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Attorneys for McLeodUSA Telecommunications  
Services, Inc.

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**IN RE:** )  
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)  
**PETITION OF MCLEODUSA** ) **Docket No. 05-049-\_\_\_\_**  
**TELECOMMUNICATIONS SERVICES,** )  
**INC., FOR ENFORCEMENT OF** )  
**INTERCONNECTION AGREEMENT** )  
**WITH QWEST CORPORATION** )  
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**MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.,  
MOTION FOR EMERGENCY RELIEF**

McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”), through its undersigned counsel, and pursuant to Utah Code Ann. 54-8b-2.2(1)(e) & 54-8b-16, moves the Commission for expedited and emergency relief. This Motion seeks emergency consideration of the McLeodUSA Petition for Enforcement of Interconnection Agreement with Qwest Corporation (“Qwest”) (“Petition”) filed concurrently with this Motion.

**MOTION**

As explained in greater detail in the Petition, McLeodUSA is seeking relief in a dispute between McLeodUSA and Qwest over Qwest’s right, under the interconnection agreement

between McLeodUSA and Qwest and approved by this Commission, to demand a security deposit from McLeodUSA for services provided under the agreement, and to discontinue services to McLeodUSA should McLeodUSA not comply with Qwest's demand by 5 p.m. Mountain Standard Time on April 1, 2005. Qwest demanded on March 21, 2005, that McLeodUSA pay more than \$15.9 million to Qwest within 10 days -- \$1,245,735.42 in Utah alone -- or Qwest will "suspend[] order activity" and "disconnect[] services" provided to McLeodUSA.

McLeodUSA seeks an order from this Commission that Qwest may not demand a security deposit and that Qwest may not "suspend order activity" or "disconnect services" until all procedures for dispute resolution in the interconnection agreement have been satisfied. Because Qwest has threatened to "suspend order activity" and "disconnect services" on April 1, 2005, McLeodUSA asks this Commission to provide McLeodUSA with its requested relief on an expedited, emergency basis.

The Commission has the authority to grant the emergency relief requested by McLeodUSA. Qwest has threatened to terminate service to McLeodUSA, which would leave all of McLeodUSA's residential and business customers without the ability to complete telephone calls. The Commission has express legislative authority to resolve interconnection disputes expeditiously. Utah Code Ann. 54-8b-2.2(1)(e). In addition, the Commission has the inherent authority to grant emergency relief to protect the health, safety, and welfare of Utah residents. Qwest is impairing the health, safety, and welfare of McLeodUSA's end-user customers by threatening to eliminate their access to telecommunications services through suspension and disconnection of services on which McLeodUSA depends to serve those customers.

## REQUEST FOR RELIEF

For the foregoing reasons, McLeodUSA asks the Commission to consider the McLeodUSA Petition on an emergency basis, and to rule that Qwest may not disconnect or discontinue providing telecommunications services under the Parties' Interconnection Agreement or demand a security deposit from McLeodUSA at this time. McLeodUSA further requests that the Commission order that in the event of a default under the Interconnection Agreement, Qwest must follow the dispute resolution provisions in the Interconnection Agreement and may not "suspend order activity," "disconnect services," or terminate the Agreement until those dispute resolution procedures have been completed.

RESPECTFULLY SUBMITTED this 30th day of March, 2005.

DAVIS WRIGHT TREMAINE LLP  
Attorneys for McLeodUSA Telecommunications  
Services, Inc.

By \_\_\_\_\_  
Gregory J. Kopta, WSBA No. 20519