

Qwest
421 Southwest Oak Street
Suite 810
Portland, Oregon 97204
Telephone: 503-242-5420
Facsimile: 503-242-8589
e-mail: carla.butler@qwest.com

Carla M. Butler
Lead Paralegal

August 20, 2007

Frances Nichols Anglin
Oregon Public Utility Commission
550 Capitol St., NE
Suite 215
Salem, OR 97301

Re: ARB 789

Dear Ms. Nichols Anglin:

Enclosed for filing in the above entitled matter please find an original and (5) copies of Qwest Corporation's Amicus Comments and Clarification Regarding Parties' Responses to ALJ Bench Requests, along with a certificate of service.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Carla M. Butler

CMB:

Enclosure

L:\Oregon\Executive\Duarte\ARB 789\PUC Transmittal Ltr.doc

PUBLIC UTILITY COMMISSION OF OREGON

ARB 789

In the Matter of

CLEAR CREEK MUTUAL TELEPHONE
COMPANY

Petition For Arbitration of an Interconnection
Agreement with BEAVER CREEK
COOPERATIVE TELEPHONE COMPANY,
Pursuant to the 47 U.S.C. Sections 251 and 252

**QWEST CORPORATION'S AMICUS
COMMENTS AND CLARIFICATION
REGARDING PARTIES' RESPONSES TO
ALJ BENCH REQUESTS**

INTRODUCTION

On July 6, 2007, Administrative Law Judge Allan Arlow issued bench requests to the parties to this arbitration, Clear Creek Mutual Telephone Company ("Clear Creek" or "CCMT") and Beaver Creek Cooperative Telephone Company ("BCT") pertaining to questions about their interconnection arrangements and traffic flows. Some of these questions pertained to Qwest Corporation ("Qwest"), which is an adjoining Incumbent Local Exchange Carrier ("ILEC") to both Clear Creek and BCT and a transit provider for Clear Creek and BCT traffic. The parties then submitted a Joint Statement of Undisputed Facts and Joint Responses to Bench Requests on July 31, 2007. However, some of the parties' responses or statements that pertain to traffic involving Qwest require clarification.

Accordingly, Qwest respectfully requests that the Commission allow these amicus comments and clarification about several of the parties' responses to the ALJ bench requests in this arbitration docket.

QWEST COMMENTS/CLARIFICATION

Specifically, Qwest's comments are to the following bench requests:

Bench Request No. 9a:

When a call is placed from a CLEC customer in the Redland Exchange to the Beaver Creek Exchange, how is that traffic routed and what trunks are utilized?

Parties' Statements to Bench Request No. 9a:

BCT & CCMT: The call is routed over the EAS trunks from Redland to the Qwest Portland tandem where it is switched and routed over the EAS trunks to Beaver Creek.

BCT: BCT believes that Comcast may provide service in the Redland Exchange.

Qwest's Comments/Clarification to Bench Request No. 9a:

Based on information contained in Telcordia's Local Exchange Routing Guide (LERG), Qwest believes that the only CLEC-originating traffic from the Redland exchange that meets this criteria today is BCT's CLEC traffic. BCT CLEC calls would be carried by BCT loop facilities to BCT's switch and completed via BCT loop facilities to the Beaver Creek Exchange. These calls would not use Qwest facilities.

Bench Request No. 12:

Is BCT currently routing its CLEC traffic to Qwest over LIS trunks, or is BCT CLEC traffic being combined with ILEC traffic over the regular ILEC-to-ILEC trunks?

Parties' Statements to Bench Request No. 12:

BCT: BCT's CLEC traffic to Qwest is routed over LIS trunks. The flow of traffic from BCT to CCMT – which is negligible – is routed over BCT ILEC trunks today. The LIS trunks between BCT and Qwest are for BCT and Qwest traffic only that terminates to the 503-518-XXXX prefix. Any calls that originate from other CLECs in the Portland LATA that terminate to BCT ILEC is routed over the Qwest/BCT ILEC trunks. Any calls that originate from CCMT to BCT 503-518-XXXX are terminated most of the time on the Qwest/BCT LIS trunks and sometimes on the Qwest/BCT ILEC trunks. Any calls that originate from CCMT customers that call the BCT customers in the Redland Exchange or that terminate to the 503-898-XXXX are terminated on the Qwest/BCT ILEC trunks.

