



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

Via Overnight Mail Delivery

June 29, 2009

United States District Court  
Western District of Washington  
Tacoma Clerk's Office  
1717 Pacific Avenue, Room 3100  
Tacoma, WA 98402-3200

RE: Qwest Corporation v. Washington Utilities and Transportation Commission, Jeffrey Goltz, Chairman, Patrick Oshie, Commissioner, and Philip Jones, Commissioner, in their capacity as Commissioners of the Washington Utilities and Transportation Commission and Eschelon Telecom, Inc.

United States District Court – Western District of Washington - Tacoma  
Cause No. 3:09-CV-05259-RBL

Dear Clerk:

Enclosed for filing is the administrative record of the Washington Utilities and Transportation Commission in the above-entitled matter. The record consists of the documents listed on the attached sheets.

Sincerely,

David W. Danner  
Executive Director and Secretary

cc: Parties  
Enclosure





STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250  
(360) 664-1160 • TTY (360) 586-8203

June 29, 2009

Lisa Anderl  
Qwest Corporation  
1600 7<sup>th</sup> Avenue, Room 3206  
Seattle, WA 98191

RE: Qwest Corporation v. Washington Utilities and Transportation Commission, Jeffrey Goltz, Patrick Oshie, and Philip Jones, in their Official Capacities as Commissioners of the Washington Utilities and Transportation Commission, and Eschelon Telecom, Inc.

United States District Court – Western District of Washington - Tacoma  
Cause No. 3:09-CV-05259-RBL

Dear Ms. Anderl:

The Commission administrative record in the above matter is being mailed via Federal Express to the Clerk of the United States District Court – Western District of Washington at Tacoma today. The record consists of the documents listed on the attached index.

If you believe that this record is deficient, please advise immediately and consideration will be given to the filing of a supplemental record.

Sincerely,

David W. Danner  
Executive Director and Secretary

cc: Parties  
Enclosure



UNITED STATES DISTRICT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

QWEST CORPORATION,

Plaintiffs,

v.

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION; and  
JEFFREY GOLTZ, in his official capacity  
as Chairman of the Washington Utilities and  
Transportation Commission PATRICK J.  
OSHIE, in his official capacity as a  
Commissioner of the Washington State  
Utilities and Transportation Commission;  
and PHILIP B. JONES, in his official  
capacity as a Commissioner of the  
Washington State Utilities and  
Transportation Commission,

and

ESCHELON TELECOM, INC.,

Defendants.

NO. 3:09-CV-05259-RBL

NOTICE OF FILING PAPER  
MATERIALS WITH THE CLERK

The administrative record in Docket UT-063061, RE: Petition for Arbitration of Interconnection Agreement between Qwest Corporation and Eschelon Telecom of Washington, Inc., is being filed in paper form with the Clerk's Office for the Western District of Washington. The document will remain in the Clerk's custody until appropriate disposition pursuant to the Local Rules of the Western District of Washington.

DATED this 29<sup>th</sup> day of June, 2009.



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Lisa Wyse, Records Manager  
Washington Utilities and Transportation  
Commission  
1300 S Evergreen Pk. Dr. SW  
Olympia, WA 98504-7250  
(360) 664-1259  
lwyse@utc.wa.gov

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

QWEST CORPORATION, )

Complainant, )

v. )

WASHINGTON UTILITIES AND )  
TRANSPORTATION COMMISSION; )

JEFFREY GOLTZ, in his official )  
Capacity as Chairman of the Washington )  
Utilities and Transportation Commission, )  
PATRICK OSHIE, in his official capacity )  
as a Commissioner of the Washington )  
Utilities and Transportation Commission, )  
and PHILIP JONES, in his official capacity )  
as a Commissioner of the Washington )  
Utilities and Transportation Commission, )

and )

ESCHELON TELECOM, INC. )

Defendants. )

..... )

CASE NO. 3:09-CV-05259-RBL

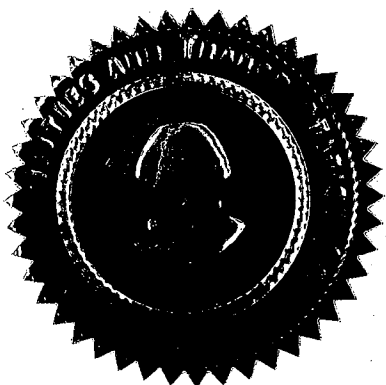
CERTIFICATE

STATE OF WASHINGTON  
ss.  
County of Thurston )

I, David W. Danner, Executive Director of the Washington Utilities and Transportation Commission, hereby certify under penalty of perjury under the laws of the State of Washington that the attached documents contain a full, true, and correct copy of the record in the following

proceedings recently concluded before the Washington Utilities and Transportation Commission:  
Docket UT-063061, In the Matter of the Petition for Arbitration of Interconnection Agreement  
between Qwest Corporation and Eschelon Telecom of Washington, Inc. , being the record of formal  
files of the Commission.

