

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of Qwest Corporation's)
Petition for Commission Approval of 2007) DOCKET NO. 07-049-30
Additions to Non-Impaired Wire Center) REPORT AND ORDER APPROVING
List and Motion for Expedited Issuance of) TIER 2 DESIGNATION OF QWEST'S
Protective Order) OREM MAIN WIRE CENTER

ISSUED: November 20, 2007

SYNOPSIS

The Commission approves Qwest Corporation's ("Qwest") designation of the Orem Main central office as a Tier 2 non-impaired wire center and its addition as such to Qwest's non-impaired wire center list. The Commission further determines said designation and addition to be effective the date of this Order.

By The Commission:

I. PROCEDURAL HISTORY

On June 22, 2007, Qwest Corporation ("Qwest") filed a Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List and Motion for Expedited Issuance of Protective Order seeking the opening of a Commission docket for approval of Qwest's 2007 additions to its non-impaired wire center list and issuance of a protective order to govern disclosure of information relevant to Qwest's intended filing on June 29, 2007, of data supporting its list of additional non-impaired wire centers.

On June 29, 2007, Qwest submitted its Filing for Commission Approval of 2007 Additions to Non-Impaired Wire Center Designations, with Supporting Data ("2007 Wire Center Update"), seeking Commission approval of the Tier 2 non-impairment designation for its Midvale Main ("Midvale") and Orem Main ("Orem") wire centers. In support of its request,

Qwest filed the sworn affidavits of two witnesses along with several Highly Confidential exhibits, including data indicating Qwest's business line count for the Midvale and Orem wire centers.

Also on June 29, 2007, the Commission issued a Protective Order as requested by Qwest on June 22, 2007.

On July 10, 2007, the Commission issued a Revised Protective Order, in lieu of that issued June 29, 2007, which included procedures governing the disclosure and handling of "Highly Confidential" information.

On July 12, 2007, Eschelon Telecom of Utah, Inc. ("Eschelon") filed a Petition to Intervene in this matter.

On July 30, 2007, Eschelon filed an Objection to Qwest's Petition for Approval of 2007 Additions to Non-Impaired Wire Center List stating the procedural deadlines relating to approval of additions to the non-impaired wire center list contained in the Settlement Agreement filed for Commission approval in Docket No. 06-049-40 should not begin to run with respect to Qwest's filing for approval of additional non-impaired wire centers in this docket until the Commission has approved said Settlement Agreement. Also on July 30, 2007, Eschelon filed a Motion for a Standing Protective Order Based on Model Order seeking Commission issuance of a standing protective order to replace the Revised Protective Order.

On July 31, 2007, in Docket No. 06-049-40, the Commission issued its Report and Order Approving Settlement Agreement. The Settlement Agreement approved therein

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contains procedures and time lines intended to govern requests for Commission approval of additions to the non-impaired wire center list like those at issue in this docket.

On August 1, 2007, the Commission issued its Order Granting Intervention to Eschelon.

On August 6, 2007, DIECA Communications, Inc., d/b/a Covad Communications Company (“Covad”), Integra Telecom of Utah, Inc. (“Integra”), McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”), and XO Communications Services, Inc. (“XO”) (hereinafter together with Eschelon jointly referred to as the “Joint CLECs”) each filed a Petition to Intervene in this docket.

Also on August 6, 2007, Qwest filed a memorandum stating that, in light of the Commission’s approval of the Settlement Agreement in Docket No. 06-049-40, Qwest did not object to the competitive local exchange carriers (“CLECs”) in Docket No. 07-049-30 having until August 30, 2007, to object to Qwest’s 2007 Wire Center Update.

On August 23, 2007, following a duly-noticed procedural conference, the Commission issued a Procedural Order extending to September 7, 2007, the deadline for parties to file objections to, and for the Division of Public Utilities (“Division”) to file comments regarding, Qwest’s 2007 Wire Center Update.

On August 28, 2007, the Commission issued an Order Granting Intervention to Covad, Integra, McLeodUSA, and XO.

On September 6, 2007, Qwest filed a memorandum stating that while Qwest had initially sought Tier 2 designation for its Midvale wire center based upon both business line

counts and the number of fiber-based collocations at that wire center, Qwest now sought said designation based solely on business line counts. Qwest's request for Tier 2 designation of the Orem wire center, based only on business line counts, did not change.

