

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

PAC-WEST TELECOMM, INC.

Petitioner,

v.

QWEST CORPORATION,

Respondent.

LEVEL 3 COMMUNICATIONS, LLC,

Petitioner,

v.

QWEST CORPORATION,

Respondent.

DOCKET NO. UT-053036

DOCKET NO. UT-053039

(consolidated)

Declaration of Sam Shiffman

I, Sam Shiffman, under penalty of perjury under the laws of the state of Washington, state and declare:

Pac-West would be prejudiced if the Commission allows Qwest to amend its counterclaims by adding a claim for past access charges. It is impossible for Pac-West to reconfigure its network or change anything that occurred in the past that could mitigate retrospective relief. Moreover, it would be problematic, if not impossible, for Pac-West at this point to bill its current ISP customers for past access charges.

Pac-West did not and currently does not have a provider/customer relationship with the end-users who called Pac-West's ISP customers in the past that would enable Pac-West to collect toll charges from them in order to cover the access charges that Qwest now wants to collect. Pac-West would have no opportunity to recoup past costs from current customers. Granting Qwest to amend its counterclaims would severely prejudice Pac-West's position.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 26th day of June, 2012, at Austin, Texas.



Signature of Declarant

Sam Shiffman
Print or Type Name