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May 19, 2006

Filing Center
Public Utility Commission of Oregon
550 Capitol St NE, Suite 215
Salem, OR 97308-2148

Re: UM 1251: Rebuttal Testimony of Douglas Denney (Joint CLECs/1-12)

Dear Filing Center:

Enclosed for filing are the original and five copies of the following:

- Exhibit Joint CLECs/1 Rebuttal Testimony of Douglas Denney on Behalf of the Joint CLECs (Highly Confidential and Public Versions)
- Exhibits Joint CLECs/2-12 Exhibits to the Rebuttal Testimony of Douglas Denney (Highly Confidential and Public Versions)

An electronic copy of the public version of Mr. Denney's testimony was sent to the Filing Center and the parties on the service list today. Please let me know if you have any questions.

Very truly yours,

Davis Wright Tremaine LLP

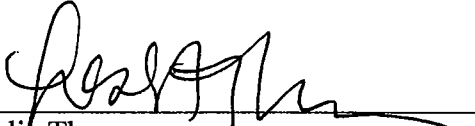
Leslie Thompson
Assistant to Sarah K. Wallace

CERTIFICATE OF SERVICE
UM 1251

I hereby certify on this 19th day of May, 2006, true and correct copies of the Rebuttal Testimony of Douglas Denney on Behalf of the Joint CLECs was served via electronic and U.S. mail on the following parties:

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DAVIS WRIGHT TREMAINE LLP

By: 
Leslie Thompson

BEFORE THE PUBLIC UTILITIES COMMISSION OF OREGON

UM 1251

In the Matter of

COVAD COMMUNICATIONS COMPANY,
ESCHELON TELECOM OF OREGON, INC.,
INTEGRA TELECOM OF OREGON, INC.,
MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC., and XO COMMUNICATIONS
SERVICES, INC.

Request for Commission Approval of Non-
Impairment Wire Center List.

REBUTTAL TESTIMONY OF

DOUGLAS DENNEY

**ON BEHALF OF ESCHELON TELECOM, INC., COVAD COMMUNICATIONS
CORPORATION, AND XO COMMUNICATIONS SERVICES, INC.
(THE "JOINT CLECs")**

PUBLIC VERSION

MAY 19, 2006

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I. INTRODUCTION

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Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Douglas Denney. I work at 730 2nd Avenue South, Suite 900, in Minneapolis, Minnesota.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by Eschelon Telecom, Inc., as Senior Manager of Costs and Policy. My responsibilities include negotiating interconnection agreements, monitoring, reviewing and analyzing the wholesale costs Eschelon pays to carriers such as Qwest, and representing Eschelon in regulatory proceedings.

Q. PLEASE DESCRIBE YOUR EDUCATION AND PROFESSIONAL BACKGROUND.

A. I received a B.S. degree in Business Management in 1988. I spent three years doing graduate work at the University of Arizona in Economics, and then I transferred to Oregon State University where I have completed all the requirements for a Ph.D. except my dissertation. My field of study was Industrial Organization, and I focused on cost models and the measurement of market power. I taught a variety of economics courses at the University of Arizona and Oregon State University. I was hired by AT&T in December 1996 and spent most of my time with AT&T analyzing cost models. In December 2004, I was hired by Eschelon Telecom, Inc., where I am presently employed.

I have participated in over 30 proceedings in the 14-state Qwest region. Much of my prior testimony involved cost models — including the HAI Model, BCPM,

1 GTE's ICM, U S WEST's UNE cost models, and the FCC's Synthesis Model. I
2 have also testified about issues relating to the wholesale cost of local service —
3 including universal service funding, unbundled network element pricing,
4 geographic deaveraging, and competitive local exchange carrier access rates.

5 **Q. HAVE YOU PREVIOUSLY TESTIFIED IN OREGON?**

6 A. Yes, I have participated in numerous dockets in Oregon. I have testified in
7 multiple phases of docket UM 731 regarding universal service, UT 148 regarding
8 Qwest's unbundled loop rate, and UT 138/139 regarding the mapping of building
9 blocks to unbundled network elements. In addition, I participated in numerous
10 workshops in UM 125 regarding Qwest unbundled network elements. Most
11 recently I filed testimony on behalf of Eschelon Telecom, Inc., in docket UX 29
12 regarding Qwest's petition for deregulation of business services.

13 **Q. WHAT IS THE PURPOSE OF THIS TESTIMONY?**

14 A. My testimony addresses a number of concerns relating to impairment designations
15 and the transition from UNEs to non-TELRIC priced network elements.

16 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

17 A. I provide the Commission with the results of the Joint CLECs' investigation of
18 Qwest's wire center data. I explain why the Commission should reject Qwest's
19 methodology for counting fiber-based collocators and switched business access
20 lines. I present the Joint CLECs' analysis of the data which comports with the
21 FCC's rules. I also offer for the Commission's consideration a proposal for
22 addressing future changes in wire center classifications. Qwest has stated that it

1 intends to block CLEC orders for UNEs in unimpaired wire centers, and I explain
2 why doing so would violate the FCC's order. In addition, I show why Qwest's
3 proposed process for "conversions" is both highly inefficient and overly
4 burdensome to CLECs and why Qwest's proposed non-recurring charge is
5 inappropriate.

6 **Table 1: Summary of Joint CLEC's Investigation of Qwest's Wire Center List**

Wire Center	CLLI(8)	Wire Center Designation	
		Qwest	Joint CLECs
Eugene 10th Ave	EUGNOR53	T1	T2
Medford	MDFDOR33	T1	T3
Portland Belmont	PTLDOR13	T1	T2
Portland Capitol	PTLDOR69	T1, DS1 & DS3 Loops	T1, DS3 Loops
Salem State (Main)	SALMOR58	T1	T2
Bend	BENDOR24	T2	T3
Portland Alpine	PTLDOR11	T2	T3

7
8 **Q. BEFORE WE GET INTO THE SUBSTANCE OF YOUR TESTIMONY,**
9 **PLEASE DESCRIBE HOW IT IS ORGANIZED.**

10 A. My testimony is divided into seven sections. Following Section I's introduction
11 and summary, Section II focuses on fiber-based collocation. This section explains
12 the role that fiber-based collocations plays in the determination of "non-impaired"
13 status for Qwest wire centers and explains the shortcomings and discrepancies in
14 the data provided by Qwest. Section III focuses on the switched business line
15 count data. This section describes how Qwest manipulated the switch business
16 line count data and as a result erroneously claims "non-impaired" status in a
17 number of wire centers. Section IV discusses the importance of an explicit and
18 timely process for Qwest to make future updates to the wire center list. Section V

1 explains why it is important that Qwest not be able to unilaterally block orders in
2 wire centers, even after they are determined to be “non-impaired.” Any process
3 for blocking orders should be agreed upon between CLECs and Qwest. Section
4 VI describes the appropriate non-recurring charge (“NRC”) for the transitioning
5 of facilities from unbundled network elements (“UNEs”) to alternative
6 arrangements such as special access or private line circuits. This section
7 describes why the charge Qwest proposes to impose is inappropriate, not cost-
8 based, and ignores Commission orders regarding non-recurring cost. Finally,
9 Section VII concludes my testimony.