On September 7, 2007, the Joint CLECs filed an Objection to Qwest Wire Center Designation ("Joint CLEC Objection") in which the Joint CLECs objected to Qwest's designation of its Orem central office as a Tier 2 wire center but did not dispute the designation of the Midvale central office as a Tier 2 wire center based solely on the number of business lines.

Also on September 7, 2007, the Division filed a memorandum stating the Commission should grant Tier 2 status to the Midvale wire center based on the number of business lines while recommending that a detailed investigation be conducted to review and analyze the data relating to the Orem wire center.

On September 25, 2007, at a duly-noticed procedural conference, the parties agreed to a procedural schedule to govern investigation of the requested Tier 2 designation of the Orem wire center. In addition, in response to questions from the Administrative Law Judge ("ALJ"), all parties concurred that while some dispute may remain regarding the exact business line count at the Midvale wire center no party disputes that the number of business lines at that wire center exceeds the 24,000 line threshold necessary for Tier 2 designation. Therefore, all parties concurred in the ALJ's suggestion that adjudication of the Midvale wire center request could proceed informally with Commission Order approving Tier 2 designation for said wire center. Parties also concurred in the ALJ's determination, based upon the procedures set forth in

the Settlement Agreement, as well as the process followed in this docket, that the proper effective date for said designation is September 7, 2007.

Based on the parties' discussions at this technical conference, as well as on the written suggestions of the parties, on September 28, 2007, the Commission issued an Order Requiring Competitive Local Exchange Carriers to Respond to Division of Public Utilities Data Requests seeking information from the various CLECs identified by Qwest as operating within the Orem wire center.

On October 1, 2007, the Commission issued its Report and Order Approving Tier 2 Designation of Qwest's Midvale Main Wire Center, determining the effective date of said designation to be September 7, 2007.

Also, on October 1, 2007, the Commission issued a Scheduling Order establishing a procedural schedule for the parties' investigation and resolution of the remaining Orem Main wire center question.

On October 24, 2007, Qwest filed a memorandum stating that based on the responses received from the CLECs regarding their operations at the Orem wire center Qwest continued to believe the business line count at the Orem wire center exceeds 24,000.

On November 13, 2007, Qwest filed a Stipulation and Agreement Between Qwest Corporation, Joint CLECs and Division of Public Utilities Re Tier 2 Non-Impairment of Qwest's Orem Wire Center ("Stipulation") in which Qwest, the Joint CLECs, and the Division (hereinafter referred to jointly as the "Parties") agree the Orem wire center should be designated a Tier 2 non-impaired wire center and request the Commission issue an order approving the

Orem wire center as a Tier 2 non-impaired wire center. The Stipulation also states the Parties agree said designation and resulting addition to Qwest's non-impaired wire center list is effective on such date as the Commission deems appropriate, and that the Parties will submit letters to the Commission stating their respective views regarding the appropriate effective date. Qwest filed its letter advocating a September 7, 2007, effective date in conjunction with filing of the Stipulation.

On November 14, 2007, the Joint CLECs filed a memorandum advocating an effective date no earlier than October 31, 2007.

II. THE STIPULATION

As noted above, the Stipulation contains the following principal terms and conditions. This description of the Stipulation is made for convenience of reference only and is not intended to modify the terms and conditions of the Stipulation appended to this Order.

In paragraph 1 of the Stipulation, the Parties agree the Qwest Orem wire center is designated a Tier 2 non-impaired wire center.

In paragraph 2 of the Stipulation, the Parties request the Commission issue an order approving the Qwest Orem wire center as a Tier 2 non-impaired wire center.

In paragraph 3 of the Stipulation, the Parties agree said designation will be effective on such date as the Commission may deem appropriate. The Parties further agree to submit letters to the Commission providing their respective views of the appropriate effective dates and their reasons for said view.

