

1 CenturyLink and Integra disagree about whether conditions warrant two of
2 CenturyLink’s wire centers being reclassified as “non-impaired.” CenturyLink would count a
3 particular carrier in those two wire centers as a “fiber-based collocator,” while Integra would not.
4 Resolving this disagreement hinges on the proper interpretation of fiber-based collocator, an
5 issue that implicates a relatively complex administrative record at the FCC, but ultimately comes
6 down to a relatively straightforward rule. The text and structure of the rule and the express intent
7 of the FCC in adopting it support the reclassification that CenturyLink seeks.

8 II. BACKGROUND

9 A. Legal Framework

10 Section 251 of the Telecommunications Act of 1996 requires incumbent local exchange
11 carriers (“ILECs”) to lease to competitive local exchange carriers (“CLECs”) certain network
12 elements, referred to as “unbundled network elements” or “UNEs,” at low regulated rates. When
13 determining which types of network elements an ILEC must provide on an unbundled basis, the
14 FCC must consider whether failure to provide such elements would “impair” the requesting
15 carrier’s ability to provide services.⁵ After several attempts at implementing the impairment
16 standard, the FCC issued the *Triennial Review Remand Order*,⁶ in which it set objective
17 measures for when conditions indicate sufficient competitive potential to relieve ILECs of the
18 duty to provide different types of UNEs.

19 For some types of UNEs, the objective measures set by the FCC depend on the number of
20 “fiber-based collocators” at the wire center and/or the number of business lines served by a wire
21 center. A wire center is “any [ILEC] switching office that terminates and aggregates loop
22 facilities” serving a specific geographic region.⁷ “Collocation” occurs when CLECs lease space

23 _____
24 ⁵ *Id.* § 251(d)(2)(B).

25 ⁶ *Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling*
26 *Obligations of Incumbent Local Exchange Carriers*, Order on Remand, CC Docket No. 01-338,
WC Docket No. 04-313, 20 FCC Rcd 2533 (2005) (“*Triennial Review Remand Order*” or
“*TRRO*”), *aff’d*, *Covad Communications Company v. FCC*, 450 F3d 528 (DC Cir 2006) .

⁷ *TRRO* ¶ 87 n.251; *id.* ¶ 155.

1 in an ILEC wire center for “equipment necessary for interconnection or access to unbundled
2 network elements.”⁸ Generally, once the number of fiber-based collocators located in and/or
3 business lines served by a wire center reaches a certain threshold, the FCC no longer considers
4 the wire center “impaired” and ILECs may stop offering UNEs.⁹

5 Two types of ILEC facilities that are required to be made available as UNEs in certain
6 locations are “dedicated transport” and high capacity “loops.” Dedicated transport carries traffic
7 from node to node on an operator’s network, such as between a pair of ILEC wire centers or
8 switches.¹⁰ Loops, by contrast, “are the transmission facilities between a central office and the
9 customer’s premises, *i.e.*, ‘the last mile’ of a carrier’s network that enables the end-user to
10 originate and receive communications.”¹¹ CLECs often use unbundled dedicated transport “to
11 carry traffic from their end users’ loops, which generally terminate at [ILEC] wire centers, to a
12 point of aggregation, permitting service to customers served via multiple [ILEC] offices without
13 requiring the [CLEC] to deploy or otherwise obtain its own transport facilities to those offices.”¹²

14 The relevant market that the FCC considers when determining whether competition is
15 impaired without access to dedicated inter-office transport is the route connecting two end
16 points: ILEC wire center or switch A and ILEC wire center or switch Z.¹³ For the purposes of
17 determining whether an ILEC must provide unbundled access to transport on a particular route,
18 the FCC classifies the wire centers at both ends of that route into three tiers based on their
19 number of fiber-based collocators, business lines served, or both.¹⁴ An ILEC’s obligation to
20 unbundle a particular transport route depends on the classification of the wire centers at the ends
21 of the route, with the ILEC’s obligations being eliminated once wire centers are promoted to

22 ⁸ 47 USC § 251(c)(6).

23 ⁹ See 47 CFR § 51.319(a),(d) (unbundling requirements for local loops and transport).

24 ¹⁰ Harry Newton, *Newton’s Telecom Dictionary* 1291 (30th ed 2016); *TRRO* ¶ 67.

25 ¹¹ *TRRO* ¶ 147.

26 ¹² *Id.* ¶ 69.

¹³ *Id.* ¶¶ 78, 80.

