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February 4, 2008

**VIA E-MAIL AND HAND DELIVERY**

Ms. Carole J. Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive SW  
Olympia, WA 98504-7250

Re: Qwest VNXX Complaint - Docket UT-063038/Docket UT-063055 -  
Post-Hearing Bench Request No. 3

Dear Ms. Washburn:

The Washington Independent Telephone Association (WITA) hereby provides its response to Post-Hearing Bench Request No. 3.

**POST-HEARING BENCH REQUEST NO. 3:**

In view of the most recent briefing in this proceeding on the issues of whether the Initial Order addressed the issues the District Court remanded to the Commission in Dockets UT-053036 and UT-053039 and whether the Commission should address those issues in this proceeding, the Commission is considering consolidating the remand proceeding with this docket for decision. Please identify any concerns or objections you may have with the Commission consolidating these proceedings.

**RESPONSE:**

WITA has no objection to the consolidation of the District Court remand in Dockets UT-053036 and UT-053039 with the proceedings in this docket. WITA believes that consolidation makes sense and is consistent with the notions of judicial economy.

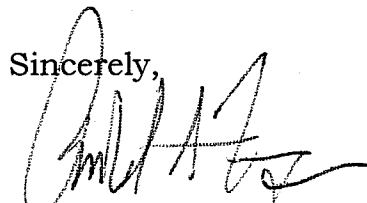
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Carole Washburn  
February 4, 2008  
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Certainly, the outcome of the remand would be specific to the parties in UT-053036 and UT-053039, but the precedent related to the handling of VNXX issues in light of the District Court remand seems to be a broader issue that would apply on a forward-going basis and could be incorporated into Docket UT-063038.

Pursuant to the directions in this case, the original and three copies are filed herewith.

Sincerely,

A handwritten signature in black ink, appearing to read 'RAF', with a stylized flourish extending to the right.

RICHARD A. FINNIGAN

RAF/km

cc: Service List (via e-mail and U.S. mail, or as otherwise specified)  
ALJ Mace (via e-mail and hand delivery)  
Terrence Stapleton (via e-mail)

CERTIFICATE OF SERVICE  
UT-063038

I certify that I have this day served the attached letter to Carole Washburn upon all parties of record in this proceeding by sending a copy by electronic mail and U.S. mail, unless otherwise specified, to the following parties or attorneys of parties:

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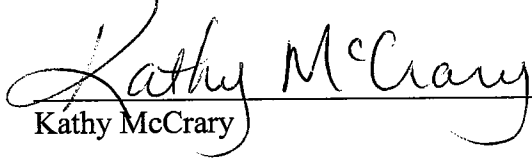
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1 I also certify that I have this day served the attached letter to Carole Washburn by e-mail and  
2 hand delivery to the following:

3 WUTC Records Center  
4 1300 South Evergreen Park Drive SW  
5 Olympia, WA 98504-7250  
6 records@wutc.wa.gov

7 Dated at Olympia, WA this 4th day of February, 2008.

8 By:   
9 Kathy McCrary