10 **Q. ARE THERE ANY EXHIBITS TO YOUR TESTIMONY?**

11 A. Yes, there are a number of exhibits to this testimony. The exhibits are described
12 below:

13 **JOINT CLECS/2:** Contains a number of Qwest’s non-confidential data
14 responses to the Joint CLEC data requests. These include:

15 Joint CLEC Data Request (“JCDR”) 01-007: Qwest explains some manual
16 processes that have been put into place in an attempt to ensure that the
17 CLEC’s customer’s service is not disrupted during the transition from
18 UNEs to Private Line/Special Access.

19 JCDR 01-009: Qwest describes another instance where a customer can be
20 put out of service as a result of Qwest’s UNE transition process.

21 JCDR 01-017: Qwest explains activities the SDC must perform during the
22 conversion of UNEs to Special Access/Private Line circuits to minimize
23 the risk of the CLEC’s end-user customer being taken out of service.

24 JCDR 01-019: Qwest further explains activities the SDC must perform
25 during the conversion of UNEs to Special Access/Private Line circuits to
26 minimize the risk of the CLEC’s end-user customer being taken out of
27 service.

28 JCDR 01-020: Qwest explains the role the Designer performs in an
29 attempt to ensure that the CLEC end-user customer service is not

1 disrupted as a result of Qwest's proposed conversion process from UNEs
2 to Special Access/Private Line circuits.

3 JCDR 01-023: Qwest explains that certain provisioning steps were put in
4 place during the conversion of UNEs to Special Access/Private Line
5 circuits in an attempt to protect against disruption of service to the
6 CLEC's end-user customer.

7 JCDR 01-025: Qwest indicates that prior to April 2005 it did not require a
8 change in the circuit ID when a CLEC requested a conversion from
9 Private Line/Special Access to EEL. When Qwest implemented the
10 change in the circuit ID, Qwest allowed CLECs to opt out of these
11 changes for their embedded base.

12 JCDR 01-026: Qwest clarifies that in the past when CLECs were given the
13 option of opting out of having their circuit ID changed, all of the CLECs
14 selected this option.

15 JCDR 01-029: Qwest indicates that for conversions of Special
16 Access/Private Line circuits to EEL circuits where the circuit ID did not
17 change, Qwest was properly managing service performance data for the
18 PID/PAP reporting.

19 JCDR 01-031: Qwest identifies the amount of the NRC it proposes to
20 charge CLECs for transitioning circuits from UNEs to Special
21 Access/Private Lines. In this data response Qwest also mentions that it
22 plans to update the definition of Design Change Charge in the FCC tariff,
23 apparently so that it fits Qwest's current proposal for the use of this rate.

24 JCDR 01-033: contains Qwest's objection to the production of line count
25 data corresponding with the effective date of the TRRO.

26 JCDR 01-036: Qwest confirms that CLEC residential lines served over
27 Qwest's loops were included in Qwest's switched business line counts for
28 the purposes of determining "non-impaired" status.

29 JCDR 01-037: Qwest confirms that CLEC non-switched lines served over
30 Qwest's loops were included in Qwest's switched business line counts for
31 the purposes of determining "non-impaired" status.

32 JCDR 01-043: verifying that the fiber-based collocations that Qwest
33 counted were in place as of February 2005, right before the
34 implementation of the TRRO.

35
36 **CONFIDENTIAL JOINT CLECS/3:** Contains a number of Qwest's
37 confidential data responses to the Joint CLEC data requests. These include:

1 JCDR 01-041: Confidential Attachment A lists whether or not carriers
2 responded to Qwest's letter requesting verification that the carrier was a
3 fiber-based collocator.

4 JCDR 01-044: Confidential Attachment B contains the letter Qwest sent to
5 CLECs asking CLECs to verify their fiber-based collocations.

6 JCDR 01-046: Confidential Attachment C, which includes details, for
7 each wire center, from Qwest's field verification of the fiber-based
8 collocations.

9 JCDR 01-047: Confidential Attachment D contains the letter Qwest sent to
10 its State Interconnection Managers asking for verification of fiber-based
11 collocations.

12 **JOINT CLECS/4:** Qwest non-confidential response to Commission bench
13 request BCH 01-002 Attachment A, describing the basis, line counts and/or fiber-
14 based collocations for each wire center where Qwest claims "non-impaired"
15 status.

16 **CONFIDENTIAL JOINT CLECS/5:** Qwest confidential responses to
17 Commission bench requests BCH 01-003, Confidential Attachment D. This
18 contains a comparison of ARMIS 43-08 switched business line counts with
19 Qwest's proposed adjusted ARMIS 43-08 switched business line counts.

20 **HIGHLY CONFIDENTIAL JOINT CLECS/6:** Qwest highly confidential
21 responses to Commission bench requests. These include:

22 BCH 01-002: Highly Confidential Attachment C contains CLEC specific
23 line counts by wire center by type of facility.

24 BCH 01-003: Highly Confidential Attachment A containing carrier
25 responses to Qwest's letter seeking confirmation that the carrier was a
26 fiber based collocator.

27 **JOINT CLECS/7:** ALJ decision from the State of Washington regarding its Wire
28 Center investigation

29 **JOINT CLECS/8:** A copy of Qwest's TRRO PCAT describing conversions from
30 UNEs to Special Access/Private Line circuits.

31 **JOINT CLECS/9:** A Change Request submitted by Qwest demonstrating its
32 intention to block CLEC orders in wire centers Qwest finds to be "non-impaired."
33 This can also be found at
34 http://www.qwest.com/wholesale/cmp/cr/CR_SCR083005-01.htm.

35 **JOINT CLECS/10:** A Verizon data response to a Washington Commission
36 bench request (Question 4, part viii), stating that the methodology Verizon used to

1 count its own switched business lines “is the same as the methodology used to
2 determine switched business line counts for ARMIS 43-08.”

3 **JOINT CLECS/11:** A copy of a notice Qwest sends to carriers indicating that
4 proprietary information related to that carrier will be confidentially provided in a
5 given docket.

6 **HIGHLY CONFIDENTIAL JOINT CLECS/12:** A highly confidential chart
7 detailing adjustments to Qwest’s 2003 switched business line count data.

8
9 **II. FIBER-BASED COLLOCATION**

10 **Q. WHAT ROLE DOES THE NUMBER OF FIBER-BASED COLLOCATORS**
11 **PLAY IN THE DETERMINATION OF WIRE CENTER “NON-**
12 **IMPAIRMENT” STATUS?**

13 A. The number of fiber-based collocators in each Qwest wire center plays a crucial
14 role in determining a wire center’s “non-impairment” status. If a wire center has
15 three fiber-based collocators, then that wire center is automatically classified as
16 Tier 2, and if it has four fiber-based collocators automatically classifies a wire
17 center as Tier 1.¹ Wire centers with four fiber-based collocators and the requisite
18 number of switched business lines (60,000 for DS1 loops and 38,000 for DS3
19 loops) are classified as “non-impaired” with respect to DS1 and/or DS3 UNE

¹ *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order on Remand, CC Docket No. 01-338, WC Docket No. 04-313, 20 FCC Rcd 2533, (2004) (“TRRO”) ¶66. The Tier status determines the availability of DS1, DS3 and Dark Fiber UNE transport. DS1 UNE transport is not available between Tier 1 wire centers. DS3 and Dark Fiber UNE transport is not available between wire centers designated as Tier 1 and/or Tier 2. Line counts can also play a role in determining the Tier status of a wire center and did so for most of the wire centers on Qwest’s list for Oregon. Offices with more than 38,000 switch business lines are classified as Tier 1 and offices with between 24,000 and 38,000 business lines are classified as Tier 2.