III. DISCUSSION, FINDINGS, AND CONCLUSIONS

Settlement of matters before the Commission is encouraged at any stage of proceedings.¹ The Commission may approve a stipulation or settlement after considering the interests of the public and other affected persons if it finds the stipulation or settlement in the public interest.² Parties to a proceeding not joining in a stipulation or settlement shall be entitled to oppose the stipulation.³ No party has done so in this case. The Commission may approve a stipulation or settlement if the Commission finds on the basis of the evidence presented that the settlement proposal is just and reasonable in result and is in the public interest.⁴

In addition, *Utah Administrative Code* Rule 746-110-1, authorizes the Commission to adjudicate a matter informally under *Utah Code Ann.* § 63-46b-5 when the Commission “determines that the matter can reasonably be expected to be unopposed and uncontested.” Given that all parties to this docket have entered into the Stipulation, and that no party or person has stepped forward in opposition to the Stipulation, it appears no dispute exists regarding the Parties’ agreement that Qwest’s Orem wire center be designated a Tier 2 non-impaired wire center. The Administrative Law Judge therefore views this matter as unopposed and uncontested and concludes it is in the public interest to proceed informally without hearing. Pursuant to Rule 746-110-2, the Administrative Law Judge also concludes good cause exists to

¹ Utah Code Ann. § 54-7-1. *See also Utah Dept. of Admin. Services v. Public Service Comm’n*, 658 P.2d 601, 613-14 (Utah 1983).

² *Id.*

³ Utah Code Ann. § 54-7-1(3)(e)(ii).

⁴ Utah Code Ann. § 54-7-1.

waive the 20-day tentative period for an order issued in an informally adjudicated proceeding. Accordingly, the Administrative Law Judge recommends this order become effective on the date of issuance.

The Administrative Law Judge has carefully reviewed the record in this matter, all issues raised by the Parties, and the arguments of the Parties with respect to those issues. Based upon this review, he finds the Parties' agreement that Qwest's Orem wire center should be designated a Tier 2 non-impaired wire center is just and reasonable. He further finds no reason in the record to disallow this agreement of the Parties.

The Administrative Law Judge finds and concludes that the terms of the Stipulation represent a just and reasonable resolution of the current dispute, and that approval of the Stipulation is in the public interest. The Administrative Law Judge therefore recommends the Commission approve the Stipulation as a just and reasonable settlement between the parties to this docket. However, as the Commission has indicated in previous orders approving settlement stipulations, said approval is not intended to alter any existing Commission policy or to establish any precedent by the Commission.

The Settlement Agreement approved in Docket No. 06-049-40 to govern updates to the non-impaired wire center list does not specify the manner in which the effective date of such updates is to be calculated where, as here, a CLEC has objected to Qwest's proposed non-impairment designation.

In its letter of November 13, 2007, Qwest argues the effective date of Tier 2 designation for the Orem wire center should be September 7, 2007, the date on which the Joint

CLECs filed their objection regarding the Orem wire center, since establishing a later effective date would set a precedent that could give CLECs an improper incentive to raise a wire center dispute, even if completely unfounded, simply to delay the process. Qwest notes the Joint CLECs' objections to the Orem wire center designation were not sustained and the end result is that Qwest's Tier 2 non-impairment designation filed on June 29, 2007, was sustained. In other words, the end result is the same as it would have been had the Joint CLECs filed no objection. In fact, according to Qwest, but for this objection, the end result for the Orem wire is the same as for the Midvale wire center for which Qwest also proposed a Tier 2 non-impairment designation on June 29, 2007, and which designation the Commission ultimately approved as effective on September 7, 2007, absent any Joint CLEC objection. Finally, Qwest argues there is simply no basis for the Commission to adopt some other effective date, such as the date of the Commission's order approving the designation, the date the Parties signed or filed the Stipulation, or any other date having no connection to the process the parties have established under the Settlement Agreement.

