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November 29, 2004

Judge Steven F. Goodwill  
Public Service Commission of Utah  
Heber M. Wells Building  
4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84111

**Re: Arbitration Between Covad Communications Company and Qwest Corporation, Docket No. 04-2277-02**

Dear Judge Goodwill:

Since Covad filed its arbitration petition in this proceeding, the parties have resolved several issues that Covad included in its petition. The purpose of this letter is to provide you with a summary of the issues that have been resolved. Covad and Qwest will soon submit an updated issues matrix to provide further advance notice of the issues they have resolved and those that are still in dispute. Please note that, as explained below, the parties have resolved some issues in their entirety and, in some cases, have resolved only portions of issues.

The issues and sections of the Covad/Qwest interconnection agreement that have been resolved are as follows.

Issue 4 (Commingling, Ratcheting, and Pricing): The parties have resolved all issues involving ratcheting. These issues related to sections 9.1.1.4 (and all subsections) and 9.1.1 of the interconnection agreement. Please note that a portion of section 9.1.1 remains in dispute but only in connection with Issue 2. In addition, Covad would like to make it clear that its proposed section 9.1.1.4.2 is still in dispute, but only as it pertains to the scope of Qwest's commingling obligations (and not as to ratcheting). The parties have also settled the portions of their disputes relating to commingling that related to section 9.1.1.1 ("resale commingling") and section 9.1.1.5 ("EEL eligibility criteria").

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Issue 5 (Collocation Space Provisioning): The parties have resolved all issues involving collocation space provisioning. These issues related to sections 8.1.1.3 and 8.3.1.9.

Issue 7 (Augment Request Fee for Collocation Cable Augments): The parties have resolved all issues involving the collocation augment request fee. These issues related to sections 8.3.1.3 and 8.3.1.3.1.

Issue 8 (Single Local Service Request): The parties have resolved all issues involving the single local service request. These issues related to sections 9.21.1, 9.21.4.1.6 and 9.24.1.

Issue 9 (Reciprocal Application of Maintenance Charges and Charges Assessed by the Parties): The parties have resolved all issues involving reciprocal application of maintenance charges. The issues involving reciprocal application of maintenance charges related to the section 4.0 definition of "maintenance of service charge" and by sections 9.2.2.9.11, 9.2.5.2.1, 12.3.4.2, 12.3.4.3, and 12.3.6.5. The issues involving charges assessed by the parties related to sections 9.4.4.4.1, 9.4.4.4.2, 9.4.6.3.1, 9.4.6.3.3, 9.21.3.3.1, 9.21.6.3.3, and 9.24.3.3.1.

Issue 10 (Payment and Billing Issues): The parties have resolved only the portion of payment and billing issues involving the period of time used to determine whether a payment is "repeatedly delinquent." This issue related to section 5.4.5.

We hope this information provides clarity about the issues that are in dispute and that must be decided in this arbitration.

Thank you for your assistance.

Very truly yours,

John M. Devaney

cc: Robert Brown  
Karen Frame  
Michael Ginsberg  
Stephen Mecham  
Andrew Newell  
Lynn Stang