanding and should not be construed or interpreted in any way as a lack of willingness or failure to pursue that issue in whatever forum is available.

These provisions of the Settlement Agreement are in the public interest. Resolving this issue short of full litigation conserves party and Commission resources. More importantly, this aspect of the Settlement Agreement narrows the focus of Qwest's proposed AFOR to Qwest services that have not been classified as competitive and ensures that the AFOR would not undermine the ability of Commission and interested parties to address Qwest's pricing for its high capacity intrastate private line services in an appropriate future proceeding.

The Selected Intervenors do not take a position on the other provisions of the Settlement Agreement and do not oppose Qwest's AFOR proposal as modified by the Settlement Agreement. Accordingly, the Selected Intervenors recommend that the Commission approve the Settlement Agreement.

Please contact the undersigned if you have any questions regarding this separate narrative statement in support of the Settlement Agreement or the positions of the Selected Intervenors.

Very truly yours,

Davis Wright Tremaine LLP

Ater Wynne LLP

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Agency

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cc: Service List