

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1251

In the Matter of	)	
	)	
COVAD COMMUNICATIONS COMPANY,	)	
ESCHELON TELECOM OF OREGON, INC.,	)	
INTEGRA TELECOM OF OREGON, INC.,	)	
MCLEODUSA TELECOMMUNICATIONS	)	RULING
SERVICES, INC., and XO	)	
COMMUNICATIONS SERVICES, INC.	)	
	)	
Request for Commission Approval of	)	
Non-Impairment Wire Center List.	)	

**DISPOSITION: BENCH REQUEST ISSUED; MOTION TO AMEND  
PROTECTIVE ORDER GRANTED**

On February 15, 2006, five competitive local exchange carriers (CLECs) – Covad Communications Company, Eschelon Telecom of Oregon, Inc., Integra Telecom of Oregon, Inc., McLeodUSA Telecommunications Services, Inc., and XO Communications Services, Inc. (Joint CLECs) – filed a petition for Commission approval of a list of non-impaired wire centers. With that petition, the Joint CLECs requested that the Commission compel Qwest Corporation (Qwest) to answer certain questions to determine whether the list of non-impaired wire centers established by Qwest was proper. On February 28, 2006, Qwest moved for a protective order and for the Commission to compel Qwest to provide certain information, different from that sought by the Joint CLECs. A protective order was issued on March 10, 2006. *See* Order No. 06-110. On March 14, 2006, a prehearing conference was held and the parties agreed to discuss these issues further.

**Bench Request**

On March 22, 2006, Qwest revised its motion to compel, adopting the questions put forth by the Joint CLECs. It indicates that it circulated the proposed list and no party objected. Qwest asserts that data disclosing the business line counts and locations of fiber collocations for individual CLECs may be protected under section 222 of the Telecommunications Act of 1996, and pursuant to other federal and state privacy laws. Qwest will not produce such data absent an order from the Commission compelling it to do so. Without an order compelling it to do so, Qwest may not lawfully be able to produce disaggregated data that can be matched to individual CLECs.

To permit parties to conduct full and thorough analyses of wire center data in this proceeding, Qwest must produce, with its direct testimony, the highly confidential data in response to the bench requests that are attached as Appendix A, pursuant to the protective order as modified below.

### **Motion for Modified Protective Order**

On March 22, 2006, Qwest moved to amend the protective order issued in this case, stating that Qwest has conferred with the other parties in this docket and there were no objections to the proposed protective order, which had been used in Commission docket UM 1100. Qwest requests that the proposed protective order supersede Order No. 06-110.

Based on prior experience, Qwest anticipates that parties will want to review the wire center data that Qwest produces on a CLEC-specific basis to determine the numbers of business access lines and fiber-based collocations that each CLEC has in a particular wire center. By having this information specific to each CLEC instead of in an aggregated form, the Commission and parties will be able to conduct their own calculations of the total numbers of business lines and fiber-based collocators reflected in Qwest's data. These "bottom up" calculations would not be possible with aggregated data masking the identities of individual CLECs, and use of aggregated data, therefore, would reduce the likelihood of the parties to this proceeding eventually agreeing upon the counts in wire centers.

A modified protective order is needed in this proceeding because the information discussed above includes certain highly confidential wire center data, including highly confidential CLEC-specific data that both Qwest and the CLECs in this proceeding agree should be protected by a modified protective order that contains protections and limited disclosures of highly confidential information. Qwest expects it will be required to produce certain highly confidential information or data essential to this proceeding in a disaggregated form that will permit parties to match specific data with specific CLECs, both in testimony and in response to discovery requests. Qwest seeks this modified protective order because CLEC-specific wire center data likely will be demanded by parties in this proceeding for the purposes of calculating business line counts and fiber-based collocators in specific wire centers.

For these reasons, the motion for a modified protective order is granted. The modified protective order, to be issued separately on this date, will supersede Order No. 06-110.

Dated at Salem, Oregon, this 24th day of March, 2006.

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Christina M. Smith  
Administrative Law Judge

## **Bench Requests to Qwest Corporation in Docket UM 1251 (TRRO)**

1. Please provide a list of wire centers Qwest Corporation's (Qwest) service territory in Oregon that will be designated as "non-impaired" pursuant to the final rule in Appendix B of the FCC's Triennial Review Remand Order (TRRO) and specifically identify each wire center on the list for DS1 and DS3 Loops, and DS1, DS3 and Dark Fiber transport.

2. Please identify for each wire center whether it is classified as a Tier 1 or Tier 2 wire center, and whether the calculation is based on the number of fiber-based collocators (include the names of the collocators), or the number of business lines (line counts by each carrier), or both.

3. For each of the wire centers listed as "non-impaired" in Oregon, please provide a descriptive explanation and data necessary for the Commission and other participants to validate. The underlying data, at minimum, should include the following:

- (i) The total number of fiber-based collocators as defined in 47 C.F.R. § 51.5.
- (ii) The date on which the number of fiber-based collocators was determined.
- (iii) The name of each fiber-based collocator.
- (iv) If Qwest requested affirmation from a carrier regarding whether or not the carrier, if included in part (iii) above, was a fiber-based collocator, please provide documents to support whether the carrier affirmed, denied or did not respond to Qwest's request.
- (v) The total number of business lines as defined in 47 C.F.R. § 51.5.
- (vi) The date on which the business line counts data was calculated.  
Note: If different components of the business line counts come from sources representing different points in time, then each component should be identified and the corresponding date for each component provided.
- (vii) Total Qwest business switched access lines.
- (viii) If the methodology used to determine the line counts in (vii) above differ from the methodology used to determine switched business line counts for ARMIS 43-08, describe the differences and any data that would allow the Commission or participants to reconcile this data.
- (ix) Total UNE Loops for each CLEC.
- (x) Number of UNE Loops, for each CLEC, provided in combination with Qwest switching (e.g. UNE-P, QPP, or other Qwest Commercial arrangement).
- (xi) Number of UNE Loops, for each CLEC, where Qwest does not provide switching.

- (xii) If different from (x) above, the number of business loops, for each CLEC, provided in combination with Qwest switching (e.g. UNE-P, QPP, or other Qwest Commercial arrangement). If this information is not available, indicate whether the response to (x) includes both business and residential loops.
- (xiii) If different from (xi) above, the number of switched business loops, for each CLEC, where Qwest does not provide switching. If this information is not available, indicate whether the response to (xi) includes both business and residential loops, switched and non-switched loops.
- (xiv) If the total of UNE Loops in (x) and (xi) above does not equal (ix) above, explain the difference, including any data that would allow participants to reconcile this data.
- (xv) Provide all underlying data, calculations and any description used to count digital access lines on a 64-kbps-equivalent basis for the counts in (vii) and (xi) above.
- (xvi) Verify that line counts associated with remote switch locations are associated with the remote and not the host switch. If this is not the case, explain why not.

4. If the calculation of number of lines (or inclusion of certain lines) is based on a directive from the FCC as Qwest has previously indicated, please provide the detailed citations of the FCC's decision(s).