1 loops.² Of the seven Oregon wire centers where Qwest claims some level of
2 “non-impairment,” Qwest relies upon the number of fiber-based collocations in
3 whole or in part for three offices (Medford, Portland Belmont, Portland Capitol).³
4 For two additional offices (Eugene 10th Avenue, Salem State) Qwest provided
5 fiber-based collocation information. While Qwest relied upon line counts to
6 determine the Tier status of these two wire centers, the Joint CLECs also
7 evaluated the fiber-based collocation data provided, as this information, if
8 verifiable, can be used to support Tier 2 status in these wire centers even if the
9 line count data does not support Qwest’s claims.

10 **Q. WHAT INFORMATION DID QWEST PROVIDE FOR REVIEWING ITS**
11 **COUNTS OF FIBER-BASED COLLOCATORS?**

12 A. Highly Confidential Qwest/10, Torrence/1-2, contains a list of the names of the
13 fiber-based collocators for each office on the Qwest Wire Center List. In
14 addition, this exhibit indicates whether Qwest performed a “physical field
15 verification” of the CLEC fiber-based collocation.⁴ Ms. Torrence also provides a
16 list of changes to Qwest’s fiber-based collocation determinations that took place
17 as a result of Qwest’s review of its initial (February 18, 2005) list.⁵ Highly
18 Confidential Qwest/11, Torrence/1-2, provides a list of fiber-based collocation

² *TRRO* ¶146.

³ See JOINT CLECS/4, Data Response to BCH 01-002, Attachment A.

⁴ Although this exhibit indicates whether Qwest performed a field verification, it does not indicate whether the field verification was successful. In one case the field verification was unable to verify the information sought. As is discussed below, the fact that Qwest could not verify crucial facts did not stop Qwest from counting these CLECs as fiber-based collocators. (See also JOINT CLECS/3, Qwest’s response to Joint CLEC Data Request 01-046, Confidential Attachment C).

⁵ Qwest/7, Torrence/18, Table 1.

1 disputes and Qwest's resolution of the dispute. In addition, Qwest provided
2 information as to whether the carrier affirmatively responded to Qwest's letter
3 asking carriers to verify their status as a fiber-based collocator.⁶

4 **Q. WHAT ADDITIONAL INFORMATION DID QWEST SUPPLY IN**
5 **RESPONSE TO THE JOINT CLECS' DATA REQUESTS?**

6 A. In response to the Joint CLEC Data Requests, Qwest provided a copy of the letter
7 it sent to CLECs asking CLECs to verify whether or not they were fiber-based
8 collocators in certain Qwest offices.⁷ Further, Qwest verified that the fiber-based
9 collocators were operating both in December 2003 and February 2005,
10 eliminating concerns that the data was stale and no longer accurate as of the date
11 of the impairment determination.⁸ Finally, Qwest provided the spreadsheet
12 referenced in Qwest/7, Torrence/14, regarding details for the field verification of
13 fiber-based collocations.⁹

14 **Q. WHAT CONCLUSIONS DO THE JOINT CLECS REACH FROM THEIR**
15 **REVIEW OF THE QWEST FIBER-BASED COLLOCATION DATA?**

16 A. The information provided by Qwest does not fully support its list of "non-
17 impaired" wire centers that were based upon the fiber-based collocation data. I
18 found the following problems upon review of Qwest's data:

⁶ JOINT CLECS/5, Qwest's response to BCH 01-003, Highly Confidential Attachment A. It is important to note that if a CLEC did not respond to Qwest's request for verification of a fiber-based collocation, and most CLECs did not respond, Qwest interpreted this as CLEC agreement, rather than a CLEC dispute. As a result, Qwest counted these CLECs as fiber-based collocators.

⁷ JOINT CLECS/3, Qwest's response to JCDR 01-044, Confidential Attachment B.

⁸ JOINT CLECS/2, Qwest's response to JCDR 01-043.

1 1) Qwest sent a letter to carriers Qwest believed were fiber-based collocators and
2 asked the carriers to verify whether or not the carrier is a fiber-based collocator.
3 Qwest gave the carriers two weeks to respond¹⁰ and counted a carrier as a fiber-
4 based collocator even if the carrier failed to confirm this status. In response to
5 Joint CLEC DR 01-041,¹¹ Qwest indicates that eight of twelve carriers responded
6 to Qwest's letter. In Highly Confidential Attachment A to Qwest's response to
7 BCH 01-003,¹² however, Qwest provides responses for only six carriers. Of
8 these six carriers only three confirmed their fiber-based collocations. For the
9 other three responses, one carrier specifically instructs Qwest not to count its
10 collocations as fiber-based collocations until the carrier has an opportunity to
11 confirm; another carrier disputes that it should be counted as a fiber-based
12 collocator, and the final carrier's response simply informs Qwest that it sent its
13 letter to the wrong person. Qwest counted all three of these carriers as fiber-based
14 collocators.

15 2) Qwest attempted a field verification of the fiber-based collocations in
16 question. To do this, Qwest asked its Central Office Technicians and State
17 Interconnection Manager to verify the fiber-based collocations.¹³ The letter
18 Qwest sent was written in a way that encouraged Qwest employees to error on the
19 side of finding fiber-based collocations. The letter begins:

⁹ JOINT CLECS/3, Qwest's response to JCDR 01-046, Confidential Attachment C.

¹⁰ Qwest/7, Torrence/12, lines 8-12.

¹¹ See JOINT CLECS/2, JCDR 01-041, Confidential Attachment A.

¹² See JOINT CLECS/6, BCH 01-003 Highly Confidential Attachment A.

¹³ Qwest/7, Torrence/11, lines 13-14.

1 *****BEGIN CONFIDENTIAL***** [REDACTED]

2 [REDACTED]
3 [REDACTED]
4 [REDACTED] *****END CONFIDENTIAL***** ¹⁴

5 This letter casts doubt on whether Qwest's verification process was performed in
6 an objective manner.

7 3) Upon review of the "Collocation Verification Worksheets,"¹⁵ Qwest counted
8 one fiber-based collocator, without explanation, even though the Qwest was
9 unable to verify the carriers' information. Qwest states that the purpose of the
10 spreadsheet was to verify various aspects of the collocation including an
11 inspection of the name, power, and fiber facilities. In the Portland Belmont wire
12 center the field verification noted that one carrier does not have a fiber entrance;¹⁶
13 however, this did not stop Qwest from counting this carrier as fiber-based
14 collocator.

15 4) In the Medford office the status of two carriers that Qwest counted as fiber-
16 based collocators is in doubt. One carrier is in the process of bankruptcy and is
17 decommissioning its collocation.¹⁷ Clearly, this collocation does not provide a
18 fiber-based alternative for CLECs and should not be counted in the list of fiber-

¹⁴ See JOINT CLECS/3, JCDR 01-047, Confidential Attachment D.

¹⁵ See JOINT CLECS/3, JCDR 01-046, Confidential Attachment C.

¹⁶ See JOINT CLECS/3, JCDR 01-046, Confidential Attachment C – Portland Belmont worksheet.

¹⁷ See Qwest/11, Torrence/1-2.

