

QWEST CORPORATION
STATE: Washington
DOCKET NO: UT-090892
CASE DESCRIPTION: QWEST CORPORATION v. MCLEODUSA dba PAETEC
INTERVENOR: Washington Utilities and Transportation Commission
REQUEST NO: WUTC 1-1

REQUEST:

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. McLeodUSA filed its answer to the Complaint on July 2, 2009. 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.

RESPONSE:

Attached are the stipulated facts from the Arizona proceeding, which Qwest and McLeod agree apply in Washington as well. McLeod would like it noted that the stipulation does not include all facts that are or may be necessary for a Commission decision. Qwest notes that there are other facts in the record, supported by declarations and not disputed, that may be relevant to making a decision. Furthermore, the parties note that some of these facts are specific to Arizona, and request leave to supplement this stipulation with Washington-specific information where applicable, no later than April 9, 2010.

Respondent: Qwest Legal