



August 17, 2007

*Via electronic filing and FedEx Overnight Mail*

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

RE: Docket No. UT-073034  
Order 01, Prehearing Conference Order, Notice of Second Prehearing Conference  
(Status Conference)—Response to Commission Inquiry regarding Waiver of  
Initial Order

Dear Ms. Washburn:

1. On August 6, 2007, the Washington State Utilities and Transportation Commission (WUTC) issued its Order 01, Prehearing Conference Order, Notice of Second Prehearing Conference (Status Conference)(the Order) in the above-captioned docket.
2. At Paragraph 13 of the Order, the WUTC referenced the issue of entering a final order regarding the Stipulation submitted by Qwest Corporation and various competitive local exchange carriers (CLECs), including Eschelon Telecom, Inc. (Eschelon), within 60 days of its submission, in order to comply with 47 U.S.C. § 252(f). The WUTC asked all parties to file letters, by August 20, 2007, indicating if they waived the right, pursuant to RCW 34.05.461, to an initial order in this case.
3. At Paragraph 8 of the Order, the WUTC set Wednesday, August 15, 2007, as the deadline for intervention. If no petitions were filed by that date, the WUTC noted, the matter would proceed with the stipulating parties and WUTC Staff as the only parties.
4. On August 14, 2007, petitions to intervene were filed on behalf of Time Warner Telecom of Washington, Inc., XO Communications Services, Inc., and Integra Telecom of Washington, Inc., none of whom was a party to the Stipulation. Previously, on July 24, Commission Staff had filed Comments regarding the Stipulation.

Ms. Carole J. Washburn  
August 17, 2007  
Page Two

5. Given the participation in this proceeding by Commission Staff and an expanded group of CLECs, Eschelon believes that the WUTC should address the issues of the appropriate procedural timeline and the need, if any, for waivers of rights to an initial order at the prehearing conference set for Tuesday, August 21, 2007. There all parties who wish to comment may address the appropriate procedure for consideration of the Stipulation.

Respectfully submitted,



Ginny Zeller  
Associate General Counsel  
Eschelon Telecom, Inc.  
612.436.1888 (Direct)  
612.436.6816 (Dept. fax)  
gazeller@eschelon.com

cc: Attached Service List

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

Lisa Anderl  
Qwest Corporation  
1600 7<sup>th</sup> Avenue, Room 3206  
Seattle, WA 98191

Gregory J. Kopta  
Davis, Wright, Tremaine  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045

Gregory Diamond  
Covad Communications Company  
7901 Lowry Blvd.  
Denver, CO 80230

William A. Haas  
McLeodUSA Telecom. Services  
One Martha's Way  
Hiawatha, IA 52233

Ed Murley  
Vice President Regulatory Affairs  
Time Warner Telecom  
2669 Kilihau Street  
Honolulu, HI 96819

Rex Knowles  
Executive Director – Regulatory  
XO Communications  
111 E. Broadway, Suite 1000  
Salt Lake City, UT 84111

Shiela Harris  
Manager, Government Affairs  
Integra Telecom  
1201 NE Lloyd Blvd., Suite 500  
Portland, OR 97232

**CERTIFICATE OF SERVICE**

**Docket No. UT-073034**

I hereby certify that on the date given below the original and 12 true and correct copies of *Eschelon Telecom, Inc.'s letter regarding Order No. 1* in the above-referenced docket were delivered by Federal Express and Email to:

Ms. Carole J. Washburn, Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250  
E-mail: records@wutc.wa.gov

On the same date, a true and correct copy was sent by email and by regular U.S. Mail, postage prepaid, to:

Lisa Anderl Qwest Corporation 1600 7 <sup>th</sup> Avenue, Room 3206 Seattle, WA 98191 Email: Lisa.Anderl@qwest.com	Gregory J. Kopta Davis, Wright, Tremaine 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045 Email: gregkopta@dwt.com
Gregory Diamond Covad Communications Company 7901 Lowry Blvd. Denver, CO 80230 Email: gdiamond@covad.com	William A. Haas McLeodUSA Telecom. Services One Martha's Way Hiawatha, IA 52233 Email: Whaas@mcleodusa.com
Ed Murley Vice President Regulatory Affairs Time Warner Telecom 2669 Kilihau Street Honolulu, HI 96819 Email: ed.murley@twtelecom.com	Rex Knowles Executive Director – Regulatory XO Communications 111 E. Broadway, Suite 1000 Salt Lake City, UT 84111 Email: Rex.knowles@xo.com
Shiela Harris Manager, Government Affairs Integra Telecom 1201 NE Lloyd Blvd., Suite 500 Portland, OR 97232 Email: Sheila.harris@integratelecom.com	

DATED this 17th day of August, 2007.

By: Tobe L. Goldberg  
Tobe L. Goldberg