1 based collocators. A second CLEC notified Qwest that it did not own or operate
2 its own fiber in the Medford office, but rather purchases transport from carriers
3 including Qwest.¹⁸ Qwest counted both of these carriers as fiber-based
4 collocators.¹⁹

5 **Q. HOW DID YOU MAKE YOUR DETERMINATION AS TO WHETHER A**
6 **WIRE CENTER REACHES TIER 1 OR TIER 2 STATUS?**

7 A. First, I looked at the carriers Qwest claimed were fiber-based collocators in each
8 office and in most cases attempted to contact these carriers to see if they could
9 verify their status.²⁰ Second, I looked at the information Qwest provided, such as
10 whether the carrier affirmatively told Qwest it was a fiber-based collocator, and I
11 reviewed the results of Qwest's field verification. Despite doubts about the field
12 verification process, if these results did not contradict any of the other information
13 in my possession, I counted these carriers as fiber-based collocators.

14 **Q. WHAT CONCLUSIONS CAN WE REACH WITH REGARD THE TIER**
15 **DESIGNATIONS OF THE WIRE CENTERS QWEST PROPOSES TO**
16 **PLACE ON THE WIRE CENTER LIST IN OREGON?**

¹⁸ See JOINT CLECS/6, BCH 01-003, Highly Confidential Attachment A.

¹⁹ Without sufficient evidence carriers should not be declared fiber-based collocators. A determination must be made based on the evidence provided whether Qwest's list of fiber-based collocations is accurate. Based upon the information provided thus far, the Joint CLECs cannot count these two fiber-based collocators. If Qwest provides further evidence for the fiber-based collocations in dispute, then the Joint CLECs will update the "non-impaired" status of the wire centers, where relevant.

²⁰ Because only four fiber-based collocators are necessary for Tier 1 status, I did not need to contact each carrier in each office. In addition, for some carriers, I focused my inquiry to specific wire centers where there were questions based on the information Qwest provided.

1 A. Table 2 below summarizes my review of the fiber-based collocation information
2 provided by Qwest.

3 **Table 2: Joint CLEC Verification of Qwest’s Wire Center List based on**
4 **Fiber-Based Collocations**

Wire Center	CLLI(8)	Wire Center Designation	
		Qwest	Joint CLECs
Eugene 10th Ave*	EUGNOR53	T1	T2
Medford	MDFDOR33	T1	T3
Portland Belmont	PTLDOR13	T1	T2
Portland Capitol	PTLDOR69	T1	T1
Salem State (Main)*	SALMOR58	T1	T2
*For these two wire centers Qwest did not rely upon fiber-based collocators to determine Tier status. These two wire centers are listed here because the fiber-based collocation information provided by Qwest supports Tier 2 status. Line count data is separately evaluated below.			

5
6 I have concluded that there are four or more fiber-based collocators in only the
7 Portland Capitol wire center, and thus the Joint CLECs agree that this office
8 should be classified as Tier 1.²¹ I have verified three fiber-based collocators for
9 Eugene 10th Avenue, Portland Belmont and Salem State and, as a result, these
10 wire centers should be classified as Tier 2. Medford has less than three fiber-
11 based collocators and should thus be classified as Tier 3.²²

12 If the Joint CLECs receive additional information regarding the fiber-based
13 collocations in the offices where there are disputes, the Joint CLECs will update
14 the status of these wire centers.

²¹ The Joint CLECs do not agree with Qwest’s designation with regard to DS1 loop “non-impairment.” This is discussed in detail in the next section.

²² As is discussed in the next section, the line count information provided by Qwest also does not support a Tier 2 or Tier 1 status for this wire center.

1 **III. SWITCHED BUSINESS LINE COUNTS**

2 **Q. DOES QWEST PROPERLY RELY UPON SWITCHED BUSINESS LINES**
3 **TO DETERMINE “NON-IMPAIRMENT” FOR OREGON WIRE**
4 **CENTER(S)?**

5 A. No, Qwest attempts to use business line count data to justify its classification of
6 five of the seven wire centers on Qwest’s list. These offices include Eugene 10th
7 Avenue, Salem State, Bend, Portland Alpine, and Portland Capitol where Qwest
8 is seeking “non-impaired” status for DS1 and DS3 UNE loops.²³

9 The FCC defines a Business Line as follows:²⁴

10 A business line is an incumbent LEC-owned switched access line used to
11 serve a business customer, whether by the incumbent LEC itself or by a
12 competitive LEC that leases the line from the incumbent LEC. The
13 number of business lines in a wire center shall equal the sum of all
14 incumbent LEC business switched access lines, plus the sum of all UNE
15 loops connected to that wire center, including UNE loops provisioned in
16 combination with other unbundled elements. Among these requirements,
17 business line tallies (1) shall include only those access lines connecting
18 end-user customers with incumbent LEC end-offices for switched
19 services, (2) shall not include non-switched special access lines, (3) shall
20 account for ISDN and other digital access lines by counting each 64 kbps-
21 equivalent as one line. For example, a DS1 line corresponds to 24 64-
22 kbps-equivalents, and therefore to 24 business lines.

23 Qwest makes a number of errors that render its line counts for these five wire
24 centers unreliable. Qwest’s errors are: (1) Qwest uses line count data from the
25 wrong time period; (2) Qwest manipulates its ARMIS data in a way that
26 overstates its own line counts; (3) Qwest erroneously includes CLEC residential
27 and non-switched lines in its switched business line count; and (4) Qwest

²³ See JOINT CLECS/4.

²⁴ 47 C.F.R. § 51.5, Terms and Definitions, Business Line.

1 inappropriately counts DS1 and DS3 loops as total potential capacity rather than
2 total capacity in use.

3 **A. LINE COUNT DATA SHOULD BE REFLECTIVE OF THE**
4 **EFFECTIVE DATE OF THE TRRO**
5

6 **Q. DID QWEST USE LINE COUNT DATA FROM MARCH 2005, THE**
7 **EFFECTIVE DATE OF THE TRRO, TO DETERMINE THE**
8 **IMPAIRMENT STATUS OF OREGON WIRE CENTERS?**

9 A. Surprisingly, no. Qwest instead chose to use line counts from December 2003,
10 more than a year prior to the effective date of the TRRO (March 11, 2005). The
11 FCC implemented new rules regarding DS1 and DS3 UNE loop availability that
12 took effect as of the effective date of the TRRO. C.F.R. Title 47 § 51.319(a)(4)
13 states “an incumbent LEC shall provide a requesting telecommunications carrier
14 with nondiscriminatory access to a DS1 loop on an unbundled basis to any
15 building not served by a wire center with at least 60,000 business lines and at least
16 four fiber-based collocators.” Nowhere in the rule or in the TRRO is it stated, or
17 even suggested, that the count of business lines and fiber-based collocations
18 should be made from data collected over a year prior to the effective date of the
19 TRRO. In fact, the TRRO states “The BOC wire center data that we analyze in
20 this Order is based on ARMIS 43-08 business lines,” then specifically refers to
21 December 2004 ARMIS data.²⁵

²⁵ TRRO ¶ 105. Footnote 303 to Paragraph 105 begins “See Industry Analysis and Technology Division, Wireline Competition Bureau, FCC, *FCC Report 43-08 Report Definition* (Dec. 2004)...”. (emphasis added).