¹⁴ See 47 CFR § 51.319(d) (unbundling requirements for transport); *TRRO* ¶¶ 66, 111-24.

1 higher tiers. For example, an ILEC must unbundle dedicated DS1 transport so long as a wire
2 center on either end of a route is classified as Tier 2 or 3.¹⁵ An ILEC must unbundle dedicated
3 DS3 transport so long as a wire center on either end of the route is classified as Tier 3.¹⁶

4 For these dedicated transport purposes, Tier 1 wire centers are those ILEC wire centers
5 that contain at least four fiber-based collocators, serve at least 38,000 business lines, or both.
6 Tier 2 wire centers are those ILEC wire centers that contain at least three fiber-based collocators,
7 serve at least 24,000 business lines, or both, but are not Tier 1 wire centers. Tier 3 wire centers
8 are any that do not meet the criteria for either Tier 1 or Tier 2.¹⁷

9 Tier reclassification is a one-way promotion process. That is, once a wire center has been
10 promoted from Tier 3 to Tier 2, or from Tier 2 to Tier 1, it is not subject to later reclassification
11 back to a lower tier.¹⁸

12 In 2007, the Oregon Public Utility Commission approved a multi-state settlement setting
13 forth the procedures that would be followed to establish and update the list of non-impaired wire
14 centers as competitive circumstances change.¹⁹ Under these procedures, after conducting a field
15 visit and reviewing order and billing data, the ILEC gives notice to CLECs that it considers to
16 qualify as fiber-based collocators. Those CLECs have an opportunity to provide feedback before
17 the ILEC files its petition seeking reclassification of wire centers. Once the ILEC's petition and
18 supporting data are filed with the Commission, CLECs and other parties have 30 days to object.
19 In the event of an objection, the parties agreed to ask the Commission to attempt to resolve

20 ¹⁵ 47 CFR § 51.319(d)(2)(ii)(A).

21 ¹⁶ 47 CFR § 51.319(d)(2)(iii)(A).

22 ¹⁷ See 47 CFR § 51.319(d)(3). Unlike the FCC's approach for dedicated transport, when
23 determining whether an ILEC must provide unbundled access to local loops that serve a
24 building, the FCC considers both the number of fiber-based collocators in that wire center *and*
the number of business lines served by that wire center. See 47 CFR § 51.319(a) (detailing
unbundling requirements for local loops). CenturyLink does not seek to establish any business
line counts in this proceeding.

25 ¹⁸ 47 CFR § 51.319(d)(3)(i),(ii).

26 ¹⁹ Docket No. UM 1251, Order No. 07-328, Attachment 1 (July 31, 2007) (Multi-State
Settlement Agreement Regarding Wire Center Designations and Related Issues); *see also* Docket
No. UM 1702, Order No. 14-286 (Aug. 12, 2014) (citing and following these procedures).

1 disputed issues. If particular reclassifications receive no objections, the parties agreed to request
2 an expedited order approving the undisputed reclassifications.

3 **B. Procedural Background**

4 Last August, CenturyLink petitioned to reclassify several Oregon wire centers on the
5 grounds that they each have a sufficient number of fiber-based collocators to qualify as Tier 1 or
6 Tier 2 wire centers. Specifically, CenturyLink sought to reclassify the Corvallis, Hermiston, and
7 Pendleton wire centers from Tier 3 to Tier 2; the Bend wire center from Tier 2 to Tier 1; and the
8 Oregon City wire center from Tier 3 to Tier 1.²⁰

9 Eschelon Telecom of Oregon, Inc., Integra Telecom of Oregon, Inc., Advanced TelCom,
10 Inc., and Electric Lightwave, LLC (collectively “Integra”) intervened and objected to some of
11 CenturyLink’s requests.²¹ CenturyLink responded.²² After the parties discussed the issues in
12 workshops and Staff gathered additional information, Integra withdrew some of its objections.

13 The parties entered into a Partial Stipulation, which has since been adopted by the
14 Commission. The parties agreed that the Hermiston, Pendleton, and Oregon City wire centers
15 qualify for reclassification to Tier 2 on the basis of the number of fiber-based collocators in those
16 wire centers; they also agreed the Bend wire center qualifies for Tier 1, also based on its fiber-
17 based-collocator count.²³ The Commission ordered these reclassifications on January 11, 2018.²⁴

18 The remaining disputed issues are: (1) whether the Oregon City wire center should be
19 further reclassified from Tier 2 to Tier 1; and (2) whether the Corvallis wire center should be
20 reclassified as Tier 2. The parties filed Stipulated Facts reflecting their agreement on several
21 underlying facts that may be relevant to these issues.²⁵

22
23 ²⁰ CenturyLink 4 (filed Aug. 15, 2017).

