

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

September 17, 2007

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

Re: ARB 775

Dear Ms. Nichols Anglin:

Enclosed for filing in the above entitled matter please find an original and (5) copies of Joint Notice of Closure of Arbitration Issues No. 8-21, 8-21(a), 8-21 (b), 8-21(c), 8-21(d), 8-21(e), and Partial Closure of Arbitration Issue No. 22-90(n), along with a certificate of service.

If you have any questions, please do not hesitate to give me a call.

Sincerely,



Carla M. Butler

CMB:

Enclosure

L:\Oregon\Executive\Duarte\ARB 775 (Eschelon)\ARB 775 Transmittal Ltr 9-17-07.doc

BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON

ARB 775

In the Matter of
ESCHELON TELECOM OF OREGON, INC.
Petition for Arbitration of an Interconnection
Agreement with Qwest Corporation, Pursuant to
Section 252(b) of the Telecommunications Act

**JOINT NOTICE OF CLOSURE OF
ARBITRATION ISSUES NO. 8-21,
8-21(a), 8-21(b), 8-21(c), 8-21(d),
8-21(e), AND PARTIAL CLOSURE
OF ISSUE NO. 22-90(n)**

Qwest Corporation and Eschelon Telecom of Oregon, Inc., submit this notice to inform the Commission that they have resolved Arbitration Issue Number 8-21, including subparts (a) – (e). This issue is described in the Issues Matrix as “-48 Volt Power Measurement,” it is generally described as “Power” or “DC Power” in testimony, and it is numbered in Eschelon’s testimony as “Subject Matter No. 11 - Power.” The parties have closed this issue by agreeing to include the following language in their interconnection agreement at the indicated sections:

8.2.1.29 Power

8.2.1.29.1 Qwest will provide CLEC with written notification at least five (5) business days before any scheduled non-emergency AC or DC power work in the collocated facility that may cause a power disruption to CLEC equipment located in the Qwest facility. This does not include notification of routine power testing or power installation work not expected to cause a power disruption. Qwest will use diligent efforts to notify CLEC by the Abnormal Condition Report (ACR) of: (a) general power outages as soon as Qwest becomes aware that an outage is to take place or has occurred and (b) any emergency power disruption that would impact CLEC equipment no later than thirty (30) minutes after such activity commences. Finally, Qwest shall immediately notify CLEC by ACR if a condition exists with respect to power that poses a material risk to the continued operation of CLEC equipment.

8.2.1.29.2 -48V DC Power Ordering, Monitoring, and Measuring. Each Party reserves its right to advocate for changes regarding the rates and application of the rates for the elements in this Section (including subparts) in a Commission docket (e.g., cost case).

8.2.1.29.2.1 CLEC orders DC power plant in increments of twenty (20) amps per feed minimum. If CLEC orders an increment larger than sixty (60) amps, engineering practice normally terminates such feed on a power board. Qwest measures power usage on the power board, as described in Section 8.2.1.29.2.2 below. If CLEC orders an increment of sixty (60) amps or less, the power feed will normally appear on a Battery Distribution Fuse Board (BDFB). No power usage measurement occurs at a BDFB.

8.2.1.29.2.2 Measurement of Power Usage at the Power Board – Unless CLEC requests power measurement, power will not be measured. Qwest will bill CLEC power usage based on the amount of power ordered unless power measurement is requested and until a reading is taken pursuant to this Section. Qwest will measure power usage at the power board on a semi-annual basis. However, Qwest also agrees to take a reading within thirty (30) Days of a written CLEC request. Qwest will perform a maximum of four (4) readings per year for a particular Collocation site. Based on these readings, if CLEC is utilizing less than the ordered amount of power, Qwest will reduce the monthly power usage rate to CLEC's actual use based on the reading from the date of CLEC's measuring request on a going forward basis until the next reading. If CLEC is utilizing more than the ordered amount, Qwest will increase the monthly usage rate to the CLEC's actual use. Once Qwest receives a CLEC measuring request, it will bill the actual power usage rate based on the reading from the date of the CLEC's measuring request, on a going forward basis, until the next reading. If the CLEC's order for DC Power to a collocation includes a request for measured usage, Qwest will only bill for DC Power Usage for this Collocation on a measured basis. The CLEC is responsible for notifying Qwest immediately when DC Power begins to be used in the Collocation.

8.3.1.6 -48 Volt DC Power. There are two -48 Volt DC Power charges, as described below, one for -48 Volt DC Power Plant and one for -48 Volt DC Power Usage. Each Party reserves its right to advocate for changes regarding the rates and application of the rates for the elements in this section (including subparts) in a Commission docket (e.g., cost case).

8.3.1.6.1 The -48 Volt DC Power Plant charge provides -48 Volt DC power to CLEC collocated equipment and is fused at one hundred twenty-five percent (125%) of request. The DC Power Plant Charge recovers the cost of the capacity of the power plant available for CLEC's use.

8.3.1.6.2 The -48 Volt DC Power Usage Charge recovers the cost of the CLEC's power usage. -48 Volt DC Power Usage can be provided and charged on a non-measured basis, or, in some cases specified below, on a measured basis.