1 If the FCC had intended to permit the use of data that was not contemporaneous
2 with the rule, the rule would have said “any building *ever* served by a wire center
3 with at least 60,000 business lines.” The FCC adopted rules on March 11, 2005, to
4 determine whether CLECs were impaired without access to DS1 and DS3 loops
5 (and transport). The FCC requested ILECs provide the data to the FCC on
6 February 4, 2005, and described the data such as line counts as “readily
7 ascertainable.”²⁶ There is no reason to use stale data collected many months
8 earlier for such a critical determination.

9 **Q. HAVE ANY OF THE OTHER RBOCS UPDATED LINE COUNTS TO BE**
10 **MORE REFLECTIVE OF THE IMPLEMENTATION DATE OF THE**
11 **TRRO?**

12 A. Yes, Bell South updated its line count information to December 2004, the period
13 of the ARMIS filing most closely aligned with the effective date of the TRRO.²⁷
14 In addition, the Michigan Commission found that “The age of the data must be
15 close enough in time to reflect conditions at the time that SBC claims that the
16 wire center is no longer impaired. In this case, the Commission finds that SBC

²⁶ Letter from Jeffrey J. Carlisle, Chief, Wireline Competition Bureau, FCC to Gary R. Lytle, Senior Vice President, Federal Relations, Qwest, WC Docket No. 04-313 and CC Docket No. 01-338 (Feb. 4, 2005).

²⁷ *In the Matter of Proceeding to Consider Amendments to Interconnection Agreements Between BellSouth Telecommunications, Inc. and Competing Local Providers Due to Changes of Law*, Order Concerning Changes of Law, Docket No. P-55, SUB 1549, March 1, 2006, page 38. (“[BellSouth] [w]itness Tipton noted that, recently, BellSouth has updated its wire center results to include December 2004 ARMIS data and the December 2004 UNE loop and UNE-P data so that the most current information is used to establish the wire centers that satisfy the FCC’s tests.”).

1 should have used the 2004 ARMIS data, which was available, even if not fully
2 edited and incorporated in a report to the FCC.”²⁸

3 **Q. DID YOU EVALUATE QWEST’S SWITCHED BUSINESS LINE COUNT**
4 **DATA FROM DECEMBER 2004?**

5 A. The Joint CLECs requested this data from Qwest, but Qwest refused to provide
6 such data to CLECs, claiming the data irrelevant for this proceeding.²⁹ The data
7 is unquestionably relevant, and the Commission should view Qwest’s refusal to
8 provide it with suspicion. If both the 2004 data and the 2003 data support Qwest
9 “non-impairment” claims, then the Joint CLECs would be able to confirm the
10 status of these wire centers and avoid an unnecessary dispute.³⁰

11 **Q. IS THERE ANY PUBLICLY AVAILABLE INFORMATION THAT**
12 **LEADS YOU TO BELIEVE THAT QWEST’S SWITCHED BUSINESS**
13 **LINE COUNT DATA DOES NOT SUPPORT QWEST’S FINDINGS OF**
14 **NON-IMPAIRMENT?**

15 A. Yes, although the detailed data necessary to make a precise determination of
16 switched business line counts is not available, data does exist that casts doubt
17 upon Qwest’s current claims. Qwest’s ICONN database, publicly available on

²⁸ *In the Matter, on the Commission’s Own Motion, to Commence a Collaborative Proceeding to Monitor and Facilitate Implementation of Accessible Letters issued by SBC MICHIGAN and VERIZON*, Case No. U-14447, Order, September 20, 2005, page 5.

²⁹ See JOINT CLECS/2, JCDR 01-033.

³⁰ As discussed below, even the 2003 line count data supplied by Qwest does not support all of Qwest’s “non-impairment” claims.

1 Qwest's website,³¹ contains two reports that, in conjunction, create doubt
2 regarding the status of certain Qwest wire centers.

3 The first report, titled "Loop Data," lists the total number of loops in service by
4 wire center. Qwest defines loops in service as "Loops/pairs that are active and
5 carrying traffic (i.e., working pairs) from assignable OSP feeder terminals."³²

6 This count contains both business and residential lines. The second report, titled
7 "Central Office Find," provides the number business and residence access lines.

8 We can obtain a proxy for the number of Qwest loops used to serve business
9 customers by subtracting residential lines from the total number of loops in
10 service. Table 3 below shows this calculation for the seven wire centers where
11 Qwest claims some level of non-impairment.

12 **Table 3: Publicly Available "Current" Line Count Data**

Wire Center	CLLI(8)	Loops in Service ³³	Bus NAL (2005) ³²	Res NAL (2005) ³⁴	Max Bus Loops in Service
		(a)	(b)	(c)	(d) = (a) - (c)
Eugene 10th Ave	EUGNOR53	71,068	24,406	40,459	30,609
Medford	MDFDOR33	45,673	13,444	25,455	20,218
Portland Belmont	PTLDOR13	47,196	12,621	25,880	21,316
Portland Capitol	PTLDOR69	71,758	46,465	18,460	53,298
Salem State (Main)	SALMOR58	87,838	19,630	54,692	33,146
Bend	BENDOR24	54,719	12,770	32,475	22,244
Portland Alpine	PTLDOR11	52,960	11,414	33,474	19,486

³¹ See <http://www.qwest.com/iconn/>.

³² See <http://www.qwest.com/cgi-bin/iconn/dlc.cgi>.

³³ The Qwest website claims that this data is updated monthly. The numbers cited in the testimony were downloaded on April 24, 2006.

³⁴ Qwest's web site lists these line counts as of 2005. Though the web site states that data in the "Central Office Find" table is updated weekly, it is my experience that line counts change on an annual basis.

1 Table 3 above suggests that based on current line count data there is some support
2 for Tier 1 status of the Portland Capitol wire center as well as “non-impaired”
3 status for DS3 loops,³⁵ but not DS1 loops as Qwest has claimed. This publicly
4 available line count data supports the classification of Eugene 10th Avenue and
5 Salem State as Tier 2 offices – Qwest has classified these offices as Tier 1. Based
6 on the line counts above, the other offices would be classified as Tier 3.³⁶

7 Note that although the “Central Office Find” table lists business line counts,
8 Qwest has previously indicated that Qwest does not include all of the loops that
9 Qwest sells to CLECs and thus the data cannot be relied upon for determining the
10 “non-impaired” status of a wire center.³⁷ As a result, the values estimated for
11 business loops (column d), in table 3 above, are greater than the business line
12 counts reported by Qwest in its “Central Office Find” (column b) database.

13 **Q. SHOULD THE DATA DESCRIBED ABOVE BE USED TO DETERMINE**
14 **THE “NON-IMPAIRED” STATUS OF QWEST’S WIRE CENTERS IN**
15 **OREGON?**

16 A. No, ideally Qwest would provide December 2004 data for review. The data
17 presented above demonstrates the importance of reviewing data contemporaneous
18 with the TRRO. The data shows significant doubts as to Qwest’s claims based on
19 switched business line count data, but final determinations should be based upon

³⁵ Previously we determined that the Portland Capitol office has at least four fiber-based collocators, which along with 38,000 switched business lines, is required for “non-impaired” status of DS3 loops.

³⁶ As previously discussed, the number of fiber based collocators can independently classify an offices as Tier 1 or Tier 2.