Dated: this 29th day of June, 2006 at Olympia, Washington.



A handwritten signature in black ink, which appears to read "David W. Danner", is written over a horizontal line.

David W. Danner  
Executive Director and Secretary

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

QWEST CORPORATION,

Plaintiffs,

v.

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION; and  
JEFFREY GOLTZ, in his official capacity  
as Chairman of the Washington Utilities and  
Transportation Commission PATRICK J.  
OSHIE, in his official capacity as a  
Commissioner of the Washington State  
Utilities and Transportation Commission;  
and PHILIP B. JONES, in his official  
capacity as a Commissioner of the  
Washington State Utilities and  
Transportation Commission,

and

ESCHELON TELECOM, INC.,

Defendants.

NO. 3:09-CV-05259-RBL

INDEX TO THE AGENCY  
RECORD FOR JUDICIAL REVIEW  
OF THE AGENCY ACTION  
PER RCW 34.05.566

Page No.

- 0001 Master Service List.
- 0003 Qwest Corporation's Petition for Arbitration from Lisa A. Anderl, Attorney, dated August 9, 2006, with cover letter, with attachments.
- 0925 Commission's Order 01, Order on Arbitration Procedure; Appointment of Arbitrator; Notice of Prehearing Conference (Set for September 15, 2006, 2:30 p.m.), dated August 30, 2006, with Proof of Service.
- 0933 Eschelon Telecom, Inc.'s Response to Qwest Petition for Arbitration from Gregory R. Merz, Attorney, dated September 1, 2006, with cover letter, attachments, and certificate of service.
- 1411 Commission's Transcript Order Form dated September 15, 2006.
- 1412 Commission's Order 02, Prehearing Conference Order – Notice of Hearing, (Scheduled for November 28, 2006, 9:30 a.m.), dated September 21, 2006, with Proof of Service.
- 1421 Commission's Order 03, Protective Order, dated September 21, 2006, with Proof of Service.
- 1432 Confidentiality Agreements for Chris Rose, on behalf of Commission Staff, from Talia M. Wilson, Legal Assistant, dated September 22, 2006, with cover letter.
- 1434 Confidentiality Agreements for Lisa Anderl, Melissa Thompson, Maura Peterson, Lori White, Renee Albersheim, Robert Hubbard, William Easton, Mark Reynolds, and Philip Linse, on behalf of Qwest Corporation from Maura Peterson, dated October 2, 2006, with cover letter.
- 1444 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Request for Extension of Time, dated October 4, 2006.
- 1445 Commission's Order 04, Granting Joint Request for Continuance, dated October 5, 2006, with Proof of Service.
- 1449 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Request to Vacate Schedule, dated October 10, 2006.



- 1450 Commission's Order 05, Granting Joint Request to Vacate Procedural Schedule, Adopt a Revised Procedural Schedule, and Schedule a Prehearing Conference – Notice of Prehearing Conference (Scheduled for November 6, 2006, 1:30 p.m.) – Notice of Hearing (Scheduled for January 23, 2007), dated October 11, 2006, with Proof of Service.
- 1456 Commission's Transcript Order Form dated November 6, 2006.
- 1457 Commission's Order 06, Prehearing Conference Order – Notice of Prehearing Conference (Scheduled for January 25, 2007, 1:30 p.m.) – Notice of Hearing (Scheduled for January 29, 2007, 9:30 a.m.), dated November 7, 2006, with Proof of Service.
- 1463 Confidentiality Agreements for Mary Ann Neill and Karen A. Stewart, on behalf of Qwest Corporation from Maura Peterson, dated November 16, 2006, with cover letter.
- 1466 Qwest Corporation's Motion to Submit Replacement Page to the Direct Testimony of Renee Albersheim, from Lisa A. Anderl, Attorney, dated November 21, 2006, with cover letter and certificate of service.
- 1470 Commission's Order 07, Granting Motion to Submit Replacement Page, dated December 5, 2006, with Proof of Service.
- 1474 Confidentiality Agreement for Gregory J.Kopta, on behalf of Eschelon Telecom, Inc., from Mary A. Scarsorie, dated December 5, 2006, with cover letter.
- 1476 Letter to Carole J. Washburn, Executive Secretary, from Jason D. Topp, Attorney, on behalf of Qwest Corporation, RE: Revised Matrix, dated December 20, 2006, with certificate of service.
- 1556 Letter to Carole J. Washburn, Executive Secretary, from Gregory J. Kopta, Attorney, on behalf of Eschelon Telecom, Inc., RE: Postponement of evidentiary hearing currently scheduled for the week of January 29, 2007, dated January 4, 2007.
- 1557 Commission's Order 08, Order Vacating Prefiling Deadline and Scheduling Prehearing Conference – Notice of Prehearing Conference (Scheduled for January 12, 2007, 9:30 a.m.), dated January 5, 2007, with Proof of Service.

