

[Service Date March 11, 2010]

March 11, 2010

**NOTICE OF BENCH REQUESTS**  
**(Joint Filing Due by Thursday, March 25, 2010)**  
**(Qwest's Filing Due by Thursday, March 18, 2010)**

RE: *Qwest Corporation, Complainant, v. McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services, Docket UT-090892*

The Washington Utilities and Transportation Commission (Commission) seeks information in the form of the following bench requests from Qwest Corporation (Qwest) and McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services (McLeodUSA), collectively with Qwest, the Parties.

**BENCH REQUEST NO. 1:**

On June 10, 2009, Qwest filed a formal complaint (Complaint) against McLeodUSA alleging that McLeodUSA's assessment of its Wholesale Service Ordering Charge violates RCW 80.04.110, which prohibits conduct by a competitor that is unreasonable, discriminatory, illegal, unfair, or intending or tending to oppress the complainant, or to stifle competition.<sup>1</sup> Pursuant to Order 01, a prehearing conference order, Qwest and McLeodUSA each filed their Motions for Summary Determination (Motions) on October 19, 2009, and both filed responses to the respective Motions on November 23, 2009.

In filing their Motions, the Parties have implicitly agreed that no genuine issues of material fact exist. Please file a joint stipulation of material facts, if one can be agreed to, by Thursday, **March 25, 2010**.

Please respond to this Bench Request no later than Thursday, **March 25, 2010**, with an original and five (5) copies. If you have any questions concerning these requests, please contact Administrative Law Judge Marguerite E. Friedlander at 360-664-1285, or via e-mail at [mfriedla@utc.wa.gov](mailto:mfriedla@utc.wa.gov).

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<sup>1</sup> McLeodUSA filed its answer to the Complaint on July 2, 2009.

**BENCH REQUEST NO. 2:**

In its Memorandum in Support of its Motion for Summary Determination, Qwest states that Minnesota has found that McLeodUSA's Wholesale Service Order Charge was unreasonably discriminatory and served to impede competition.<sup>2</sup>

Please indicate whether Qwest has filed a formal complaint in any other jurisdiction against McLeodUSA regarding the same issues as the instant case in the state of Washington, and, if so, please indicate the docket numbers for those matters. Please advise whether there have been any decisions, initial or final, in those cases. If decisions have been reached in other jurisdictions, please provide copies of the orders.

Please respond to this Bench Request no later than Thursday, **March 18, 2010**, with an original and five (5) copies. If you have any questions concerning these requests, please contact Administrative Law Judge Marguerite E. Friedlander at 360-664-1285, or via e-mail at [mfriedla@utc.wa.gov](mailto:mfriedla@utc.wa.gov).

Sincerely,

MARGUERITE E. FRIEDLANDER  
Administrative Law Judge

cc: All Parties

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<sup>2</sup> *Qwest Corporation v. McLeodUSA Telecommunications Services, Inc., d/b/a PAETEC Business Services*, Qwest's Memorandum in Support of the Motion for Summary Determination, ¶ 29, Docket UT-090892 (October 19, 2009).