

August 6, 2007

BENCH REQUEST NOS. 1 AND 2
(Responses due August 15, 2007 by Noon)

RE: *Qwest VNXX Complaint*, Docket UT-063038.

TO PARTIES OF RECORD:

In deliberations preliminary to issuing an initial order in this case, I find it necessary to request further information of certain of the parties to this proceeding. Other parties may respond if they choose to do so.

Bench Request No. 1

To Qwest and Verizon Access:

In the transcript, at pages 984 to 986, Mr. Finnigan requested that both Qwest and Verizon Access provide him with the number of VNXX voice minutes they exchange with each other. The parties did not follow up on that request and I believe the Commission would find the information useful. Please provide that number for each of the last three years, distinguishing between VNXX voice minutes and VNXX minutes for ISP-bound traffic.

Bench Request No. 2

To Commission Staff:

In Staff's proposal for resolution of this case, Staff recommends allowing CLECs to use VNXX only for ISP-bound traffic under a bill and keep compensation system. In neither its Opening Brief nor its Reply Brief, in the sections devoted to discussing the proposal directly, does Staff include a requirement that CLECs pay Qwest for transport of VNXX ISP-bound calls. However, Staff does discuss the issue of proper compensation for transport in other sections of its briefs. For example, at page 1 of Staff's Reply Brief, Staff would relieve Qwest of the expense of providing local interconnection facilities for the transport of VNXX traffic to the CLEC point of interconnection.

On page 14 of Staff's Reply Brief, Staff states that "it is preferable to require the CLEC to bear the TELRIC rate for the transport facilities (by allowing Qwest to exclude VNXX traffic from the relative use factor (RUF) for interconnection facilities)."

Please clarify what Staff recommends with regard to CLEC payment of transport costs related to VNXX ISP-bound traffic. Please state whether similar compensation for transport would be appropriate for VNXX voice traffic should the Commission permit it.

Sincerely,

THEODORA M. MACE
Administrative Law Judge