- a) Non-Measured -48 Volt DC Power Usage Charge – Qwest will apply the -48 Volt Power Usage charge for the quantity of power ordered by the CLEC. Qwest will not adjust the billed usage based upon power usage readings. This applies to all CLEC orders for -48 Volt DC Power which are equal to or less than sixty (60) amps. Qwest will apply the -48 Volt DC Power Usage Charge for the quantity of power ordered by CLEC. Qwest will not adjust the billed usage based upon power usage readings. This charge also applies to all CLEC orders for -48 Volt DC Power Usage which are greater than sixty (60) amps, unless CLEC orders -48 Volt DC Power Measurement, in which case CLEC will be charged for Measured -48 Volt DC Power Usage as described in Section 8.3.1.6.2(b) below.
- b) Measured -48 Volt DC Power Usage Charge – This measured power usage charge applies, if elected by CLEC, on a per amp basis to orders of greater than sixty (60) amps. For orders of greater than sixty (60) amps, CLEC may elect Measured -48 Volt DC Power Usage pursuant to this provision by ordering -48 Volt DC Power Measurement. Qwest will initially apply the -48 Volt DC Power Usage Charge to the quantity of power ordered by CLEC. Qwest will read the actual power usage as described in Section 8.2.1.29.2.2 and will charge based on the power usage at the time of the reading, on a going forward basis, until the next reading.

In addition, the parties agree to include, in Exhibit A of their interconnection agreement, rate elements, language and footnotes as indicated in the attached excerpt from the September 7, 2007 Eschelon/Qwest Draft Exhibit A for Oregon. The agreed upon changes are shaded in Exhibit A. This also represents a partial closure of Issue 22-90(n) from the Issues Matrix, relating to the language for the rate elements set forth at 8.6.1.3.1, 8.6.2.2.3.1, and 8.6.2.2.3.2.

With this agreement, there are no remaining disputed issues relating to Arbitration Issue No. 8-21 or subsections (a) – (e). Eschelon has authorized Qwest to submit this notice on behalf of both parties.

DATED this 17th day of September, 2007.



Alex M. Duarte
Qwest
421 SW Oak Street
Portland, Oregon 97201
(503) 242-5623
(503) 242-8589 (facsimile)
Alex.Duarte@qwest.com

Jason D. Topp
Qwest
200 South Fifth Street, Room 395
Minneapolis, MN 55402
(612) 672-8905
(612) 383-8911 (facsimile)
Jason.Topp@qwest.com

New	Select Traffic Type	Options			Notes		
		Recurring	Recurring, per Mile	Non-Recurring	Rec	NRC, per Mile	NRC
8.0	Collocation						
8.1	All Collocation						
	8.1.4 -48 Volt DC Power, per Ampere, per Month						
	8.1.4.1 Power Plant						
	8.1.4.1.1 Less Than 60 Amps, per Amp Ordered	\$7.52			1		
	8.1.4.1.2 Equal To or Greater Than 60 Amps, per Amp Ordered	\$7.52			1		
	8.1.4.2 Power Usage						
	8.1.4.2.1 Less Than or Equal To 60 Amps, per Amp Ordered	\$2.16			1, 8		
	8.1.4.2.2 Greater Than 60 Amps, per Amp Ordered or Used	\$4.33			1, 8		
8.6	Remote Collocation						
	8.6.1 Physical & Virtual Remote Collocation						
	8.6.1.3 Power Usage (uses rate from 8.1.4.2.1)						
	8.6.1.3.1 Less Than or Equal To 60 Amps, per Amp Ordered	\$2.16			1, 8		
	8.6.1.3.2 Greater than 60 Amps, per Amp Ordered or Used	\$4.33			1, 8		
	8.6.2 Adjacent Remote Collocation			ICB			3
	8.6.2.2.3 Power Usage (uses rates from 8.1.4.2)						
	8.6.2.2.3.1 Less Than or Equal To 60 Amps, per Amp Ordered	\$2.16			1, 8		
	8.6.2.2.3.2 Greater than 60 Amps, per Amp Ordered or Used	\$4.33			1, 8		
NOTES:							
[1] Rates not approved in cost docket.							
[3] ICB, Individual Case Basis pricing.							
[8] Qwest will not charge CLEC this rate until it has been approved by the Commission.							

CERTIFICATE OF SERVICE

ARB 775

I hereby certify that on the 17th day of September 2007, I served the foregoing JOINT NOTICE OF CLOSURE OF ARBITRATION ISSUES NO. 8-21, 8-21(a), 8-21 (b), 8-21(c), 8-21(d), 8-21(e), and PARTIAL CLOSURE OF ARBITRATION ISSUE NO. 22-90(n), in the above entitled docket on the following persons via means of e-mail transmission to the e-mail addresses listed below.

*Mark Trinchero, Esq.
Davis Wright Tremaine
1300 SW Fifth Avenue
Suite 2300
Portland, OR 97201
marktrinchero@dwt.com

Karen L. Clauson
Eschelon Telecom, Inc.
730 2nd Avenue S.
Suite 900
Minneapolis, MN 55402-2489
klclauson@eschelon.com

Alex Duarte
Qwest Corporation
421 SW Oak Street, Rm. 810
Portland, OR 97204
Alex.duarte@qwest.com

*Gregory Merz
Gray Plant Mooty
Minneapolis, MN 55402
Gregory.merz@gpmlaw.com

DATED this 17th day of September, 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