

**Qwest**

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**Alex M. Duarte**  
Corporate Counsel

May 5, 2008

The Honorable Samuel J. Petrillo  
Oregon Public Utility Commission  
550 Capital Street, NE, Suite 215  
Salem, OR 97301

Re: ARB 775 (Qwest/Eschelon Arbitration)- Qwest objection to Eschelon rate proposal

Dear Judge Petrillo:

I am writing on behalf of Qwest to express objection to Eschelon's untimely presentation of a new proposal in its comments filed on April 28, 2008.

In its comments, Eschelon challenges the ruling in the Arbitrator's Decision relating to interim rates (Issue 22-90(b)-(ae)) and requests that the Commission adopt the rates that Eschelon proposed in the arbitration. *See* Eschelon's Comments on Arbitrator's Decision, at p. 21-31. As part of its challenge, Eschelon argues in the alternative that if its proposed rates are not adopted, the Commission should develop an amalgam of rates using Eschelon's proposed rates in some instances, Qwest's proposed rates in other instances, and region-wide average rates in still other instances. *Id.* at p. 31. On the merits, this new proposal is seriously flawed and should be rejected. Of equal concern to Qwest, however, is the proposal is procedurally flawed, since Eschelon's belated presentation of it deprives Qwest of any opportunity to respond.

Accordingly, Qwest requests that the Commission refuse to consider Eschelon's untimely rate proposal. Alternatively, if the Commission is going to consider the proposal, Qwest asks that it be permitted to submit a response to the proposal by May 9, 2008.

Thank you for your assistance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Alex M. Duarte". The signature is fluid and cursive.

Alex M. Duarte

cc Greg Merz, Esq., counsel for Eschelon  
Karen Clauson, Esq., counsel for Eschelon  
Mark Trincherro, Esq., counsel for Eschelon  
Jason Topp, Esq., Qwest

**CERTIFICATE OF SERVICE**

**ARB 775**

I hereby certify that on the 5<sup>th</sup> day of May 2008, I served the foregoing QWEST CORPORATION'S LETTER TO THE HONORABLE SAMUEL PETRILLO in the above entitled docket on the following persons via means of e-mail transmission to the e-mail addresses listed below, and 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 5<sup>th</sup> day of May, 2008.

**QWEST CORPORATION**



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