

# McDowell & Rackner PC



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## VIA ELECTRONIC FILING

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PO Box 2148  
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**Re: Docket ARB 789**

Pursuant to ALJ Arlow's July 6, 2007 Memorandum and Bench Requests dated that same day, Beaver Creek Cooperative Telephone Company and Clear Creek Mutual Telephone Company file the attached Joint Statement of Undisputed Facts and Joint Responses to Bench Requests.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lisa F. Rackner", with a large, stylized flourish at the end.

Lisa F. Rackner

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BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

ARB 789

In the Matter of the Petition of CLEAR  
CREEK MUTUAL TELEPHONE COMPANY  
for Arbitration of an Interconnection  
Agreement with BEAVER CREEK  
COPPERATIVE TELEPHONE COMPANY,  
Pursuant to 47 U.S.C. §§ 251, 252

**JOINT STATEMENT OF UNDISPUTED  
FACTS AND JOINT RESPONSES TO  
BENCH REQUESTS**

Pursuant to the Administrative Law Judge's ("ALJ") Memorandum, dated July 6,  
2007, and in response to the ALJ's Bench Requests issued on that same date, Beaver  
Creek Cooperative Telephone Company ("Beaver Creek" or "BCT") and Clear Creek Mutual  
Telephone Company ("Clear Creek" or "CCMT") file this Joint Statement of Undisputed  
Facts and Joint Responses to Bench Requests.

**I. JOINT STATEMENT OF UNDISPUTED FACTS**

1. BCT is a rural cooperative telephone company. It is the incumbent local  
exchange carrier ("ILEC") in the Beaver Creek exchange and a competitive local exchange  
carrier ("CLEC") throughout the rest of the state.

2. CCMT is a rural cooperative telephone company. It is the ILEC in the  
Redland exchange.

3. As a cooperative, BCT provides local and long distance voice, video and  
broadband data services to Clackamas wire center in Qwest territory and to a portion of the  
rural community in the Redland exchange. BCT provides these services over its own  
facilities-based network which includes fiber, copper, and coaxial cable.

4. BCT's customers in the Redland exchange are being served entirely on  
BCT's network.

5. BCT has committed that it will not attempt to purchase unbundled network  
elements, finished services for resale, or collocation from CCMT.

1           6.       Both BCT and CCMT provide services to residences in a residential  
2 development known as the Leisure Woods development. The crux of this dispute is the fact  
3 that BCT seeks to continue to provide services to those customers in the Leisure Woods  
4 development that are on the Redland side of the exchange boundary.

5           7.       BCT and CCMT share a contiguous exchange boundary line through the  
6 Leisure Woods development. The Leisure Woods development contains approximately 77  
7 lots. Nearly all of the lots have single family dwellings on them. Approximately 39 of the lots  
8 are within the Beaver Creek exchange and approximately 38 of the lots are within the  
9 Redland exchange.

10          8.       Currently only BCT ILEC-generated EAS calls and BCT CLEC-generated  
11 local calls are routed onto Clear Creek's network.

12          9.       Currently there are no direct trunks between BCT and CCMT.

13                               **II. JOINT RESPONSES TO BENCH REQUESTS**

14          The following responses are jointly provided and undisputed, with the exception of  
15 the responses to Request Nos. 9, 11, 12 and 14, for which separate responses from each  
16 party are provided.

17          1.       **Is the Clear Creek Redland Exchange ("Redland Exchange") contiguous**  
18 **to both the Beaver Creek and Oregon City exchanges?**

19                   Yes. Clear Creek's Redland Exchange is contiguous to both the  
20 Beaver Creek and Oregon City exchanges. For further reference,  
21 please see the Exchange Map of Oregon attached as Exhibit A.

21          2.       **When ILEC traffic is exchanged between the Redland Exchange and**  
22 **Qwest's Oregon City Exchange, how is the traffic routed, what trunks are utilized and**  
23 **how are Qwest and Clear Creek compensated for origination and termination of**  
24 **traffic?**

25                   Traffic is exchanged over EAS trunks between Clear Creek and  
26 Qwest. Qwest and Clear Creek exchange this traffic on a bill and  
keep basis. Pursuant to Order No. 89-815, carriers may recover

1 costs associated with EAS service through a surcharge placed on  
2 customer bills.

3 **3. Is a call between local service customers in the Beaver Creek Exchange**  
4 **and the Redland Exchange (ILEC-to-ILEC) a local call or an intraLATA toll call? Are**  
5 **the Beaver Creek Exchange and the Redland Exchange in a common EAS area?**

6 A call between local service customers in the Redland Exchange  
7 and the Beaver Creek exchange is locally-dialed and would be  
8 routed as an EAS call. The Beaver Creek and Redland  
Exchanges are in a common EAS area.