³⁷ Statement by Mark Reynolds at the February 1, 2006, workshop in the Washington

1 line counts developed in response to the FCC's definition of switched business
2 lines consistent with the effective date of the TRRO. CLECs have requested this
3 data from Qwest, but as mentioned previously Qwest has refused to provide this
4 data to CLECs. Absent Qwest's actual data, this data is the basis for the Joint
5 CLECs' determination that Qwest's wire centers have not met the "non-impaired"
6 status Qwest has claimed.

7 **Q. IS THE TIMING OF THE COUNTS OF SWITCHED BUSINESS LINES**
8 **AND FIBER-BASED COLLOCATORS IMPORTANT AS QWEST**
9 **MAKES UPDATES TO ITS "NON-IMPAIRED" WIRE CENTER LIST IN**
10 **THE FUTURE?**

11 A. Yes, the issue of the appropriate time period to review both the switched business
12 line count and the fiber-based collocation data is crucial as updates are made to
13 Qwest's Wire Center List. As Qwest makes updates to its list, this Commission
14 should make clear that Qwest should use data that is contemporaneous with
15 Qwest's claim for "non-impaired" status. For example, suppose there exists a
16 wire center today that has four fiber-based collocators, but fewer than 60,000
17 lines. Suppose that the wire center surpasses 60,000 lines in the future, but by this
18 time there are only three fiber-based collocators. Qwest should not be allowed to
19 choose line counts from the present and fiber-based collocators from the past.
20 The determination of "non-impaired" status should be made at the point in time
21 that Qwest is claiming an office is "non-impaired," not from a combination of

investigation of Qwest's wire center designations.

1 counts from different time periods that best suits Qwest, which is precisely what
2 Qwest is attempting to do in the case of Portland Capitol.

3
4 **B. QWEST'S SWITCHED BUSINESS LINE COUNTS SHOULD BE**
5 **COUNTED CONSISTENT WITH ARMIS 43-08**
6

7 **Q. DID QWEST USE ITS ARMIS DATA TO CALCULATE ITS SWITCHED**
8 **BUSINESS ACCESS LINES AS DIRECTED BY THE FCC?**

9 A. No. Qwest started with its ARMIS data, but manipulated this data in a manner
10 inconsistent with the TRRO. The result of Qwest's manipulation is a significant
11 overstatement of its switched business line counts.

12 Paragraph 105 of the TRRO describes the methodology for counting business
13 lines:

14 Moreover, as we define them, business line counts are an objective set of
15 data that incumbent LECs already have created for other regulatory
16 purposes. **The BOC wire center data that we analyze in this Order is**
17 **based on ARMIS 43-08 business lines**, plus business UNE-P, plus UNE-
18 loops. We adopt this definition of business lines because it fairly
19 represents the business opportunities in a wire center, including business
20 opportunities already being captured by competing carriers through the
21 use of UNEs. Although it may provide a more complete picture to
22 measure the number of business lines served by competing carriers
23 entirely over competitive loop facilities in particular wire centers, such
24 information is extremely difficult to obtain and verify. Conversely, by
25 **basing our definition in an ARMIS filing required of incumbent**
26 **LECs**, and adding UNE figures, which must also be reported, we can be
27 confident in the accuracy of the thresholds, and a simplified ability to
28 obtain the necessary information. (Footnotes omitted; emphasis added).

1 ARMIS 43-08 line counts are counted in terms of 4 kHz equivalents for analog
2 circuits and 64 kbps equivalents for digital circuits.³⁸

3 Qwest, instead of relying directly upon the ARMIS data as directed by the FCC,
4 adjust the counts for digital lines to include 64 kbps capacity rather than 64 kbps
5 equivalents.³⁹ For example, if Qwest served a business customer with a DS1
6 circuit and the customer was using 12 lines of the DS1s capacity, for ARMIS 43-
7 08 purposes the business line count would be 12. In this case, Qwest has counted
8 those lines as 24, even though only 12 lines are being used. This is clearly at odds
9 with the intent of the TRRO.

10 **Q. DID NOT QWEST CITE A NUMBER OF COMMISSION ORDERS**
11 **SUPPORTING ITS VIEW OF HOW TO COUNT QWEST SWITCHED**
12 **BUSINESS LINES?**

13 A. No, Qwest's testimony is misleading in this regard. Mr. Brigham states: "Qwest
14 has utilized the same approach that commissions in other states have examined
15 and found to be in compliance with *TRRO* requirements."⁴⁰ Of the eleven states
16 ruling on this issue, only three have decisions that support Qwest's method for
17 counting ARMIS lines. Though Mr. Brigham cited the Texas decision in support
18 of Qwest's methodology, the Texas decision does not support Qwest's
19 manipulation of the ARMIS data. SBC did not take the same extreme position as

³⁸ The ARMIS instructions for 2005 can be found at <http://www.fcc.gov/wcb/armis/documents/2005PDFs/4308c05.pdf>. Note the relevant part of the instructions regarding the counting of lines did not change from 2003 to 2005.

³⁹ Qwest/5, Brigham/5, lines 4-12.

⁴⁰ *Id.* at 10, lines 3-4.

1 Qwest, and instead proposed to count ARMIS 43-08 business lines exactly as they
2 are counted and reported to the FCC.

3 The Direct testimony of SBC witness Thomas Sowash clearly states that SBC did
4 not manipulate the ARMIS data when counting SBC switched business lines. An
5 excerpt from his testimony illustrates this point:⁴¹

6 **Q. WHAT METHODOLOGY WAS USED TO DETERMINE**
7 **THE BUSINESS SWITCHED ACCESS LINE COUNTS**
8 **THAT SBC TEXAS UTILIZED TO MAKE ITS WIRE**
9 **CENTER DESIGNATIONS?**

10
11 **A.** SBC Texas used the identical methodology established for the
12 determination of line counts for the FCC Automated Reporting
13 Management Information System (“ARMIS”) ARMIS 43-08
14 report.
15

16 Because SBC did not propose to manipulate the ARMIS data as Qwest has done
17 in its region, the Texas decision does not support Qwest’s proposed changes to the
18 ARMIS data. Like SBC, Verizon also proposes using the 43-08 ARMIS data
19 without manipulation.⁴²

⁴¹ *Post-Interconnection Dispute Resolution Proceeding Regarding Wire Center UNE
Declassification*, PUC Docket No. 31303, Direct Testimony of SBC Witness Thomas
Sowash, November 15, 2005, page 6, lines 1 – 6.
(http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/31303_65_496422.PDF)

⁴² See JOINT CLECS/10, containing Verizon’s response to a Washington Commission
bench request confirming that they did not manipulate the ARMIS 43-08 data. Note that
Bell South proposes manipulating the 43-08 ARMIS data in a manner similar to Qwest.

1 **Q. HAVE ANY STATES IN THE QWEST REGION ISSUED DECISIONS ON**
2 **THIS ISSUE?**

3 A. Yes, recently the ALJ in Washington found that Qwest's manipulation of the 43-
4 08 ARMIS data was inappropriate.⁴³ The ALJ found in paragraphs 33 and 34:

5 The FCC does not discuss modifying the ILEC-owned business lines
6 reported in ARMIS 43-08 data, referring to the data as "already ... created
7 for other regulatory purposes," and providing a "simplified ability to
8 obtain the necessary information."

9 The FCC's rule must be read consistently with the FCC's statements in the
10 TRRO. To that end, the FCC's requirements for calculating, or tallying,
11 the total number of business lines serving a wire center are most
12 reasonably applied in part to ILEC-owned switched access lines, and in
13 part to UNE loops. The first two listed requirements (i.e., that the access
14 lines connect only actual customers and the number not include non-
15 switched special access lines) are already considered in the switched
16 access lines ILECs report to the FCC in ARMIS 43-08 data.

