

Qwest

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Alex M. Duarte
Corporate Counsel

August 15, 2005

Honorable Michael Grant
Presiding Administrative Law Judge
Oregon Public Utility Commission
P. O. Box 2148
Salem, OR 97308-2148

Re: ARB 671 (Qwest v. Universal)- Response to July 18, 2005 Memorandum and Request for Prehearing Conference

Dear Judge Grant:

In Your Honor's July 18, 2005 Memorandum in this docket, you noted that Qwest had asked for a protective order in its petition for arbitration, but further noted that this request failed to provide sufficient information to support a finding of good cause for the Commission or an Administrative Law Judge to issue a protective order. Thus, you stated that before a protective order may be issued, Qwest must supplement its request by identifying what type of confidential information might be subject to discovery in this proceeding, and explain how the public release of such information could be harmful to the company or its customers.

First of all, we apologize for the delayed response to Your Honor's memorandum. We actually had drafted this letter on or about July 20, 2005 for filing with the Commission shortly after that, but apparently we neglected to file it, and thereafter, I was on vacation last week. It was not until this morning when I was reviewing the Commission's E-Dockets website link for this proceeding that I noticed that we had not filed a response to the memorandum. Moreover, in light of Universal's recent substantive response to Qwest's petition, I have modified the contents of the original letter that we had neglected to file.

In any event, as Your Honor knows, the Commission regularly issues a standard protective order upon a request (usually a formal, unopposed motion for a protective order) in contested Commission proceedings, including interconnection arbitrations such as this one. This is typically done before discovery begins based on the parties' beliefs of the likelihood that confidential and proprietary information about each other and their business operations may need to be discovered and/or disclosed. Requests for protective orders are generally intended to protect all parties to a docket, and not only the requesting party. Here, Qwest took the same approach it took in the previous arbitration against Universal (docket ARB 589), as well as in its arbitration against AT&T in 2004 (docket ARB 527), in which Qwest in its petition asked for,

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and Administrative Law Judge Christina Smith issued, a standard protective order based on a similar request as here.

Having said that, however, at present Qwest does not know with any specificity what confidential or proprietary information may be discovered or disclosed, as discovery has not yet commenced. Indeed, at the time that Qwest had intended to file this letter, Universal had not yet responded to Qwest's petition, and Qwest did not even know at that time whether Universal would file a substantive response based on the template agreement that Qwest has proposed, or file a legal challenge to the arbitration, as it had done previously in docket ARB 589, and more recently, with the federal court in Eugene. However, even though Universal has now responded with a substantive response, including a redlined proposal of Qwest's proposed agreement, Qwest is still currently unable to identify the type of confidential information that might be subject to discovery, much less how public release of such information could be harmful.

Accordingly, because there is currently no outstanding discovery, or other compelling need for a protective order at this time, Qwest is willing to withdraw the request in its petition for a protective order until such time as there is a discovery request or testimony that may call for the exchange or disclosure of confidential and/or proprietary information. Qwest (or Universal) could then request a protective order at that time.

Finally, given the tight time frames for an interconnection arbitration under section 252 of the Act, and given that Universal has recently filed a substantive response to that petition, Qwest respectfully requests that the Commission schedule a prehearing conference in the near future to discuss a procedural schedule for testimony and a possible hearing in this matter.

If you have any questions regarding this matter, please feel free to call me at your convenience. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alex M. Duarte', written in a cursive style.

Alex M. Duarte

cc: Service List

CERTIFICATE OF SERVICE

ARB 671

I hereby certify that on the 15th day of August 2005, I served the foregoing **QWEST CORPORATION'S LETTER TO THE HONORABLE MICHAEL GRANT** 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.

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DATED this 15th day of August, 2005.

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