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*Attorney for Qwest Corporation*

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Filing Under Protest  
of the Commercial Agreement Between  
QWEST CORPORATION and  
ESCHELON TELECOM, INC. for the  
Provision of Qwest Local Services  
Platform

Docket No. \_\_\_\_\_

**AGREEMENT FILING UNDER  
PROTEST AND WITH  
RESERVATION OF RIGHTS**

**AGREEMENT FILING**

Pursuant to 47 U.S.C. § 252(e)(1), and Utah Code Ann. § 54-8b-2.2.(1)(d), Qwest Corporation (“Qwest”) files the attached Qwest Local Services Platform Agreement entered into between Qwest and Eschelon Telecom, Inc. for approval by the Public Service Commission of Utah. The attached Agreement shall be referred to herein as the “Commercial QLSP Agreement.” As explained below, Qwest objects to being required to file the Commercial QLSP Agreement for approval and takes the position that the Commission lacks the authority to review, approve, amend, or reject the Commercial QLSP Agreement, in whole or in part. Qwest is therefore filing the attached Commercial QLSP Agreement under protest and with a reservation of rights as explained below.

**I. BACKGROUND**

Qwest’s filing of the Commercial QLSP Agreement under protest is the result of the Order entered by the Commission on September 30, 2004 in Docket No. 04-2245-01.

In that Order, the Commission denied Qwest's Motion to Dismiss the Agreement Filing of MCIMetro Access Transmission Services, L.L.C. ("MCI"). In its Order, the Commission concluded that the Commercial QPP™ Agreement between Qwest and MCI was subject to its jurisdiction and that the law required that it be filed for approval by the Commission.

The Commercial QLSP Agreement filed by Qwest in this docket addresses the same services as those in the Commercial QPP™ Agreement filed by MCI in Docket No. 04-2245-01.

As the Commission is aware, on December 10, 2004, Qwest appealed the Commission's decision to deny Qwest's motion in Docket No. 04-2245-01 to federal district court. Qwest claims that the Commission's conclusions that (1) the Commercial QPP™ Agreement between Qwest and MCI must be filed with the Commission and that (2) the Commission has the authority to review, approve, or reject the Agreement, are unlawful. Qwest has therefore sought a declaratory ruling declaring the Commission's positions on those issues to be unlawful and for injunctive relief to enforce the Court's decision. That case has been argued and a decision is pending.

DATED this \_\_\_\_\_ day of April, 2007.

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George Baker Thomson, Jr.  
Qwest Services Corporation  
Attorney for Qwest Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_ day of April, 2007, I caused a true and correct copy of the foregoing AGREEMENT FILING UNDER PROTEST AND WITH RESERVATION OF RIGHTS to be mailed by first class mail, postage prepaid, to the following:

J. Jeffery Oxley, EVP Law & Policy, General Counsel  
Eschelon Telecom, Inc.  
730 Second Avenue South, Suite 900  
Minneapolis, MN 55402

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