The Joint CLECs, on the other hand, argue the Tier 2 non-impairment designation for the Orem wire center should be effective no earlier than October 31, 2007, noting that, pursuant to a process established by the Commission, the Parties finally determined during a conference call on October 31, 2007, that any continuing line count discrepancies regarding the Orem wire center did not affect the designation of the Orem wire center as a Tier 2 wire center. The Joint CLECs argue no basis exists for any claim that their objection to the Orem wire center designation was improper or that the resulting investigation took any longer than was necessary

to resolve their legitimate concerns. In addition, the Joint CLECs argue they did not have, and Qwest did not provide, the data necessary to resolve their concerns about the Orem wire center until well after September 7, 2007. The Joint CLECs also note the Commission established the September 7, 2007, effective date for the Midvale wire center because that was the date on which all parties agreed there was no dispute regarding its Tier 2 designation. The Joint CLECs argue the same methodology should apply in the case of the Orem wire center in designating October 31, 2007, as the effective date for its Tier 2 designation. Finally, the Joint CLECs argue that setting the effective date of a wire center designation retroactively makes CLEC business planning impossible because it would effectively require CLECs to begin the transition process of looking for alternatives to Qwest's facilities even before the CLECs know whether Qwest's wire center is properly classified.

While the Settlement Agreement does not specify a method for calculating an effective date in the case of a disputed wire center where Qwest-proposed designation is ultimately approved, it does implicitly recognize that CLECs legitimately need some amount of time to study the available data and that any non-impaired designation should not be effective until the CLECs have been afforded that time. In this case, as of September 7, 2007, both the Joint CLECs and the Division believed additional investigation would be appropriate regarding the proposed designation of the Orem wire center and a procedural schedule guiding said investigation was eventually adopted with the concurrence of all parties. The Joint CLECs and the Division did not agree, and were not in a position to agree, to the proposed non-impairment designation until this investigation was complete. Only then was the matter submitted to the

Commission for approval. Therefore, it is appropriate that the resulting non-impaired designation approved by this Report and Order should be effective only upon issuance of this Report and Order.

Wherefore, based upon the foregoing information, and for good cause appearing, the Administrative Law Judge enters the following proposed:

IV. ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that:

- This matter be, and it is, converted to an informal proceeding pursuant to §63-46b-4(3), UCA 1953, as amended.
- The Stipulation and Agreement filed on November 13, 2007, is approved.
- Qwest Corporation's designation of its Orem Main central office as a Tier 2 non-impaired wire center and its addition as such to Qwest's non-impaired wire center list is approved, effective the date of this Order.

This Order constitutes a final order of the Commission with respect to those issued decided herein. Pursuant to *Utah Code Annotated* §§ 63-46b-12 and 54-7-15, agency review or rehearing of this order may be obtained by filing a request for review or rehearing with the Commission within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a Petition for Review with the Utah

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Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of *Utah Code Annotated* §§ 63-46b-14, 63-46b-16 and the Utah Rules of Appellate Procedure.

Dated at Salt Lake City, Utah, this 20th day of November, 2007.

/s/ Steven F. Goodwill
Administrative Law Judge

Approved and Confirmed this 20th day of November, 2007, as the Report and Order of the Public Service Commission of Utah.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary

G#55362

APPENDIX

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>In the Matter of</p> <p>QWEST CORPORATION</p> <p>Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List</p>	<p>Docket No. 07-049-30</p> <p>STIPULATION AND AGREEMENT BETWEEN QWEST CORPORATION, JOINT CLECs AND DIVISION OF PUBLIC UTILITIES RE TIER 2 NON-IMPAIRMENT OF QWEST'S OREM WIRE CENTER</p>
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STIPULATION AND AGREEMENT

THIS STIPULATION AND AGREEMENT (“Stipulation”), dated November 13, 2007, is entered into between Qwest Corporation (“Qwest”), and Eschelon Telecom of Utah, Inc. (“Eschelon”), DIECA Communications, Inc., d/b/a Covad Communications Company (“Covad”), Integra Telecom of Utah, Inc. (“Integra”), McLeodUSA Telecommunications Services, Inc. (“McLeodUSA”), and XO Communications Services, Inc. (“XO”) (Eschelon, Covad, Integra, McLeodUSA and XO are hereinafter together jointly referred to as the “Joint CLECs”) and the Utah Division of Public Utilities (“Division”) (collectively “Parties”) in Docket No. 07-049-30 filed with the Utah Public Service Commission (“Commission”).

RECITALS

WHEREAS, on June 22, 2007, Qwest filed a Petition for Commission Approval of 2007 Additions to Non-Impaired Wire Center List and Motion for Expedited Issuance of Protective Order seeking the opening of a Commission docket for approval of Qwest's 2007 additions to its non-impaired wire center list, and the issuance of a protective order to govern disclosure of information relevant to Qwest's intended filing on June 29, 2007 of data supporting its list of additional non-impaired wire centers.

