

Qwest Communications
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James B. Farr
Manager - Utah Regulatory Affairs

September 22, 2006

Julie P. Orchard
Commission Administrator
Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84111

Re: Qwest, UTOPIA and Tetra Tech Settlement Agreement – United States District Court

Dear Julie:

Enclosed is a copy of an order in the United States District Court, Case No. 2:05CV00471 PGC. This order dismisses various claims in that case and has attached to it the Settlement Agreement between Qwest, the Utah Telecommunication Open Infrastructure Agency (UTOPIA) and Tetra Tech. Among other things, the Settlement Agreement resolves various pole attachment issues that occurred prior to the signing of a pole attachment contract between Qwest and UTOPIA. The pole attachment contract between Qwest and UTOPIA was approved by the Utah Public Service Commission on August 28, 2006 (Docket No. 04-999-03) and expressly excepted the existing attachment dispute.

Pursuant to paragraph 8 of the Settlement Agreement, disputes will be resolved through internal escalations and an independent special master. However, the parties have reserved the right to bring any disputes regarding the lowest attachment on Qwest poles before the Commission. For this reason, Qwest is filing the Settlement Agreement with the Commission for information purposes only to make the Commission aware of the agreement and this provision.

Sincerely,

CC David Shaw (UTOPIA)
Utah Division of Public Utilities