24 ²¹ Integra Objections (filed Oct. 6, 2017).

25 ²² CenturyLink Response (filed Oct. 17, 2017).

26 ²³ Partial Stipulation ¶¶ 12-15 (filed Dec. 15, 2017).

²⁴ Order No. 18-008, at 4 (Jan. 11, 2018).

²⁵ Stipulated Facts (filed Dec. 15, 2017).

1 under the plain text and structure of the rule. This result is also consistent with the FCC’s intent,
2 as explained in the *Triennial Review Remand Order*, to use fiber-based collocators as a proxy by
3 which it measures competitive potential, rather than as a direct measure of existing competition.

4 **A. The Disputed Carrier meets all of the criteria to qualify as a fiber-based**
5 **collocator under the plain text and structure of the rule.**

6 In the *Triennial Review Remand Order*, the FCC defined fiber-based collocator “simply,”
7 calling it “a competitive carrier collocation arrangement, with active power supply, that has a
8 non-incumbent LEC fiber-optic cable that both terminates at the collocation facility and leaves
9 the wire center.”³² The FCC’s rule sets forth the full definition: “A fiber-based collocator is any
10 carrier, unaffiliated with the incumbent LEC, that maintains a collocation arrangement in an
11 incumbent LEC wire center, with active electrical power supply, and operates a fiber-optic cable
12 or comparable transmission facility that (1) [t]erminates at a collocation arrangement within the
13 wire center; (2) [l]eaves the incumbent LEC wire center premises; and (3) [i]s owned by a party
14 other than the incumbent LEC or any affiliate of the incumbent LEC,” although “[d]ark fiber
15 obtained from an incumbent LEC on an indefeasible right of use basis” is also treated as non-
16 ILEC cable.³³ Affiliates are counted collectively as one fiber-based collocator.³⁴

17 Under the plain meaning of this definition,³⁵ the Disputed Carrier meets the criteria to be
18 a fiber-based collocator. As the parties have stipulated, the Disputed Carrier is unaffiliated with
19 CenturyLink; maintains collocation arrangements within CenturyLink’s Oregon City and
20 Corvallis wire centers, each of which has an active electrical supply; and operates a fiber-optic
21 cable that terminates at collocation arrangements within CenturyLink’s Oregon City and
22
23

24 ³² *TRRO* ¶ 102.

25 ³³ 47 CFR § 51.5.

26 ³⁴ *Id.*

³⁵ *Pacific Bell Telephone Company*, 621 F3d at 848.

1 Corvallis wire centers.³⁶ The remaining question is whether the Disputed Carrier’s fiber-optic
2 cable “leaves the wire center.” For the following reasons, the answer to this question is yes.

3 While the phrase “wire center premises” is not defined, both “wire center” and
4 “premises” are. “A wire center is the location of an [ILEC] local switching facility containing
5 one or more central offices * * *.”³⁷ “Premises,” in turn, “refers to an [ILEC’s] central offices
6 and serving wire centers; all buildings or similar structures owned, leased, or otherwise
7 controlled by an [ILEC] that house its network facilities; all structures that house [ILEC]
8 facilities on public rights-of-way, including but not limited to vaults containing loop
9 concentrators or similar structures; and all land owned, leased, or otherwise controlled by an
10 [ILEC] that is adjacent to these central offices, wire centers, buildings, and structures.”³⁸

11 Considered in light of these definitions, the Disputed Carrier’s cable must be understood
12 to leave the ILEC wire center premises. The relevant “premises” are the building containing the
13 central office equipment and its immediate environs. The Disputed Carrier owns cables that
14 connect the Disputed Carrier’s collocation spaces in those central office buildings to end-user
15 customer premises located outside them.³⁹ The cables therefore leave the wire center premises.
16 That the customer location that the cables reach are within CenturyLink’s wire center
17 boundaries, and thus are not inter-office transport, does not affect whether they “[l]eave[] the
18 [ILEC] wire center *premises*,” as defined by federal regulations.⁴⁰

19 The proper scope of “fiber-based collocater” is informed by the fact that the definition
20 requires “transmission facilities,” not a narrower category such as “transport facilities” or “inter-
21 office facilities.” It would not be consistent with this text to read into the rule an additional
22 requirement that the CLEC cable be used for inter-office transport in order to qualify as fiber-

23
24 ³⁶ Stipulated Facts ¶ 2.