WHEREAS, on June 29, 2007, Qwest submitted its Filing for Commission Approval of 2007 Additions to Non-Impaired Wire Center Designations, with Supporting Data ("2007 Wire Center Update"), seeking Commission approval of the Tier 2 non-impairment designation for its Midvale Main ("Midvale") and Orem Main ("Orem") wire centers. In support of its request, Qwest filed the sworn affidavits of two witnesses along with several Highly-Confidential exhibits, including data indicating Qwest's business line count for the Midvale and Orem wire centers. Also on June 29, 2007, the Commission issued a Protective Order as requested by Qwest on June 22, 2007.

WHEREAS, on July 10, 2007, the Commission issued a Revised Protective Order, in lieu of the Protective Order issued June 29, 2007, which included procedures governing the disclosure and handling of "Highly-Confidential" information.

WHEREAS, from July 12, 2007 to August 6, 2007, the Joint CLECs filed various Petitions to Intervene in this matter, all of which the Commission granted without objection from Qwest.

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WHEREAS, on July 30, 2007, Eschelon filed an Objection to Qwest's Petition for Approval of 2007 Additions to Non-Impaired Wire Center List stating the procedural deadlines relating to approval of additions to the non-impaired wire center list contained in the Settlement Agreement filed for Commission approval in Docket No. 06-049-40 should not begin to run with respect to Qwest's filing for approval of additional non-impaired wire centers in this docket until the Commission has approved said Settlement Agreement. Also on July 30, 2007, Eschelon filed a Motion for a Standing Protective Order Based on Model Order seeking Commission issuance of a standing protective order to replace the Revised Protective Order.

WHEREAS, on July 31, 2007, in Docket No. 06-049-40, the Commission issued its Report and Order Approving Settlement Agreement. The Settlement Agreement approved therein contains procedures and timelines intended to govern requests for Commission approval of additions to the non-impaired wire center list like those at issue in this docket.

WHEREAS, on August 6, 2007, Qwest filed a memorandum stating that, in light of the Commission's approval of the Settlement Agreement in Docket No. 06-049-40, Qwest did not object to the Joint CLECs in this docket having until August 30, 2007 to object to Qwest's 2007 Wire Center Update.

WHEREAS, on August 23, 2007, following a duly-noticed procedural conference, the Commission issued a Procedural Order extending to September 7, 2007, the deadline for parties to file objections to, and for the Division of Public Utilities ("Division") to file comments regarding, Qwest's 2007 Wire Center Update.

WHEREAS, on September 6, 2007, Qwest filed a memorandum stating that while Qwest had initially sought Tier 2 designation for its Midvale wire center based upon both business line counts and the number of fiber-based collocations at that wire center, Qwest now seeks said designation based solely on business line counts. Qwest's request for Tier 2 designation of the Orem wire center, based only on business line counts, did not change.

WHEREAS, on September 7, 2007, the Joint CLECs filed an Objection to Qwest Wire Center Designation ("Joint CLEC Objection") in which the Joint CLECs objected to Qwest's designation of its Orem wire center as a Tier 2 wire center, but did not dispute the designation of the Midvale wire center as a Tier 2 wire center based solely on the number of business lines.

WHEREAS, also on September 7, 2007, the Division filed a memorandum stating the Commission should grant Tier 2 status to the Midvale wire center based on the number of business lines, while recommending that a detailed investigation be conducted to review and analyze the data relating to the Orem wire center.

WHEREAS, on September 25, 2007, at a duly-noticed procedural conference, the Parties agreed to a procedural schedule to govern investigation of the requested Tier 2 designation of the Orem wire center. In addition, in response to questions from the Administrative Law Judge ("ALJ"), all parties concurred that while some dispute may remain regarding the exact business line count at the Midvale wire center, no party disputed that the number of business lines at that wire center exceeds the 24,000-line threshold necessary for Tier 2 designation. Therefore, all parties concurred in the ALJ's suggestion that adjudication of the Midvale wire center request could proceed informally with Commission Order approving Tier 2 designation for said wire

center. The Parties also concurred in the ALJ's determination, based upon the procedures set forth in the Settlement Agreement, as well as the process followed in this docket, that the proper effective date for said designation is September 7, 2007.

