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Alex M. Duarte
Corporate Counsel

May 12, 2006

Honorable Allan Arlow
Administrative Law Judge
Oregon Public Utility Commission
P. O. Box 2148
Salem, OR 97308-2148

Re: ARB 671- Universal's Pending Motions

Dear Judge Arlow:

On Friday May 5, 2006, respondent Universal Telecom, Inc. ("Universal") filed a request for a stay and a request for reconsideration of the Commission's April 19, 2006 Order No. 06-190. In its request for a stay, Universal stated: "[S]hould the Commission rule against or fail to rule on Universal's Request for Stay by May 12, 2006, Universal will file for a Preliminary Injunction barring enforcement of Order No. 06-190 with the United States District Court for the District of Oregon." (See Universal Request for Stay, p. 2 (emphasis in original).)

Qwest intends, within the time frames set forth in the Commission's rules, to formally respond to both requests. However, given Universal's threat to seek relief in federal court if the Commission fails to rule in Universal's favor by today, even before Qwest has had an opportunity to respond, Qwest wishes to briefly comment on Universal's request for a stay.¹

Universal's apparent concern is that Qwest intends to take action within the next few days to cut off VNXX service to Universal. That is certainly not Qwest's intention, as explained below.

First, as to the interconnection agreement that the Commission ordered, Qwest presented Universal with a copy of an interconnection agreement that conforms to Order No. 06-190 on April 28, 2006. The conforming agreement that Qwest presented to Universal was not in the least bit complicated, especially given that the Commission had accepted Qwest's proposed agreement with a few small language changes, and that Qwest has made those changes in the conforming agreement. However, on May 3, 2006, counsel for Universal informed counsel for Qwest that Universal would not sign the agreement because Universal intended to seek reconsideration and a stay of the Commission's order.

¹ These comments therefore should not be considered Qwest's formal or complete response to Universal's requests for reconsideration or for a stay and, by providing this letter to Your Honor, Qwest is not waiving its right to formally respond to those requests within the time frame provided for in the Commission's rules. Rather, Qwest is forced to write this letter because Universal has requested that the Commission grant extraordinary relief within only a week's time, and before the time that Qwest has to respond to such request for extraordinary relief.

Second, Qwest realizes that Universal has a pending request for reconsideration and that the Commission, under its rules (OAR 860-016-0020), has not yet approved an interconnection agreement in this docket. However, despite Universal's refusal to execute the agreement that the Commission ordered, Qwest nevertheless intends to comply with the order. Thus, Qwest will file a conforming interconnection agreement signed by Qwest next week and will request that the Commission approve it as soon as reasonably possible consistent with the Commission's rules. Given the relatively simple task of determining if the few changes the Commission ordered have been inserted into the agreement, Qwest will request that the Staff review the agreement in an expeditious manner and that the Commission thereafter promptly approve it.

Third, Qwest does not intend to "disconnect" or otherwise interfere with service to Universal while the Commission and its Staff review the conforming interconnection agreement and the request for reconsideration is pending.² Therefore, the urgency that Universal expresses in its request for a stay simply does not exist, and thus Qwest respectfully submits the Commission should not feel compelled to render any decision on these requests until after Qwest has had an opportunity to file formal responses within the time frame set forth in the Commission's rules. Finally, given Qwest's position and agreement not to disconnect any services while the request for reconsideration and Commission review of the conforming agreement is pending, and the fact there is currently no Commission-approved agreement at issue, Qwest fails to see any ground upon which a federal court would have jurisdiction over an appeal or request for a stay at this time.

In short, until the Commission has approved a new interconnection agreement, it would be entirely premature to enter a stay in this matter. As I mentioned, Qwest will formally respond to both of Universal's requests, with all of its reasons for denial of both requests, on or before the May 22, 2006 due date. In the meantime, nothing herein should be construed as Qwest's agreement that a stay of any kind, let alone a stay that extends through possible Universal appeals, would be appropriate.

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: John Dodge, Esq. (via email)
K.C. Halm, Esq. (via email)

² Qwest also notes it is not its desire to "disconnect" services to Universal, as Universal alleges. Rather, the ultimate issues in this docket pertain to the appropriate compensation that should apply to different types of traffic between Qwest and Universal.