25 ³⁷ 47 CFR § 51.5.

26 ³⁸ *Id.*

³⁹ Stipulated Facts ¶ 3.

⁴⁰ 47 CFR § 51.5 (emphasis added).

1 based collocation. The FCC explained that “facilities shall count toward the qualification of a
2 wire center for a particular tier *irrespective of the services that the competing carrier offers.*”⁴¹
3 The FCC ignores the type of service in this context for two reasons. First, factoring in the type
4 of service “would exponentially complicate the process of counting such collocation
5 arrangements.”⁴² Second, any type of “fiber-based collocation indicates an ability to deploy
6 facilities,” no matter the service it provides, as discussed below in connection with the FCC’s
7 proxy approach.⁴³ Inter-office transport is not required to fall within the rule.

8 While the issue presented here is novel and appears not have been framed for another
9 commission in quite the same way as it is presented here, other state commissions have engaged
10 in illustrative analysis. In a 2013 case, the CLEC Association of Northern New England
11 (“CANNE”) argued that the New Hampshire Public Utilities Commission should adopt a broad
12 interpretation of “wire center premises” that would include the entire geographic area served by
13 the wire center rather than just the wire center building.⁴⁴ This broad an interpretation would
14 require the CLEC facilities to leave the wire center exchange boundary or service area, not just
15 the premises of the wire center building, for that CLEC to qualify as a fiber-based collocator.
16 This echoes Integra’s position, as a practical matter, as the definition would exclude facilities
17 that leave the wire center building and go to an end user within the wire center exchange
18 boundary.

19 The New Hampshire Public Utilities Commission rejected CANNE’s argument,
20 reasoning that “a more limited and discrete reading” of “wire center premises” was the correct
21 interpretation.⁴⁵ CANNE’s position prioritized policy arguments over the text of the actual

22 ⁴¹ *TRRO* ¶ 102 (emphasis added).

23 ⁴² *Id.*

24 ⁴³ *Id.*

25 ⁴⁴ *Northern New England Telephone Operations, LLC d/b/a Fairpoint Communications - NNE*,
26 Order Reclassifying Certain Wire Centers and Extending Transition Period, Order No. 25,580,
DT 12-337, 2013 WL 5674162, at *14 (New Hampshire Public Utilities Commission Oct. 7,
2013) (“Fairpoint Order”), *clarification denied*, 2014 WL 1826759, at *4 (Feb. 21, 2014).

⁴⁵ *Id.* at *15.

1 federal rules that set forth the impairment standard.⁴⁶ The agency noted that its decision resulted
2 in the “greater clarity and simpler application.”⁴⁷ It also affirmatively explained that “wire
3 center premises” included “the ILEC central office(s) building itself, together with associated
4 vaults, structures, equipment and facilities, and adjacent land, all being owned, leased or
5 otherwise controlled by the ILEC.”⁴⁸ It directed that a CLEC “should be counted as a fiber-
6 based collocator if it operates a fiber optic cable * * * extending from its collocation facility
7 within the wire center to a termination point located within the wire center area that is not owned
8 or controlled by [the ILEC] (e.g., a fiber loop extending to a business), and meets all other
9 criteria under the FCC definition.”⁴⁹ The Disputed Carrier here fits that description.

10 In a 2014 case in a neighboring state, CANNE again made the same argument, and the
11 Vermont Public Service Board similarly rejected it.⁵⁰ The Vermont decisions acknowledged
12 some intuitive and logical appeal of CANNE’s position, which is also true of the position that
13 Integra presses here, but explained that it is not the correct legal analysis. The Vermont Hearing
14 Officer observed that “there may be sound policy reasons for adopting [CANNE’s] interpretation
15 of the FCC’s rules * * *. Such an interpretation would advance competition by ensuring that
16 only those collocators that are actually capable of offering the types of services a competitor
17 might demand are used to determine the state of competition.”⁵¹ But the agency rightfully
18 concluded that under federal law, leaving the premises means leaving the “discrete facilities of
19 an ILEC: buildings, structures, and realty.”⁵² As the Hearing Officer explained, “[w]hile there is

20 ⁴⁶ *Id.*

21 ⁴⁷ *Id.*

22 ⁴⁸ *Id.*

23 ⁴⁹ *Id.*

24 ⁵⁰ *Petition of CLEC Association of Northern New England, Inc and its Affected Members for*
25 *Review of Proposed Wire Center Reclassifications*, Order, Docket No. 7958, 2014 WL 2702702,
26 at *16-*20 (Vermont Public Service Board June 9, 2014) (“Vermont Order”) (“The definition of
‘wire center premises’ clearly applies only to the physical structure, not to the broader area in
which service is provided.”).