9 **4. When ILEC traffic is exchanged between Clear Creek's Redland**  
10 **Exchange and BCT's Beaver Creek Exchange, how is the traffic routed, what trunks**  
11 **are utilized and how are BCT and CCMT compensated for origination and termination**  
12 **of traffic?**

13 BCT and CCMT do not maintain any direct trunking between their  
14 networks, so ILEC-to-ILEC traffic exchanged between CCMT's  
15 Redland Exchange and BCT's Beaver Creek Exchange is  
16 transited by Qwest through its Portland tandem and transported  
over EAS trunks maintained between CCMT and Qwest, and BCT  
and Qwest

17 These calls are considered routed as EAS calls and are  
18 compensated as described in response to Request No. 2.

19 **5. What governs the exchange and compensation of the ILEC-to-ILEC**  
20 **traffic described in Question 4? Is it pursuant to Commission Rules or to**  
21 **agreements?**

22 Commission rules govern the exchange and compensation of EAS  
23 traffic, as provided in Order No. 89-815. Traffic is exchanged on a  
24 bill and keep basis. Pursuant to Order No. 89-815, carriers may  
25 recover costs associated with EAS service through a surcharge  
26 placed on customer bills.

27 **6. Do any CLECs operate in the Beaver Creek Exchange?**

28 Yes. Comcast operates in the Beaver Creek Exchange.

1           7.     Do any Cellular Mobile Radio Service (CMRS) carriers operate in the  
2 Beaver Creek Exchange? If the answer is "yes," please answer the following  
3 questions and provide the information requested:

4           Yes. CMRS carriers operate within the Beaver Creek exchange.

5           a.     When a call is placed from a CMRS customer in the Beaver Creek  
6 Exchange to the Redland Exchange, how is that traffic routed and what trunks  
7 are utilized?

8           Today that traffic is carried over special access T1 facilities either  
9 jointly provided by BCT and Qwest or by BCT and a third party  
10 provider from the CMRS cell site to the CMRS carrier's switching  
11 equipment. Traffic that is bound for the Redland Exchange is  
12 handed off from the wireless carrier's switch to the LATA Tandem.  
The facility type to connect the LATA Tandem is unknown but it is  
likely purchased as a high capacity special access circuit. Qwest  
switches (transits) traffic bound for Redland and delivers the  
traffic over the EAS trunks from PTLDOR13DC1 to Redland.

13          b.     How are BCT and the CMRS carrier compensated for origination  
14 and termination of traffic?

15          As stated in subsection (c) below, BCT has interconnection  
16 agreements with four CMRS carriers, and rates for origination and  
17 termination of traffic are set in those agreements. However, as a  
18 practical matter, these carriers have not billed each other for  
origination and termination of traffic. With respect to the other  
CMRS carriers operating in the Beaver Creek exchange, all traffic  
is handled on a bill and keep basis.

19          c.     Please list all interconnection agreements between BCT and  
20 such CMRS carriers.

21          ARB781 – Cingular Wireless LLC; ARB 782 – United States  
22 Cellular Corp.; ARB 785 – Sprint Spectrum PCS; and ARB 788 –  
Verizon Wireless.

23          8.     Who is the "third party" delivering BCT's CLEC traffic to the Redland  
24 Exchange?

25          Qwest.

26

1           **9. Do any CLECs operate in the Redland Exchange? If the answer is**  
2 **“yes,” please answer the following questions and provide the information requested:**

3           **a. When a call is placed from a CLEC customer in the Redland**  
4 **Exchange to the Beaver Creek Exchange, how is that traffic routed and what**  
5 **trunks are utilized?**

6           **BCT & CCMT:** The call is routed over the EAS trunks from  
7 Redland to the Qwest Portland tandem where it is switched and  
8 routed over the EAS trunks to Beaver Creek.

9           **BCT:** BCT believes that Comcast may provide service in the  
10 Redland Exchange.

