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PUBLIC VERSION OF LETTER

August 5, 2005

Honorable Allan Arlow
Administrative Law Judge
Public Utility Commission of Oregon
P. O. Box 2148
Salem, OR 97308-2148

Re: UX 29- Qwest's Request for Access Line Information for Facilities-based CLECs

Dear Judge Arlow:

As Your Honor knows, on March 16, 2005, you issued your Ruling: Commission Request for Production of Information, which included the CLEC Survey of Competition in Oregon.¹ In that Ruling, which also attached the modified protective order (Order No. 05-124) that you had issued the day before, you advised the responding CLECs as follows:

If a carrier takes the position that certain information in Appendix A should not be released to the UX 29 parties under the Modified Protective Order, then the carrier *must identify the information request, or part thereof, to which it objects*. For each such objection, *the carrier shall set forth all reasons supporting its objection*. (Emphasis added.)²

Once designated, the carrier's confidential or highly-confidential information will not be released to the parties *unless a party requests such information*. In the event any party requests any confidential or highly-confidential information of a CLEC responding to this bench request, *the Commission or its Staff will promptly contact any affected CLEC and allow such CLEC to raise any objections to such disclosure within seven (7) days of such notice*. Any determination of disclosure of confidential or highly-confidential CLEC information which is objected to by the CLEC providing such information will be made solely by the Commission or the Administrative Law Judge. If the Commission or the Administrative Law Judge determines to disclose any confidential or highly-confidential

¹ This ruling and bench request emanated from an unopposed and unobjected draft ruling based on Your Honor's bench requests in the TRO docket, UM 1100. (See email of March 9, 2005 from the undersigned to Your Honor.)

² Since Qwest has not reviewed the responses at issue, Qwest does not know whether any of these CLECs set forth all reasons supporting its objections, or whether these CLECs merely objected, or merely designated their information confidential or highly confidential, without any explanation or reason.

PUBLIC VERSION

information to any party in the docket, *any such disclosure would be subject to the protections afforded by the Modified Protective Order.* (Emphasis added.)

On July 27, 2005, Commission Staff issued its Survey Report. That report, however, is of limited usefulness, in part because this data is incomplete.³ Because of these problems with the survey, Qwest was unable to use much of the survey results in its direct testimony, which it is filing today, and instead was forced to rely almost exclusively on its internal wholesale data. However, Qwest does not have any internal wholesale data that would capture full facilities-based access lines because those lines, by definition, bypass Qwest's facilities.

Accordingly, in order to effectively prepare subsequent testimony, such as its rebuttal testimony, it is necessary for Qwest to obtain and review the underlying raw data for the ten (10) CLECs who reported non-zero data for facilities-based access lines. These CLECs, and the designation that they gave to their facilities-based access line data, are as follows:

[Confidential Data Redacted in Public Version of Letter]

CLEC A	Highly Confidential
CLEC B	Confidential
CLEC C	Confidential
CLEC D	Confidential
CLEC E	Confidential
CLEC F	Confidential
CLEC G	Confidential
CLEC H	Confidential
CLEC I	Not Confidential
CLEC J	Highly Confidential

Accordingly, pursuant to Your Honor's March 16, 2005 Ruling, Qwest requests all facilities-based access line data of the 10 CLECs listed above, including the data of the nine CLECs listed above who designated such information as confidential or highly-confidential. Qwest is limiting its request solely to these 10 CLECs, and solely to their facilities-based access line data. Qwest further respectfully requests that the Commission or its Staff promptly contact any affected CLEC to allow such CLEC to raise any objections to such disclosure within seven (7) days of such notice, as set forth in the Ruling.

³ For example, although the Survey represents a good effort to obtain competitive information from CLECs, the Survey Results as contained in Staff's July 27th report do not provide a complete picture of the level of competition in the Oregon business switched services market. First, several CLECs apparently did not respond to the survey, and thus the reported CLEC line counts are, in aggregate, understated. Second, in order to protect the identity of CLECs, the report redacts all CLEC line data for rate centers and/or services that have *less than four participating CLECs*. Thus, there are no line quantities for various services in various rate centers, and some access lines are not reported at all. This redaction is most problematic in the more rural wire centers that often have fewer than four reporting CLECs. Third, the Survey Results Report does not contain any of the pricing information requested of CLECs. It is clear that the Survey Results, as provided in the Staff Report, significantly understates the overall level of switched business services competition in Oregon. The level of understatement varies by rate center and by service.

Letter to Honorable Allan Arlow

August 5, 2005

Page 3

PUBLIC VERSION

Finally, Qwest understands from Staff that there is at least one major facilities based CLEC ([**Confidential**-CLEC K]) that did not respond to the survey. Qwest kindly requests the Commission or its Staff issue a subpoena to this CLEC to obtain this critical data, given that it has apparently disregarded Your Honor's Ruling and bench request, as well as Staff's follow-ups with the CLEC. Qwest's request for a subpoena is likewise limited solely to the facilities-based access line data.

Thank you for your attention to this matter. If you have any questions about this request, please feel free to call me at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alex M. Duarte', written in a cursive style.

Alex M. Duarte

cc Service List

CERTIFICATE OF SERVICE

UX-29

I hereby certify that on the 5th day of August, 2005, I served the foregoing **QWEST CORPORATION'S LETTER TO THE HONORABLE ALLAN ARLOW** in the above entitled docket on the following persons via U.S. Mail (or via e-mail if so indicated), by mailing a correct copy to them in a sealed envelope, with postage prepaid, addressed to them at their regular office address shown below, and deposited in the U.S. post office at Portland, Oregon.

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DATED this 5th day of August, 2005.

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