⁵¹ *Id.* at *10.

⁵² *Id.*

1 some logic to the notion that such capability of providing transport, in economic terms, might be
2 pegged to collocation arrangements involving facilities that themselves involve transport, there is
3 simply no basis to conclude this is what the FCC intended.”⁵³

4 Not all state commissions or state commission staffs have necessarily taken this same
5 position, but statements to the contrary that Staff has encountered are drawn from cases
6 involving the issue of whether cross-connected carriers meet the criteria to qualify as fiber-based
7 collocators.⁵⁴ Such cases are poor comparators—cross-connects do not leave the wire center
8 building or structure and therefore do not present the same analytical issues that we see here.
9 The Commission should follow the more recent, reasoned, and analogous lead of the New
10 Hampshire and Vermont decisions, which are consistent with the text and structure of the rules.

11 **B. Classifying the Disputed Carrier as a fiber-based collocator is consistent with**
12 **the FCC’s intent to develop a proxy that measures competitive potential,**
13 **rather than a direct measure of actual competition for inter-office transport.**

14 Staff’s interpretation of “fiber-based collocator” is consistent with the FCC’s intent,
15 expressed in its rulemaking orders, to develop a proxy to measure competitive potential.⁵⁵ The
16 FCC determined that the “best and most readily administrated indicator of the *potential* for
17 competitive deployment is the presence of fiber-based collocators in a wire center.”⁵⁶ Requiring
18 fiber-based collocators to actually have deployed alternative inter-office transport facilities,

19 _____
⁵³ *Id.*

20 ⁵⁴ See, e.g., *Indiana Bell Telephone Company, Inc for Expedited Resolution of Dispute with*
21 *Nuvox Communications Inc Regarding Non-Impaired Wire Centers*, Final Order, Docket No.
22 42986, 2007 WL 3333686, at *37-*38 (Indiana Utility Regulatory Commission Aug. 15, 2007)
(mentioning that a “CLEC must operate an inter-office fiber network” to qualify as a fiber-based
23 collocator in a decision holding that cross-connects do not qualify); *In re SBC Michigan and*
24 *Verizon*, Order, Docket No. U-14447, 2005 WL 2291954 (Mich. Public Service Commission
25 Sept. 20, 2005) (noting Commission Staff’s view that “each counted fiber-based collocator must
26 have entrance and exit facilities” in a decision holding that cross-connects do not qualify).

⁵⁵ See *Pacific Bell Telephone Company*, 621 F3d at 848 (“In general, the plain meaning of an
administrative regulation controls. * * * The plain language of a regulation does not control if
‘clearly expressed administrative intent is to the contrary or if such plain meaning would lead to
absurd results.’”).

⁵⁶ *TRRO* at ¶ 93 (emphasis added).

1 while perhaps intuitively appealing, is not consistent with the FCC's proxy approach for
2 estimating potential for deployment. Doing so would convert the proxy into an actual measure.

3 When it adopted the current impairment test, the FCC chose not to require direct
4 measurement of deployment of competitive inter-office transport alternatives. Rather, the FCC
5 looked for where it could infer that CLECs have the ability to overcome barriers to entry and
6 deploy new networks. It recognized a correlation between the number of fiber-based
7 collocations in a wire center and revenue opportunities sufficient to support building competitive
8 facilities in the area served by that wire center.⁵⁷ The three-tier classification of ILEC wire
9 centers reflects their relative level of these indicia of the potential revenues and suitability for
10 competitive transport deployment.⁵⁸ The FCC explicitly discusses the tiers in terms of showing
11 *likelihood for competition*, not a description of current competition: "Tier 1 wire centers are
12 those with the highest likelihood for actual and potential competitive deployment, including
13 wholesale opportunities. Tier 2 wire centers also show a very significant but lesser likelihood of
14 actual and potential competitive deployment. Finally, Tier 3 wire centers are those that show
15 a generally low likelihood of supporting actual or potential competitive transport deployment."⁵⁹

16 The FCC had several justifications for taking this proxy approach. Such an approach is
17 easy to administer because it relies on objective criteria and data to which ILECs have ready
18 access.⁶⁰ The FCC justified relying on inference by citing the record, explaining that it chose
19 "thresholds * * * where deployment is possible * * * because significant actual deployment is
20 evident at wire centers, or similar wire centers, where [the FCC found] no impairment."⁶¹

21
22
23 ⁵⁷ See *TRRO* ¶ 59; *id.* ¶ 96 (noting that "a sufficient degree of such collocation indicates the
24 duplicability of these network elements and, thus, a lack of impairment")

25 ⁵⁸ See *id.* ¶ 111.