- 1561 Confidentiality Agreements for Karen L. Clauson, Bonnie Johnson, and Douglas Denney, on behalf of Eschelon Telecom, Inc., from Tobe L. Goldberg, Senior Legal Secretary, dated January 9, 2007, with cover letter.
- 1565 Commission's Order 09, Prehearing Conference Order – Notice of Prehearing Conference (Scheduled for May 3, 2007, 1:30 p.m.) – Notice of Hearing (Scheduled for May 7, 2007, 9:30 a.m.), dated January 12, 2007, with Proof of Service.
- 1570 Commission's Transcript Order Form dated January 12, 2007.
- 1571 Confidentiality Agreements for Jason Topp and Curtis Ashton, on behalf of Qwest Corporation, from Maura E. Peterson, dated February 7, 2007, with cover letter.
- 1574 Qwest Corporation's Motion to Dismiss Issues Involving Proposed Rates for Wholesale Products and Services, from Lisa A. Anderl, Attorney, dated April 6, 2007, with cover letter and certificate of service.
- 1586 Eschelon Telecom of Washington, Inc.'s Memorandum in Opposition to Qwest Corporation's Motion to Dismiss Issues Involving Proposed Rates, from Gregory R. Merz, Attorney, dated April 13, 2007, with cover letter and affidavit of service.
- 1606 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Request for Change in Hearing Schedule, dated April 16, 2007.
- 1607 Commission's Notice Granting Request to Modify Hearing Dates (Hearing Rescheduled from May 7, 2007 to May 8, 2007), dated April 16, 2007, with Proof of Service.
- 1611 Commission's Order 10, Order Denying Motion to Dismiss Issues, dated April 19, 2007, with Proof of Service.
- 1616 Letter to Carole J. Washburn, Executive Secretary, from Jason D. Topp, Attorney, on behalf of Qwest Corporation, RE: Revised Issues Matrix, dated April 27, 2007, with certificate of service.
- 1749 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Cross Examination Exhibits/Time Estimates, dated April 30, 2007, with certificate of service.

- 1749a Eschelon Telecom of Washington, Inc.'s List of Proposed Cross Examination Exhibits, from Gregory R. Merz, Attorney, dated May 1, 2007, with cover letter.
- 1750 Eschelon Telecom of Washington, Inc.'s Amended List of Proposed Cross Examination Exhibits, from Gregory R. Merz, Attorney, dated May 2, 2007, with cover letter and certificate of service.
- 1754 Commission's Notice of Bench Request Nos. 1 and 2 (Due May 7, 2007), dated May 3, 2007, with Proof of Service.
- 1758 Commission's Transcript Order Form dated May 3, 2007.
- 1759 Letter to Carole J. Washburn, Executive Secretary, from Gregory R. Merz, Attorney, on behalf of Eschelon Telecom, Inc., RE: Paginated versions of proposed cross examination exhibits, dated May 4, 2007, with certificate of service.
- 1798 Commission's Transcript Order Form dated May 8, 2007.
- 1799 Eschelon Telecom of Washington, Inc.'s Motion for Extension of Page Limitations, from Gregory R. Merz, Attorney, dated May 21, 2007, with cover letter and certificate of service.
- 1803 Qwest Corporation's Response to Eschelon's Motion for Extension of Page Limitations, from Lisa Anderl, Attorney, dated May 22, 2007, with cover letter and certificate of service.
- 1807 Eschelon Telecom of Washington, Inc.'s Motion for Extension of Page Limitations – Errata Filing, from Gregory R. Merz, Attorney, dated May 23, 2007, with cover letter and certificate of service.
- 1810 Commission's Order 11, Order Supplementing Procedural Schedule and Denying Motion for Extension of Page Limitations – Notice of Hearing (Scheduled for July 18, 2007, 9:30 a.m.), dated May 24, 2007, with Proof of Service.
- 1816 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Request for Extension to File Testimony on wire Center Issues, dated May 29, 2007.
- 1817 Commission's Notice Granting Request to Extend Filing Deadline (Deadline Extended from May 31, 2007 to June 14, 2007), dated May 30, 2007, with Proof of Service.