WHEREAS, September 25, 2007, at a duly-noticed procedural conference, the Parties agreed to a procedural schedule to govern investigation of the requested Tier 2 designation of the Orem wire center, including the issuance of a Commission Order seeking CLEC responses not later than October 10, 2007 to a Division data request in order to verify Qwest's business line data for the Orem wire center.

WHEREAS, on September 28, 2007, the Commission issued an Order Requiring Competitive Local Exchange Carriers to Respond to Division of Public Utilities Data Requests directing all CLECs (whether Parties (Joint CLECs) or Non-Parties) purchasing Unbundled Loops, Enhanced Extended Loops ("EELs"), and Qwest Platform Plus ("QPP") lines from Qwest at the Orem Wire Center as of December 31, 2006 to respond to both the Division and Qwest by October 10, 2007 by either (1) stating that the CLEC does not dispute Qwest's data for that particular CLEC; or (2) if the CLEC does not respond as stated in (1) above, to provide its wire center data for such services as defined in the data request and attached spreadsheet.

WHEREAS, on October 1, 2007, the Commission issued its Report and Order Approving Tier 2 Designation of Qwest's Midvale Wire Center with an effective date of September 7, 2007 in this docket.

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WHEREAS, also on October 1, 2007, the Commission issued a Scheduling Order agreed on by the Parties in response to CLEC objections to Qwest's designation of the Orem wire center as a Tier 2 wire center.

WHEREAS, all Joint CLECs and most Non-Party CLECs responded by October 10, 2007 with the data required in the Commission's September 28, 2007 Order, and Qwest provided the Division with detailed, unmasked data regarding its Orem wire center line counts on October 10, 2007 as required by the October 1, 2007 Scheduling Order;

WHEREAS, on October 24, 2007, Qwest filed its analysis of Qwest and CLEC data with the Commission (in a non-confidential filing), and provided the Division with highly-confidential CLEC data, and had previously provided CLECs with their own CLEC-specific information;

WHEREAS, on October 26, 2007, the Parties concurred that while some dispute may remain regarding the exact business line count at the Orem wire center, no party disputed that the number of business lines at that wire center exceeds the 24,000-line threshold necessary for Tier 2 designation, and further agreed that the Parties would sign a stipulation to that effect and request that the Commission enter an order, as it did on October 1, 2007 with respect to the Midvale wire center, approving Tier 2 Designation of Qwest's Orem wire center in this docket, and further agreed that, in light of such stipulation, there would be no need for the Division to file its analysis of Qwest and CLEC data on October 31, 2007.

WHEREAS, the Parties hereby submit this Stipulation, as agreed, with a joint request that the Commission approve Tier 2 Designation of Qwest's Orem wire center in this docket.

STIPULATION

1. Qwest Orem wire center is designated a Tier 2 non-impaired wire center

IT IS HEREBY STIPULATED by the Parties that the Qwest Orem wire center is designated a Tier 2 non-impaired wire center.

2. Parties request that the Commission issue an Order approving the Qwest Orem wire center as a Tier 2 non-impaired wire center

IT IS HEREBY STIPULATED that the Parties request that the Commission issue an Order approving the Qwest Orem wire center as a Tier 2 non-impaired wire center.

3. Effective date of Orem wire center as a non-impaired wire center

IT IS HEREBY STIPULATED that the designation of Qwest's Orem wire center as a Tier 2 non-impaired wire center and its addition as such to Qwest's non-impaired wire center list is effective on such date as the Commission may deem appropriate, and the Parties have agreed to submit a letter to the Commission with this stipulation with the effective date that they believe is appropriate, and their reasons for such effective date.

IT IS SO STIPULATED.

QWEST CORPORATION

JOINT CLECs (as defined above)

By: _____
Alex M. Duarte
Attorney for Qwest Corporation

By: _____
Gregory J. Kopta
Attorney for Joint CLECs

Dated: November __, 2007

Dated: November __, 2007

UTAH DIVISION OF PUBLIC UTILITIES

By: _____
Michael Ginsberg
Attorney for Utah Division of Public Utilities

Dated: November __, 2007