11           **b. How are CCMT and the CLEC compensated for origination and**  
12 **termination of traffic?**

13           At present, this traffic is handled on a bill and keep basis (an  
14 arrangement to which CCMT objects).

15           **c. Please list all interconnection agreements between CCMT and**  
16 **such CLECs.**

17           None. The agreement currently being arbitrated in this  
18 proceeding will be the first.

19           **10. Do any CMRS carriers operate in the Redland Exchange? If the answer**  
20 **is “yes,” please answer the following questions and provide the information**  
21 **requested:**

22           **a. When a call is placed from a CMRS customer in the Redland**  
23 **Exchange to the Beaver Creek Exchange, how is that traffic routed and what**  
24 **trunks are utilized?**

25           Today that traffic is carried over special access T1 facilities either  
26 jointly provided by CCMT and Qwest or by CCMT and Western  
Independent Networks from the CMRS cell site to the CMRS  
carrier’s switching equipment. Traffic that is bound for the  
Redland Exchange is handed off from the wireless carrier’s switch

1 to the Lata Tandem. The facility type to connect the Lata Tandem  
2 is unknown but is likely purchased as a high capacity special  
3 access circuit. Qwest switches (transits) traffic bound for Beaver  
4 Creek and delivers the traffic over their EAS trunks from  
5 PTLDOR13DC1.

6 **b. How are CCMT and the CMRS carrier compensated for**  
7 **origination and termination of traffic?**

8 The majority of traffic is compensated under the terms of  
9 individually negotiated Traffic Exchange Agreements. A minor  
10 amount of traffic is uncompensated as Traffic Exchange  
11 Agreements have not successfully been negotiated with all CMRS  
12 carriers.

13 **c. Please list all interconnection agreements between CCMT and**  
14 **such CMRS carriers.**

15 See ARB 717 – United States Cellular Corp., ARB 633 – T-Mobile  
16 USA, ARB 591 – Sprint Spectrum PCS, and ARB 592 – Verizon  
17 Wireless.

18 **11. To the best of your knowledge, please list the names and locations of**  
19 **all ILECs who combine their ILEC and CLEC traffic in a single OCN. For each such**  
20 **ILEC, provide all documentation or citations to public records for which official notice**  
21 **may be taken providing factual support.**

22 **CCMT:** To Clear Creek's knowledge, there are none.

23 **BCT:** Beaver Creek has been told that other cooperatives are  
24 handling their traffic in the same way. BCT is attempting to  
25 confirm this fact and will supplement this response if it is able to  
26 obtain relevant information.

27 **12. Is BCT currently routing its CLEC traffic to Qwest over LIS trunks, or is**  
28 **BCT CLEC traffic being combined with ILEC traffic over the regular ILEC-to-ILEC**  
29 **trunks?**

30 **BCT:** BCT's CLEC traffic to Qwest is routed over LIS trunks. The  
31 flow of traffic from BCT to CCMT—which is negligible—is routed  
32 over BCT ILEC trunks today. The LIS trunks between BCT and  
33 Qwest are for BCT and Qwest traffic only that terminates to the  
34 503-518-XXXX prefix. Any calls that originate from other CLEC's

1 in the Portland LATA that terminate to BCT ILEC is routed over  
2 the Qwest/BCT ILEC trunks. Any calls that originate from CCMT  
3 to BCT 503-518-XXXX are terminated most of the time on the  
4 Qwest/BCT LIS trunks and sometimes on the Qwest/BCT ILEC  
5 trunks. Any calls that originate from CCMT customers that call the  
6 BCT customers in the Redland Exchange or that terminate to the  
7 503-898-XXXX are terminated on the Qwest/BCT ILEC trunks.

8 **CCMT:** CCMT believes that BCT's CLEC traffic to and from  
9 Redland Exchange is being combined with ILEC traffic and routed  
10 over CCMT's ILEC EAS trunks.

11 **13. Who has BCT designated as its intraLATA toll carrier?**

12 All BCT customers are offered BCT Long Distance service, but  
13 may select another carrier at their option.

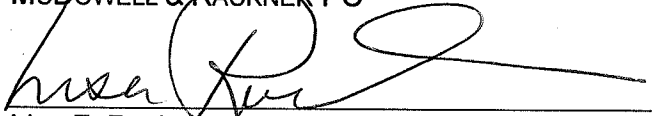
14 **14. Does BCT have an agreement with Qwest that addresses how Qwest  
15 will transport its CLEC traffic to the Redland Exchange? If so, please provide a copy  
16 of such agreement or citation to public records for which official notice may be taken.**

17 **BCT:** Yes. A copy of the relevant section of the ICA between  
18 Qwest and Beaver Creek is attached as Exhibit B.

19 **CCMT:** From discussions with Qwest representatives, Clear  
20 Creek believes that it is Qwest's opinion that the ICA does not  
21 cover transiting of traffic for Beaver Creek to the Redland  
22 Exchange, that the ICA governs BCT's Oregon City CLEC traffic  
23 only, and that Qwest is currently an unwilling participant in the  
24 transiting of traffic between BCT and CCMT over BCT's ILEC EAS  
25 trunks.

26 DATED: July 31, 2007.

MCDOWELL & RACKNER PC



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