- 1820 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Request for Second Extension to File Testimony on wire Center Issues, dated June 12, 2007.
- 1821 Commission's Notice Granting Second Request to Extend Filing Deadline (Deadline Extended from June 14, 2007 to June 21, 2007)
- 1824 Joint Motion of Eschelon and Qwest for Single Compliance Filing of the Interconnection Agreement and, if Granted, a Revised Schedule, from Tobe L. Goldberg, Attorney, dated June 20, 2007, with cover letter and certificate of service.
- 1902 Commission's Order 12, Order Granting Joint Motion for Single Compliance Filing and Vacating Portions of Procedural Schedule – Hearing Vacated (Scheduled for July 18, 2007), dated June 21, 2007, with Proof of Service.
- 1907 Joint Notice of Closure of Issue 9-51, from Lisa A. Anderl, Attorney, dated July 18, 2007, with cover letter and certificate of service.
- 1911 Eschelon Telecom of Washington, Inc.'s Post-Hearing Brief, from Tobe L. Goldberg, Attorney, dated July 20, 2007, with cover letter and certificate of service.
- 2015 Qwest Corporation's Post-Hearing Brief, from Lisa A. Anderl, Attorney, dated July 20, 2007, with cover letter and certificate of service.
- 2080 Qwest Corporation's Motion to Enforce Page Limits on Post-Hearing Briefs and to Strike Attachment 2 of Eschelon Telecom's Post-Hearing Brief, from Lisa A. Anderl, Attorney, dated July 25, 2007, with cover letter and certificate of service.
- 2085 Eschelon Telecom of Washington, Inc.'s Response to Qwest's Motion to Strike, from Gregory M. Merz, Attorney, dated July 26, 2007, with cover letter and certificate of service.
- 2090 Commission's Order 13, Order Denying Motion to Strike and Permitting Response, dated July 27, 2007, with Proof of Service.
- 2094 Qwest Corporation's Response to Eschelon Telecom's Post-hearing Brief, dated August 6, 2007, with cover letter and certificate of service.
- 2110 Commission's Order 14, Order Requiring Filing, dated August 13, 2007, with Proof of Service.

- 2113 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl. Attorney, on behalf of Qwest Corporation, RE: Updated Disputed Issues Matrix, dated August 23, 2007, with attachments.
- 2248 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl. Attorney, on behalf of Qwest Corporation, RE: Corrections to Updated Disputed Issues Matrix, dated September 17, 2007.
- 2258 Letter to Carole J. Washburn, Executive Secretary, from Gregory R. Merz. Attorney, on behalf of Eschelon Telecom, Inc., RE: Corrected Page of Qwest Attachment 2, dated October 5, 2007, with certificate of service.
- 2264 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl. Attorney, on behalf of Qwest Corporation, RE: Response to Eschelon's Filing of Correction to Attachment 2, dated October 8, 2007.
- 2265 Commission's Order 15, Order Modifying Procedural Schedule, dated November 9, 2007, with Proof of Service.
- 2270 E-mail chain between Patricia Clark, Administrative Law Judge and Karen L. Clauson, RE: Qwest/Eschelon Arbitration – confirmation of issue numbers, dated January 9 and 10, 2008.
- 2272 Commission's Order 16, Arbitrator's Report and Decision, dated January 18, 2008, with Proof of Service.
- 2331 Letter to Carole J. Washburn, Executive Secretary, from Tobe L. Goldberg, Attorney, on behalf of Eschelon Telecom, Inc., RE: Supplemental Authority – Order of Minnesota Commission addressing remaining open issues, dated February 4, 2008, with attachment and certificate of service.
- 2347 Commission's Order 17, Arbitrator's Report Establishing Procedures for Filing Petition for Review, Requests for Approval, and an Interconnection Agreement, dated March 21, 2008, with Proof of Service.
- 2354 Letter to Carole J. Washburn, Executive Secretary, from Tobe L. Goldberg, Attorney, on behalf of Eschelon Telecom, Inc., RE: Supplemental Authority – Order of Oregon Commission addressing remaining open issues, dated March 28, 2008, with attachment and certificate of service.
- 2439 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl. Attorney, on behalf of Qwest Corporation, RE: Request for Continuance of Deadline, dated March 31, 2008.

