

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

ELECTRIC LIGHTWAVE, LLC.,)	
)	Docket No. UT-
Petitioner,)	
)	AFFIDAVIT OF DENNIS ROBINS
)	IN SUPPORT OF PETITION
)	FOR ENFORCEMENT
v.)	OF INTERCONNECTION
)	AGREEMENT
QWEST CORPORATION,)	
)	
Respondent)	
_____)	

I, Dennis Robins having been first sworn, do depose and say:

1. I am a manager at Electric Lightwave, LLC (ELI) and one of the persons responsible for regulatory issues for the State of Washington. I have personal knowledge of the facts set forth in this Affidavit.
2. ELI is a competitive local and interexchange telecommunications company certified by the Commission to provide service in Washington State.
3. ELI and Qwest Corporation (Qwest) are parties to an Interconnection Agreement (ICA) for Washington filed and approved by the Commission in Docket No. UT-023037. Copies of the pertinent portions of the ICA are attached to ELI's Petition as Exhibit A.
4. That ELI and Qwest exchanged traffic pursuant to the ICA without incident until January of 2005 when Qwest began withholding reciprocal compensation payments claiming some of the traffic was "VNXX" and not

local traffic as defined by the ICA. On January 27, 2005, Qwest formally notified ELI that it was disputing ELI's billings for reciprocal compensation because Qwest claimed to be able to determine the traffic in question was "VNXX." The Qwest letter is attached to the Petition as Exhibit B. Qwest claims that there is a difference between the service Qwest calls Foreign Exchange and a similar service provided by ELI that Qwest deems VNXX. Although ELI is not certain exactly how Qwest defines "VNXX" traffic, ELI disputed Qwest's assertions and pointed out that what Qwest refers to as VNXX traffic appears to be the same as Foreign Exchange traffic which the telecommunications industry has traditionally treated as local. Qwest continues to claim ELI's service is not the same as foreign exchange. See Exhibits C and D attached to the Petition.

5. Regardless of Qwest's definition of VNXX traffic, ELI has an extensive network in Washington. While ELI utilizes only two switches in the state, ELI carries the vast majority of its traffic on its own network. To the degree ELI provides foreign exchange type service, it does so primarily on facilities it either owns or has leased and has customers in both the originating and foreign exchanges. Consequently, ELI does not get a "free ride" on Qwest's or any other network.
6. In Order No. 5 in UT-053036, this Commission held that the FCC's *ISP Remand Order*¹ required Qwest to compensate Pac-West Telecomm, Inc. (Pac-West) for ISP bound traffic under the terms of their Interconnection

¹ *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP Bound Traffic*, Order on Remand and Report and Order, CC Docket Nos. 96-98, 99-68, FCC 01-131 (rel. April 27, 2001).


Agreement regardless of the point of origin and point of termination of the traffic. This ruling renders Qwest's arguments re VNXX traffic moot. Since terms of ELI's interconnection agreement are substantially the same as Pac-West's, the Commission's decision in UT-0530036 is applicable to ELI's dispute with Qwest.

7. ELI has engaged in numerous discussions with Qwest in an attempt to resolve the dispute with no success. ELI and Qwest have agreed that further discussion and escalation of the dispute under the ICA will not be fruitful. Attached as Exhibit F to the Petition is an e-mail from Dan Hult, Director of Carrier Relations for Qwest confirming this understanding.
8. Qwest has withheld approximately \$268,643.32 in reciprocal compensation since January of 2005 based upon its faulty determination that the traffic in question is VNXX and not local.


Dennis Robins

SUBSCRIBED AND SWORN to before me this 30th day of May, 2006.




Jessica Morris
NOTARY PUBLIC in and for the State
Of Washington. My commission expires
April 30, 2008.