17

18 **C. CLEC SWITCHED BUSINESS LINES SHOULD NOT INCLUDE**
19 **RESIDENTIAL OR NON-SWITCHED LINES**
20

21 **Q. FOR THE PURPOSES OF DETERMINING THE "IMPAIRMENT"**
22 **STATUS OF A WIRE CENTER, THE FCC DEFINED A BUSINESS LINE**
23 **AS AN ILEC-OWNED SWITCHED ACCESS LINE USED TO SERVE A**
24 **BUSINESS CUSTOMER.⁴⁴ DOES QWEST COUNT LINES**
25 **CONSISTENTLY WITH THE FCC DEFINITION?**

⁴³ Washington is the only state in the Qwest region to issue an order in the wire center proceedings. The Washington ALJ order is attached to this testimony as JOINT CLECS/7.

⁴⁴ 47 C.F.R. § 51.5 Terms and Definitions, Business Line.

1 A. No, despite the clear language of the FCC’s definition, Qwest includes some
2 residential and non-switched lines in its count of switched business lines.⁴⁵ The
3 first sentence of the FCC’s business line definition states “A business line is **an**
4 **incumbent LEC-owned switched access line used to serve a business**
5 **customer**, whether by the incumbent LEC itself or by a competitive LEC that
6 leases the line from the incumbent LEC.”⁴⁶ Despite the definition, when a CLEC
7 leases a loop from Qwest that is not part of a UNE-P combination, Qwest includes
8 this loop in its count of business lines, even if the CLEC is serving a residential
9 customer with the loop. Mr. Brigham states, “Qwest did not attempt to ‘remove’
10 UNE loops that may be used to serve residential customers.”⁴⁷ In addition, when
11 the CLEC leases a loop from Qwest, Qwest includes this loop in its count of
12 business lines whether or not the CLEC uses this loop for switched services. In
13 response to a Joint CLEC data request Mr. Brigham confirms, “Qwest did not
14 attempt to remove non-switched loop counts from the CLEC UNE loop data.”⁴⁸

15 Q. What is Qwest’s basis for including residential and non-switched lines in its
16 switched business line count?

17 A. Qwest reads part of the business line count definition in isolation from the rest of
18 the definition in order to include that CLEC residential and non-switched lines
19 served via Qwest unbundled loops should be included in the switched business
20 line count.

⁴⁵ See JOINT CLECS/2, JCDR 01-036 and JCDR 01-037.

⁴⁶ 47 C.F.R. § 51.5 Terms and Definitions, Business Line. (emphasis added).

⁴⁷ Qwest/5, Brigham/11, lines 17-18.

1 The FCC business line definition consists of four sentences. The first sentence
2 introduces the definition and reads:

3 A business line is **an incumbent LEC-owned switched access line used**
4 **to serve a business customer**, whether by the incumbent LEC itself or by
5 a competitive LEC that leases the line from the incumbent LEC.
6 (Emphasis added).

7 The second sentence provides further information regarding the count of business
8 lines:

9 The number of business lines in a wire center shall equal the sum of all
10 incumbent LEC business switched access lines, plus **the sum of all UNE**
11 **loops connected to that wire center**, included UNE loops provisioned in
12 combination with other unbundled elements. (Emphasis added).

13 Qwest reads this second sentence as though the first and third sentences do not
14 exist and comes to the conclusion that business switched access lines includes “all
15 UNE loops.”

16 The third sentence clarifies the second sentence and reads:⁴⁹

17 Among these requirements, business line tallies (1) **shall include only**
18 **those access lines** connecting end-user customers with incumbent LEC
19 end-offices **for switched services**, (2) **shall not include non-switched**
20 **special access lines**, (3) shall account for ISDN and other digital access
21 lines by counting each 64 kbps-equivalent as one line. (emphasis added).

22 Qwest ignores the qualifications and relies upon the statement “all UNE loops” to
23 mean that despite the rest of the FCC language and the methodology for counting
24 Qwest’s lines, CLEC lines should include residential as well as non-switched
25 services. Mr. Brigham states “The FCC clearly specifies that “LEC business

⁴⁸ See JOINT CLECS/2, JCDR 01-037.

⁴⁹ The final sentence deals with the methodology for counting digital lines and will be discussed in part C below.

1 switched access lines” must be included in an RBOC’s line count, but it excludes
2 the “business” qualifier in its mandate regarding the treatment of UNE loops in
3 the count.”⁵⁰

4 Qwest’s interpretation does not make sense. Consider the following example.
5 The population of white males in Oregon shall include all persons of Hispanic
6 descent. Under Qwest’s logic the white males in Oregon should include both
7 Hispanic men and women. Obviously, such an interpretation does not withstand
8 scrutiny.

9
10 **D. QWEST’S 2003 DATA DOES NOT SUPPORT QWEST’S “NON-**
11 **IMPAIRMENT” CLAIMS**
12

13
14 **Q. DOES THE DATA QWEST SUPPLIED FOR 2003 SUPPORT QWEST’S**
15 **“NON-IMPAIRMENT” CLAIMS IN OREGON?**

16 **A.** No. While the Joint CLECs believe it is inappropriate to use the 2003 data, as
17 discussed above, even if this data were used properly it would not support many
18 of Qwest’s “non-impairment” claims. ⁵¹ Highly Confidential Table 4 below
19 shows Qwest’s 2003 data and the adjustments to this data based on this testimony.
20
21

⁵⁰ Qwest/5, Brigham/12, lines 1-3.

⁵¹ A wire center with 38,000 switched business lines qualifies for Tier 1 status as well as “non-impaired” status for DS3 loops. 60,000 switched business lines are required for “non-impaired” status for DS1 loops.

1 **Table 4: Corrected Line Counts based on December 2003 Data**

2 ***** BEGIN HIGHLY CONFIDENTIAL *****

Wire Center	CLLI(8)	Qwest's Switched Business Line Counts	Adjusted Switched Business Line Counts
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

3
4 ***** END HIGHLY CONFIDENTIAL *****

5 The table above shows Qwest's 2003 line counts as filed and Qwest's 2003 line
6 counts adjusted to correct for the errors discussed above. Highly Confidential
7 Exhibit JOINT CLECS/12 contains this same information, but with more details,
8 breaking out each adjustment separately.

9 Qwest's Switched Business Line Counts are taken from Qwest/6, Brigham/1. The
10 Joint CLECS Adjusted Switched Business Line Counts include the following
11 adjustments:

- 12 (1) 43-08 Adjustment: This adjustment reverses the manipulation Qwest
13 made to its 43-08 ARMIS data and instead uses the data as it is filed with
14 ARMIS. The information used to make this adjustment was supplied by
15 Qwest in response to BCH 01-003, Attachment D, and is attached to this
16 testimony as part of JOINT CLECS/5.