- 2440 Commission's Notice Granting Unopposed Request to Extend Filing Deadline (deadline Extended from April 28, 2008, to 30 days after issuance of the Commission's final order), dated April 2, 2008, with Proof of Service.
- 2443 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Request for Extension of Time to File Petitions, dated April 14, 2008.
- 2444 Commission's Notice Granting Unopposed Request to Extend Filing Deadline (Deadlines for Petitions for Review Extended from April 16, 2008, to April 21, 2008, and Responses Extended from April 28, 2008, to May 5, 2008), dated April 15, 2008, with Proof of Service.
- 2447 Qwest Corporation's Petition for Administrative Review, from Lisa A. Anderl, Attorney, dated April 21, 2008, with cover letter, attachments, and certificate of service.
- 2662 Eschelon Telecom of Washington, Inc.'s Petition for Review and Request for Extension of Time to Reply, from Tobe L. Goldberg, Attorney, dated April 21, 2008, with cover letter and certificate of service.
- 2674 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Eschelon Request for Extension of Time, dated April 23, 2008.
- 2675 Commission's Notice Granting Unopposed Request to Extend Filing Deadline (Deadline for Responses to Petition for Review Extended from May 5, 2008, to May 12, 2008), dated April 24, 2008, with Proof of Service.
- 2678 Eschelon Telecom of Washington, Inc.'s Reply to Qwest's Petition for Review, from Tobe L. Goldberg, Attorney, dated May 12, 2008, with cover letter and certificate of service.
- 2741 Qwest Corporation's Answer to Eschelon's Petition for Administrative Review, from Lisa A. Anderl, Attorney, dated May 12, 2008, with cover letter and certificate of service.
- 2746 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Supplemental Authority, dated July 14, 2008, with attachments and certificate of service.
- 3046 Commission's Order 18, Final Order Granting, in Part, Eschelon's Petition for Review; Granting, in Part, Qwest's Petition for Review; Affirming, in

Part, and Modifying, in Part, Arbitrator's Report and Decision, dated October 16, 2008, with Proof of Service.

- 3105 Qwest Corporation's Petition for Reconsideration, from Lisa A. Anderl, Attorney, dated October 27, 2008, with cover letter and certificate of service.
- 3126 Commission's Notice Requesting Answer to Petition for Reconsideration (Deadline for Answer November 7, 2008), dated October 28, 2008, with Proof of Service.
- 3129 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Extension of Time for Filing Interconnection Agreement, dated October 29, 2008.
- 3130 Commission's Notice Extending Deadline to File Interconnection Agreement (Deadline Extended to 30 days After Issuance of Order on Reconsideration or 30 days After Expiration of Deadline for Issuing Order on Reconsideration), dated October 30 2008, with Proof of Service.
- 3134 Eschelon Telecom of Washington, Inc.'s Answer to Qwest's Petition for Reconsideration, from Kim K. Wagner, dated November 7, 2008, with cover letter and certificate of service.
- 3191 Commission's Notice Establishing Deadline for Issuing Order on Reconsideration (Deadline for Order on Reconsideration: January 30, 2009), dated November 13, 2008, with Proof of Service.
- 3195 Letter to Carole J. Washburn, Executive Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Supplemental Authority, dated December 23, 2008, with attachment and certificate of service.
- 3211 Letter to Carole J. Washburn, Executive Secretary, from Douglas Denney, on behalf of Eschelon Telecom, Inc., RE: Supplemental Authority, dated December 23, 2008, with attachment and certificate of service.
- 3221 Commission's Order 19, Order Denying Qwest's Petition for Reconsideration, dated January 30, 2009, with Proof of Service.
- 3238 Letter to David Danner, Executive Director and Secretary, from Lisa A. Anderl, Attorney, on behalf of Qwest Corporation, RE: Compliance Filing/Interconnection Agreement, dated March 2, 2009, with attachments and certificate of service.

- 3831 Errata filing (Exhibit G and Table of Contents) concerning Interconnection Agreement, from Maura Peterson, on behalf of Qwest Corporation, dated March 4, 2009 with certificate of service.
- 3968a Commission's Order 20, Order Approving Interconnection Agreement, dated April 3, 2009, with Proof of Service.
- 3969 Exhibit List
- 3985 - 8872 Exhibit Nos. 1-17, 18C, 19-42, 43C, 44, 45C, 46C, 47-132, 133C, 134-137, 138C, 139, 140C, 141C, 142C, 143-155, 156C, 157-183 admitted.
- 0292 Transcript Vols. 1 through 5 (Pgs. 1 through 292)

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9164 Total Pages