



600 University Street, Suite 3600
Seattle, Washington 98101
main 206.624.0900
fax 206.386.7500
www.stoel.com

February 23, 2006

TIMOTHY J. O'CONNELL
Direct (206) 386-7562
tjoconnell@stoel.com

Ms. Cheryl Walker
Oregon Public Utility Commission
550 Capitol Street NE
Suite 215
Salem, OR 97301-2551

**Re: TRRO/Request for Commission Approval of Wire Center Lists;
Docket No. UM 1251**

Dear Ms. Walker:

Verizon Northwest Inc. ("Verizon") responds through this letter to the filing submitted by the "Joint CLECs"¹ to the Commission on February 15, 2006. The Joint CLECs request the commencement of a proceeding to provide for Commission review and approval of the list of incumbent local exchange carrier ("ILEC") wire centers designated as non-impaired for purposes of implementing the Triennial Review Remand Order ("TRRO").² Because the rationale offered by the Joint CLECs on the necessity of such a proceeding is inapplicable to Verizon, Verizon should not be included in any proceeding commenced for this purpose.

The Joint CLECs advance only one reason for the commencement of a proceeding: Qwest's alleged refusal to accept new orders for particular unbundled network elements ("UNEs") in wire centers that Qwest has identified as non-impaired. According to the Joint CLECs, Qwest's approach "would improperly shift the burden to CLECs to bring disputes to the Commission before Qwest will process orders, instead of Qwest's raising a dispute with the Commission after processing an order per the FCC default process."

Verizon does not follow the approach the Joint CLECs ascribe to Qwest. Instead, for wire centers that Verizon identifies as non-impaired (of which there currently are none in Oregon for high-capacity loops and only 3 for high-capacity transport: two at the Tier 1 level, and one at the

¹ The "Joint CLECs" are identified in the letter as Covad Communications Company, Eschelon Telecom of Oregon, Inc., Integra Telecom of Oregon, Inc., McLeodUSA Telecommunications Services, Inc., and XO Communications Services, Inc.

² Order on Remand, *In re Unbundled Access to Network Elements*, FCC 04-290, WC Docket No. 04-313 and CC Docket No. 01-338 (rel. Feb. 4, 2005).



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Tier 2 level), Verizon processes UNE orders as UNEs and then subsequently initiates the dispute resolution process with the carrier, as specified by the FCC in the *TRRO*. Thus, the sole reason cited by the Joint CLECs on the necessity of a Commission proceeding – i.e., that the FCC default process is not being followed – does not apply to Verizon.

Moreover, there is no need for the Commission to order Verizon to provide the data underlying its wire center classifications, because Verizon already makes this information available to any requesting CLEC, upon execution of an appropriate non-disclosure agreement.

The Joint CLECs' citation to the Washington Commission is misplaced; that commission's opinion that a wire center investigation would be more efficient than following the FCC's provision-then-dispute process is at odds with the rulings of most other state commissions, which correctly concluded that a blanket pre-verification process would be inefficient, as well as contrary to the approach the FCC ordered. For example, the Massachusetts Department of Telecommunications and Energy found that "[t]he FCC's process for resolving disputes is more efficient than litigating the matter before an actual dispute arises"³ and that "[t]here is no basis or authority on the Department's part to contravene or deviate from the FCC's decision."⁴ The Florida Commission, likewise, concluded that "[n]owhere in the *TRRO* does it imply or express that state Commission should conduct a proceeding to verify wire center designations until and unless a dispute is brought before them."⁵ The Florida Commission also recognized that there was no need to order Verizon to provide back-up data for its wire center designations, because Verizon had already made those data available.⁶ And the Pennsylvania Commission recently rejected an Arbitrator's recommendation for a wire center verification proceeding, because "use of Commission resources in this manner would not be efficient" and would be inconsistent with the process established in the *TRRO*.⁷

³ Arbitration Order, *Petition of Verizon New England, Inc. for Arbitration of Interconnection Agreements*, D.T.E. 04-33, at 279 (July 14, 2005).

⁴ *Id.* at 280.

⁵ Arbitration Order, *Petition for Arbitration of Amendment to Interconnection Agreements*, Order No. PSC-05-1200-FOF-TP, at 36 (Dec. 5, 2005).

⁶ *Id.* at 35.

⁷ Opinion and Order, *Petition of Verizon Penn. Inc. and Verizon North Inc. for Arbitration of an Amendment to Interconnection Agreements*, P-00042092, at 40 (Feb. 21, 2006).



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For all the reasons set forth in this letter, Verizon respectfully requests that it not be included in any proceeding regarding non-impaired wire center designations that the Commission commences.

Very truly yours,

FOIA Timothy J. O'Connell

cc: Service list

SERVICE LIST

Covad Communications Company
Greg Diamond
Senior Counsel
7901 E. Lowry Boulevard
Denver, CO 80230
Email: gdiamond@covad.com

Sarah K. Wallace
Attorney at Law
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2300
Portland, OR 97201
Email: sarahwallace@dwt.com

Eschelon Telecom of Oregon, Inc.
Karen L. Clauson
Senior Director Interconnection/Senior Attorney
730 Second Avenue S., Suite 900
Minneapolis, MN 55402-2489
Email: kclauson@eschelon.com

Integra Telecom of Oregon, Inc.
Karen Johnson
Corporate Regulatory Attorney
1201 NE Lloyd Blvd., Suite 500
Portland, OR 97232
Email: Karen.johnson@integratelecom.com

McLeodUSA Telecommunications Services, Inc.
William Haas
Regulatory Contact
6400 C Street SW
P.O. Box 3177
Cedar Rapids, IA 52406-3177
Email: whaas@mcleodusa.com

XO Communications Services
Rex Knowles
Regulatory Contact
111 East Broadway, Suite 1000
Salt Lake City, UT 84111
Email: rex.knowles@xo.com

Qwest Corporation
Alex Duarte
Corporate Counsel
421 SW Oak St., Suite 810
Portland, OR 97204
Email: alex.duarte@qwest.com