26 ⁵⁹ *Id.*

⁶⁰ *Id.* ¶ 99.

⁶¹ *Id.* ¶¶ 43-44, 92.

1 At bottom, the FCC's fiber-based collocator test is designed to be "a reasonable
2 approximation of the state of competition."⁶² Requiring every fiber-based collocator to have
3 alternative inter-office transport would not be an approximation; it would be an actual measure.
4 However desirable that may seem, it is not the system that the FCC designed.

5 The FCC chose fiber-based collocation as the proxy not because it directly measures a
6 particular transmission facility, but because it represents potential revenue opportunities. In the
7 FCC's view, "fiber-based collocation provides a reasonable proxy for where significant revenue
8 opportunities exist for competitive LECs, regardless of the size, density, or geographic attributes
9 of the wire center, because it identifies competition in both large and small incumbent LEC wire
10 centers."⁶³ The FCC used a disjunctive approach to classifying wire centers into tiers (based on
11 either fiber-based-collocator or business-line counts) in order to "capture * * * relatively smaller
12 offices that, through fiber-based collocation, display signs of significant potential revenues."⁶⁴

13 The interpretation that Staff advocates is consistent with another context in which the
14 FCC used collocation as a metric to measure competitive circumstances. In 1999, the FCC
15 established a framework for granting pricing flexibility to price cap ILECs for special access and
16 dedicated transport services.⁶⁵ That framework allowed the Commission to grant pricing
17 flexibility based on whether and to what extent CLECs had collocated in ILEC wire centers. But
18 unlike in the UNE context, where collocation is used to measure competitive potential, in the
19 pricing flexibility context, collocation is used to show that irreversible, sunk investments have
20 been made in the facilities needed to provide the services at issue. Accordingly, to obtain pricing
21 flexibility, a price cap ILEC had to meet an additional requirement. It also needed to show, for
22 each wire center, that at least one also collocator relied on transport facilities provided by an

23 ⁶² Vermont Order, 2014 WL 2702702, at *16-*17.

24 ⁶³ *TRRO* ¶ 101.

25 ⁶⁴ *Id.*

26 ⁶⁵ See *Access Charge Reform*, CC Docket No. 96-262, Fifth Report and Order, 14 FCC Rcd 14,221 (1999) ("*Pricing Flexibility Order*"), *aff'd*, *WorldCom, Inc v. FCC*, 238 F3d 449 (DC Cir 2001). The pricing flexibility rules were later suspended by the FCC.

1 entity other than the ILEC.⁶⁶ This alternative transport requirement added to the required
2 collocation counts in the pricing flexibility context—but the FCC included no such additional
3 requirement in the UNE context, despite citing the *Pricing Flexibility Order* in the *Triennial*
4 *Review Remand Order*. This contrast underscores why, in this proceeding, the Commission
5 should not interpret fiber-based collocation to include an extra-textual alternative inter-office
6 transport requirement.

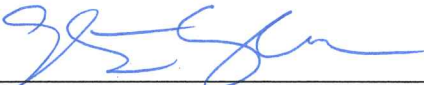
7 **IV. CONCLUSION**

8 For the foregoing reasons, the Disputed Carrier meets the criteria to be counted as a fiber-
9 based collocator. The Commission should therefore grant CenturyLink’s petition and reclassify
10 the Oregon City wire center as Tier 1 and reclassify the Corvallis wire center as Tier 2.

11
12 DATED this 17th day of January, 2018.

13 Respectfully submitted,

14 ELLEN F. ROSENBLUM
15 Attorney General

16 
17 _____
18 Elizabeth B. Uzelac, OSB # 170507
19 Assistant Attorney General
20 Of Attorneys for Staff of the Public Utility
21 Commission of Oregon

22
23
24
25
26 ⁶⁶ See *WorldCom, Inc.*, 238 F3d at 456-47 (“In addition, at least one competitor must rely on transport facilities provided by a non-incumbent LEC in each wire center relied on in the applicant LEC’s petition.”).