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Carla M. Butler
Lead Paralegal

July 27, 2007

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

Re: CP 1378

Dear Ms. Nichols Anglin:

Enclosed for filing in the above entitled matter please find an original and (5) copies of Qwest Corporation's Protest, along with a certificate of service.

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

Sincerely,



Carla M. Butler

CMB:

Enclosure

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BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

CP 1378

In the Matter of the Application of 10D
TELECOM, INC. For a Certificate of Authority
to Provide Telecommunications Service in
Oregon and Classification as a Competitive
Telecommunications Provider

PROTEST OF QWEST CORPORATION

Pursuant to the Commission's July 11, 2007 electronic notice to the PUC notification list, Qwest Corporation ("Qwest") submits this Protest to the application referenced above.

I. Name and Address of Protestant

Qwest Corporation
421 SW Oak Street
Portland, Oregon 97204

II. Name and Address of Protestant's Attorneys

Protestant will be represented by its attorneys, who have signed this protest:

Alex M. Duarte, OSB No. 02045
QWEST
421 SW Oak Street, Suite 810
Portland, Oregon 97204
(503) 242-5623 (telephone)
(503) 242-8589 (facsimile)
Alex.Duarte@qwest.com

III. Statement that a copy of the protest was mailed to the applicant

Qwest has mailed a copy of this protest to the applicant on July 27, 2007.

IV. Identity of application being protested, and reasons for protest

Qwest protests the application of 10D Telecom, Inc. ("10D") for a certificate of authority to provide telecommunications service in Oregon and classification as a competitive telecommunications provider throughout the state of Oregon ("CLEC certificate") because it is unclear what 10D's relationship is with Universal Telecom, Inc. ("Universal"), an affiliate of 10D.

Specifically, Qwest is very concerned about several aspects of 10D's application. First and foremost, Qwest is concerned about the fact that 10D is affiliated with Universal and that 10D appears to be run by Stephen Roderick, who also was and may still be Universal's Chief Executive Officer. As this Commission knows, Qwest and Universal have been involved in a number of disputes before the Commission, including two arbitration proceedings, dockets ARB 589 and ARB 671, a recent interconnection enforcement complaint docketed as IC 13, and other litigation including a federal district court appeal of docket ARB 671. It appears that 10D and Universal are closely-related organizations, and Qwest is presently owed a considerable amount of money by Universal. Accordingly, Qwest is concerned about the possibility that Universal may attempt to use a new corporate entity (10D) to somehow avoid paying to Qwest amounts that Universal owes to Qwest and/or for 10D to attempt to enter into a new interconnection agreement, and thus allow Universal to avoid the currently-effective interconnection agreement that the Commission approved in docket ARB 671 and that Universal is currently appealing in federal court.

Further still, Qwest finds it odd that 10D has brought this application at this time since according to the application, it appears that 10D has already been operating since at least 2006. Thus, this fact begs the question why 10D is now seeking a CLEC certificate from the Commission.

Accordingly, Qwest believes that the Commission should be very wary about any intentions of 10D and/or Universal with respect to this CLEC certificate application process. Qwest also believes that the Commission should not allow 10D to transfer or assign any CLEC certificate granted in this proceeding, or any rights thereunder, to Universal without the Commission's further approval (which is already required under OAR 860-034-0490). The Commission should also specifically state, for example, that no customers can be transferred

between Universal and 10D without Commission approval. Finally, the Commission must ensure that 10D does not use this process in any way that could allow Universal not to pay any amounts it rightly owes to Qwest.

V. Manner in which application will affect the interests of Protestant

This application will likely affect Qwest's economic interests. For example, since Universal owes Qwest a considerable amount of money, and has shown that it will litigate extensively against Qwest to avoid or delay paying amounts due to Qwest (most recently in the new complaint it has filed, in docket IC 13), and since 10D is closely affiliated with Universal, there is the potential for 10D and/or Universal to conduct activity that would unfairly and adversely harm Qwest's economic interests, such as regarding Qwest's right to be paid for services that Qwest has provided to Universal in the past. Further, because much is not known about this application, or about 10D or its intentions (or of its relationship with Universal), there may be other ways that Qwest's economic interests could be unfairly and adversely affected by this application, but which are presently unknown.

VI. Statement whether a hearing is needed, and reasons for hearing

Qwest believes that it is too early to determine whether a hearing will be needed. Much will depend on 10D's response to Qwest's protest. However, based on the approach that 10D's affiliate Universal has taken in the past, including in dockets IC 13, ARB 671 and ARB 589, and in federal court, and the amounts that Universal presently owes to Qwest but which Universal has refused to pay, or has attempted to delay paying, Qwest believes there may need to be a hearing.

CONCLUSION

For the foregoing reasons, Qwest respectfully protests 10D's application for a CLEC certificate in this docket. Qwest further requests that if the Commission determines to grant 10D's application, it should impose on 10D certain necessary conditions (in addition to the standard conditions) to make sure that neither 10D nor Universal use this process or their status as certificated CLECs to unfairly harm Qwest's economic interests.

DATED: July 27, 2007

Respectfully submitted



Alex M. Duarte, OSB No. 02045
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Attorney for Qwest Corporation

CERTIFICATE OF SERVICE

CP 1378

I hereby certify that on the 27th day of July 2007, I served the foregoing **QWEST CORPORATION'S PROTEST** 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.

Stephen Roderick
10D Telecom, Inc.
946 NW Circle Blvd., #175
Corvallis, OR 97330

K.C. Halm
Davis Wright Tremaine, LLP
1919 Pennsylvania Ave., NW
Suite 200
Washington DC 20006-3458

Michael Weirich
Department of Justice
1162 Court St., NE
Salem, OR\$ 97301-4096

DATED this 27th day of July, 2007.

QWEST CORPORATION



By: _____
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