

BEFORE THE IDAHO PUBLIC UTILITY COMMISSION

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IDAHO PUBLIC  
UTILITIES COMMISSION

IN RE:

PETITION OF MCLEODUSA  
TELECOMMUNICATIONS SERVICES,  
INC., FOR ENFORCEMENT OF  
INTERCONNECTION AGREEMENT  
WITH QWEST CORPORATION

Docket No. MTI-7-0501

**MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.,  
MOTION FOR EMERGENCY RELIEF**

McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"), through its undersigned counsel, and pursuant to Idaho Code § 61-501, moves the Idaho Public Utility Commission ("Commission") for emergency relief. This Motion seeks emergency consideration of the McLeodUSA Petition for Enforcement of Interconnection Agreement with Qwest Corporation ("Qwest") ("Petition") filed concurrently herewith.

As explained in greater detail in the Petition, McLeodUSA is seeking relief in a dispute between McLeodUSA and Qwest over Qwest's right, under the interconnection agreement between McLeodUSA and Qwest and approved by this Commission, to demand a security deposit from McLeodUSA for services provided under the agreement, and to discontinue services to McLeodUSA should McLeodUSA not comply with Qwest's demand by 5 pm Mountain Standard Time on April 1, 2005. Qwest demanded on March 21, 2005, that McLeodUSA pay more than \$15.9 million to Qwest within 10 days—\$971,870.45 in Idaho alone—or Qwest will "suspend order activity" and "disconnect services" provided to McLeodUSA.

McLeodUSA seeks an order from this Commission that Qwest may not demand a

security deposit and that Qwest may not “suspend order activity” or “disconnect services” until all procedures for dispute resolution in the interconnection agreement have been satisfied.

Because Qwest has threatened to “suspend order activity” and “disconnect services” on April 1, 2005, McLeodUSA asks this Commission to provide McLeodUSA with its requested relief on an expedited, emergency basis.

The Commission has the authority to grant the emergency relief requested by McLeodUSA. Qwest has threatened to terminate service to McLeodUSA, which would leave all of McLeodUSA’s residential and business customers without the ability to complete telephone calls to end users served by carriers other than McLeodUSA. The Commission has authority to grant emergency relief to protect the health and safety of Oregon residents. Idaho Code § 61-501.

For the foregoing reasons, McLeodUSA asks the Commission to consider the McLeodUSA Petition on an emergency basis, and to rule that Qwest may not demand a security deposit from McLeodUSA at this time. McLeodUSA further requests that the Commission order that in the event of a default under the Interconnection Agreement, Qwest must follow the dispute resolution provisions in the Interconnection Agreement and may not “suspend order

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activity,” “disconnect services,” or terminate the Agreement until those dispute resolution procedures have been completed.

Dated this 30<sup>th</sup> day of March, 2005.

Respectfully submitted,

*Mark Trinchero*  
*by Peter Richardson*

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ATTORNEYS FOR MCLEODUSA  
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