

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

<p>PAC-WEST TELECOMM, INC., Petitioner</p> <p>v.</p> <p>QWEST CORPORATION, Respondent</p>	<p>DOCKET UT-053036 <i>(consolidated)</i></p>
<p>LEVEL 3 COMMUNICATIONS, LLC, Petitioner</p> <p>v.</p> <p>QWEST CORPORATION, Respondent</p>	<p>DOCKET UT-053039 <i>(consolidated)</i></p> <p>LEVEL 3 AND PAC-WEST's PROPOSED STATEMENT OF ISSUES AND PROPOSED SCHEDULING ORDER</p>

Petitioners Level 3 Communications, LLC ("Level 3") and Pac-West Telecomm, Inc. ("Pac-West") respectfully submit this proposed statement of issues and proposed schedule.

STATEMENT OF ISSUES

The issues presented to the Commission in this phase of these consolidated proceedings are:

1. Whether, due to the end-to-end nature of such traffic, all ISP-bound traffic, regardless of the method of compensation, is jurisdictionally interstate and therefore, the issue of compensation for such traffic is

exclusively federal and beyond the jurisdiction of this Commission to adjudicate.

2. Assuming that some ISP-bound traffic may be treated as jurisdictionally intrastate and subject to the Commission's jurisdiction, what technical arrangements constitute the "termination" of such traffic at a given location for purposes of determining what portion of the traffic is subject to that jurisdiction?
3. Assuming that some ISP-bound traffic may be treated as jurisdictionally intrastate because it both originated and terminated within the State of Washington, how much of that traffic both originated and terminated within a single local calling area during the period of time embraced by this proceeding, so that the federal reciprocal compensation rate of \$0.0007 per minute applies?
4. Assuming that some ISP-bound traffic is jurisdictionally intrastate based upon (2) and (3) above:
 - (a) How much of that traffic originated within one local calling area and terminated within a different local calling area within the period of time embraced by this proceeding? and
 - (b) What is the appropriate method and amount of compensation for such traffic?
5. Whether prejudgment interest is due to the prevailing party and, if so, at what rate.
6. For the dispute with Pac-West, what is the effect of the Pac-West bankruptcy and any agreements entered into between Qwest and Pac-West in connection with the bankruptcy?
7. If Pac-West raises statute of limitations issues, to what extent and how should those issues be addressed?

PROPOSED SCHEDULE

Level 3 and Pac-West propose the following schedule to govern proceedings in this case:

Prehearing conference: May 1

Deadline for dispositive motions July 27

Responses to dispositive motions	Aug.10
Decision on dispositive motions	Sept. 7
Simultaneous opening testimony	Oct. 5
Simultaneous Reply testimony	Nov. 5
Hearing	Nov. 13-14
Opening post-hearing briefs	Dec. 6
Reply briefs	Dec. 20
Commission decision	Jan. 31

Respectfully submitted,



Lisa Rackner
McDowell Rackner & Gibson PC
419 SW Eleventh Avenue, Suite 400
Portland, Oregon 97205
Tel: (503) 595-3925; Fax: (503) 595-3928
Email: lisa@mcd-law.com
Washington Bar No. 39969

Attorneys for Level 3 Communications, LLC

Arthur A. Butler, WSBA #04678
601 Union Street, Suite 1501
Seattle, WA 98101-3981
206-753-3011 direct
206-623-4711 main
206-467-8406 fax
aab@aterwynne.com

Attorneys for Pac-West Telecomm, Inc.