CCMT: CCMT believes that BCT's CLEC traffic to and from Redland Exchange is being combined with ILEC traffic and routed over CCMT's ILEC EAS trunks.

Qwest's Comments/Clarification to Bench Request No. 12:

Qwest disagrees that the LIS trunks between BCT and Qwest are for BCT and Qwest traffic only that terminates to the 503/518-XXXX prefix. Qwest's position is that LIS trunks should be used whenever BCT is operating as a CLEC, including situations where BCT is operating in another ILEC's territory (such as Clear Creek). Consistent with this position, Qwest is currently routing traffic destined for BCT's 503/898 NPA/NXX in the Redland exchange over LIS trunks to BCT's switch. Consequently, Qwest disagrees with BCT's statement that "(a)ny calls that originate from CCMT customers that call the BCT customers in the Redland Exchange or that terminate to the 503-898-XXXX are terminating on the Qwest/BCT ILEC trunks."

Bench Request No. 14:

Does BCT have an agreement with Qwest that addresses how Qwest will transport its CLEC traffic to the Redland Exchange? If so, please provide a copy of such agreement or citation to public records for which official notice may be taken.

Parties' Statements to Bench Request No. 14:

BCT: Yes. A copy of the relevant section of the ICA between Qwest and Beaver Creek is attached as Exhibit B.

CCMT: From discussions with Qwest representatives, Clear Creek believes that it is Qwest's opinion that the ICA does not cover transiting of traffic for Beaver Creek to the Redland Exchange, that the ICA governs BCT's Oregon City CLEC traffic only, and that Qwest is currently an unwilling participant in the transiting of traffic between BCT and CCMT over BCT's ILEC EAS trunks.

Qwest's Comments/Clarification to Bench Request No. 14:

Clear Creek's response statement requires clarification as to Qwest's position. As stated above in response to Bench Request No. 12, Qwest's position is that LIS trunks should be used whenever BCT is operating as a CLEC, including situations where BCT is operating in another ILEC's territory (such as Clear Creek). If BCT CLEC operates in this manner, Qwest acts as the transit carrier and can track and bill as required for these calls. Qwest is an "unwilling participant" when BCT routes its CLEC traffic over BCT's ILEC, legacy EAS trunks.

CONCLUSION

For the reasons set forth above, Qwest requests that the Commission allow Qwest's amicus comments and clarification about several of the parties' responses to the ALJ bench requests in this arbitration docket.

DATED: August 20, 2007

Respectfully submitted,



Alex M Duarte, OSB No. 02045
Qwest
421 SW Oak Street
Portland, OR 97204
(503) 242-5623
(503) 242-8589 (facsimile)
Alex.Duarte@qwest.com
Attorney for Qwest Corporation

CERTIFICATE OF SERVICE

ARB 789

I hereby certify that on the 20th day of August 2007, I served the foregoing **QWEST CORPORATION'S AMICUS COMMENTS AND CLARIFICATION REGARDING PARTIES' RESPONSES TO ALJ BENCH REQUESTS** in the above entitled docket on the following persons via U.S. Mail, by mailing a correct copy to them in a sealed envelope, with postage prepaid, addressed to them at their regular office address shown below, and deposited in the U.S. post office at Portland, Oregon.

Tom A. Linstrom
Beaver Creek Coop Telephone Co.
15223 S. Henrici Rd.
Oregon City, OR 97045

Jennifer Niegel
Duncan Tiger & Niegel PC
P.O. Box 248
Stayton, OR 97383-0248

Lisa Rackner
McDowell & Rackner PC
520 SW Sixth Avenue
Suite 830
Portland OR 97204

DATED this 20th day of August, 2007.

QWEST CORPORATION



By: _____
ALEX M. DUARTE, OSB No. 02045
421 SW Oak Street, Suite 810
Portland, OR 97204
Telephone: 503-242-5623
Facsimile: 503-242-8589
e-mail: alex.duarte@qwest.com
Attorney for Qwest Corporation