

From: Clauson, Karen L.

Sent: Thursday, May 04, 2006 12:18 PM

To: 'Hartl, Deborah'; Albersheim, Renee; Bastiampillai, Harisha; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Salverda, Kathleen; diane.wells@state.mn.us; Zeller, Ginny A.

Subject: Qwest notice

Kathy/Qwest:

Enclosed is the Qwest notice that you requested in which Qwest announced, without going to the Commissions, or going through CMP, or requesting an ICA amendment, that "Qwest will commence billing CLECs non-recurring charges for design changes to Unbundled Loop circuits."

Eschelon has made its offer relating to Design Changes to attempt to resolve this issue without litigation. If the issue is arbitrated/litigated, Eschelon reserves its right to argue that there should be no separate charge for Design Changes for unbundled loops (as there has not been under the current ICAs/cost proceedings) until Qwest gets a rate for Design Changes for loops approved by the Commissions. The approved recurring rates for loops, including cost factors, cover these costs. If they did not, Qwest surely would have included these request for such charges in past cost cases.

In any event, even if language about Design Changes is included in the ICA, the amount of the rate will be in issue. It isn't reasonable that a change to a loop order would cost more than installing the loop to begin with.

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