

August 22, 2007

**NOTICE OF OPPORTUNITY TO RESPOND
(By September 4, 2007)**

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

TO PARTIES OF RECORD:

On August 6, 2007, I issued Bench Request No. 2 directed to the Staff of the Washington Utilities and Transportation Commission (Commission). Bench Request No. 2 asked Staff to clarify its position on the issue of CLEC payment for transport of VNXX calls.

Commission Staff filed a timely response to the Bench Request, essentially consolidating the statements made in Staff's Opening and Reply Briefs on the issue.

On August 20, 2007, WITA filed a Motion to Allow Response to Staff Response to Bench Request No. 2. With its motion, WITA included its response.

The first problem with WITA's pleading is that WAC 480-07-405(6)(c), which addresses Bench Requests, makes no provision for responses to responses to Bench Requests, nor did I provide for such responses in the Bench Request itself. In addition, it appears that WITA's response includes factual information that is not on the record of this proceeding, such as the information about rural telephone companies in paragraphs 4 through 7 of the motion/response.

Nevertheless, it is important that the initial order in this case include facts and analysis that fully cover the issue of transport of VNXX calls, no matter what the decision on the issue. In this context it is necessary to take a liberal view of the Commission's rules of procedure and construe them in a way that is consistent with the public interest and the Commission's interest in obtaining a full record upon which to base a decision.

Therefore, WITA's motion is granted, and the response allowed. In addition, other parties are granted an opportunity to respond to WITA's filing. The parties' responses should be brief and limited specifically to the facts WITA presents about the interface between rural carrier networks and CLEC facilities, and to the proposal WITA makes about transport of VNXX calls as it relates to WITA carriers. The parties' responses should not repeat their arguments in post hearing briefs on the issue of CLEC payment for transport or the issue of transport of VNXX calls generally.

NOTICE IS GIVEN that the parties may submit brief factual and analytical responses on or before September 4, 2007, as described in the above notice, to WITA's Response to Staff Response to Bench Request No. 2.

Sincerely,

THEODORA M. MACE
Administrative Law Judge