- 1 (2) Removal of UNE-L Residential Lines: Though the Joint CLECs believe it
2 is inappropriate to include residential line counts in the switched business
3 line data, no adjustment was made at this time. First, this data is difficult
4 to obtain as only a small number of the CLECs providing service in the
5 impacted wire centers in Oregon are part of the Joint CLEC coalition.
6 Second, it is difficult to obtain CLEC records at the wire center level from
7 more than two years ago. Qwest's bills to CLECs do not include the wire
8 center where the loop is ordered. Finally, this adjustment is likely to be
9 small, as most CLECs purchasing unbundled loops do so to provide
10 services to business customers. The Commission should require Qwest
11 and the Joint CLECs to work together to establish a process to reasonably
12 estimate and remove the number of residential lines served over
13 unbundled loops.
- 14 (3) Removal of Non-Switched UNE-L lines: Carriers such as Covad purchase
15 unbundled loops for purposes of offering DSL services. These loops are
16 not used for voice services and should be removed from the switched
17 business line counts.
- 18 (4) Count of UNE-L Used Capacity: These numbers are estimates based on
19 information provided by Qwest in BCH 01-002, Highly Confidential
20 Attachment C, attached to this testimony as part of JOINT CLECS/6. This
21 attachment contains a list of high capacity loops by wire center. I was
22 able to develop a high capacity lines in use factor based on the ratio of
23 Qwest's high capacity lines-in-use versus the total capacity of those

1 lines.⁵² I applied this ratio to the high capacity line counts Qwest provided
2 for the CLECs to estimate the high capacity lines-in-use for the UNE-
3 Loop data.

4 As discussed previously the Joint CLECs believe it is inappropriate to rely upon
5 2003 data to determine March 2005 impairment. Qwest relied upon 2003 data.
6 The results presented above simply illustrate that Qwest's list of "non-impaired"
7 wire centers would be vastly different than what Qwest has claimed, if Qwest had
8 correctly counted switched business lines using the 2003 data.

9 **E. SUMMARY OF ALL KNOWN DECISIONS REGARDING**
10 **SWITCHED BUSINESS LINES FROM ACROSS THE COUNTRY**
11

12 **Q. HAVE OTHER STATE COMMISSIONS ADDRESSED THESE ISSUES**
13 **AND WHAT HAVE THEY FOUND?**

14 A. Yes, a number of state Commissions have held proceedings on these issues, the
15 most recent, and the first in the Qwest region, is Washington, where the ALJ
16 issued a decision on April 20, 2006.⁵³ Table 5 below summarizes all of the state
17 decisions of which I am aware. The row labeled CLEC position represents the
18 position of the Joint CLECs in this docket. This table also shows the positions
19 taken by the various RBOCs with regards to the issues discussed. "N/A"

⁵² In order to verify the reasonableness of this approach, I also reviewed Eschelon DS1 data and developed a factor of billed voice lines to total capacity for DS1 circuits for Oregon. The Eschelon factor is significantly less than the factor developed from the Qwest data. As a result, the estimated line counts, after accounting for this adjustment, are conservatively high.

⁵³ The Washington ALJ decision is attached to this testimony as JOINT CLECS/7. Most, if not all, of the state decisions are available on the state commission websites and can be fairly easily found using the docket number and the date of the decision.

1 indicates that the issue was not discussed in the Commission’s order. In these
2 cases I believe it is correct to assume that the RBOC’s position was used as a
3 default. An “X” indicates that the issue has not yet been litigated in the state.⁵⁴

4 The Washington decision, although listed separately for Verizon and Qwest, is in
5 fact, a single decision. The decision is listed separately for each ILEC, however,
6 because Verizon and Qwest took slightly different positions on some of the
7 issues.

8 **Table 5: Summary of State Commission Switched Business Line Count Decisions**

State	RBOC	Docket	Decision Date	Vintage of Data	ARMIS 43-08	Residential UNE Loops	Non-Switched UNE Loops	CLEC High Cap Loop Count
		CLEC Position		Dec-04	As Is	Exclude	Exclude	Used Capacity
		AT&T (SBC) Position		Dec-03	As Is	Include	Include	Full Capacity
CA	ATT	Application 05-07-024	27-Jan-06	X	As Is	Include	Include	Full Capacity
IL	ATT	Docket 05-00422-	Nov-05	N/A	As Is	Include	Include	N/A
IN	ATT	Case No. 42857	11-Jan-06	N/A	As Is	Include	Include	N/A
MI	ATT	Case No. U-14447	20-Sep-05	Dec-04	N/A	Exclude	N/A	N/A
OH	ATT	Case No. 05-887-TP-UNC	9-Nov-05	N/A	N/A	Include	Include	N/A
TX	ATT	PUC Docket No. 31303	7-Apr-06	Dec-03	As Is	Include	Include	Full Capacity
		Bell South		Dec-04	Adjusted	Include	Include	Full Capacity
FL	BS	Docket No. 041269-TP	2-Mar-06	N/A	Adjusted	Include	Include	Full Capacity
GA	BS	Dockte No. 19341-U	2-Mar-06	N/A	Adjusted	Include	Include	Full Capacity
NC	BS	Docket No. P-55 SUB 1549	1-Mar-06	Dec-04	As Is	Exclude	N/A	Used Capacity
SC	BS	Docket No. 2004-316-C	10-Mar-06	N/A	Adjusted	Include	Include	Full Capacity
		Qwest Position		Dec-03	Adjusted	Include	Include	Full Capacity
WA	Q	Docket UT-053025	20-Apr-06	Dec-03	As Is	Include	Include	Full Capacity
		Verizon Position		Dec-03	As Is	Include	Include	Full Capacity
WA	V	Docket UT-053025	20-Apr-06	Dec-03	As Is	Include	Include	Full Capacity

9
10
⁵⁴ The California decision was part of an AT&T (previously SBC) arbitration regarding TRO/TRRO issues, but did not include an actual review of the AT&T line count data. As a result the proper vintage of the data has not yet been litigated.

1 **IV. UPDATES TO QWEST'S WIRE CENTER LIST**

2 **Q. PLEASE DESCRIBE QWEST'S PROCESS FOR MAKING UPDATES TO**
3 **THE WIRE CENTER LIST.**

4 A. Ms. Albersheim, for Qwest, has laid out the following process for Qwest to
5 update the wire center list:

6 (1) Qwest will "update the list of non-impaired wire centers as often as
7 necessary."⁵⁵

8 (2) Qwest will provide CLECs and the Commission notice "when wire
9 centers are reclassified."⁵⁶

10 (3) CLECs may raise factual disputes regarding Qwest's data, but CLECs
11 should not have the opportunity to "re-litigate the methodology set forth
12 by the FCC."⁵⁷ In addition review of Qwest's data "should not be used as
13 a means to delay the designation of new wire centers as non-impaired."

14 (4) CLECs would have thirty days to object to the additional non-impaired
15 wire center list or else "the wire center list should be updated by operation
16 of law"⁵⁸ unless CLEC's dispute the change in status.⁵⁹ In addition,

⁵⁵ Qwest/1, Albersheim/14.

⁵⁶ *Id.* at 15.

⁵⁷ *Id.* at 16.

⁵⁸ *Id.*

⁵⁹ *Id.* at 17.

1 CLECs are prohibited from “order[ing] impacted high-capacity UNEs”
2 thirty days after the notice from Qwest.⁶⁰

3 (5) CLECs will “transition existing DS1 and DS3 UNEs to an alternative
4 service” within ninety days.⁶¹

5 (6) If a dispute delays the implementation of a change in the wire center
6 list, then “Qwest would back bill CLECs to the effective date if the change
7 in wire center status is approved.”⁶²

8 **Q. ARE THERE ANY PROBLEMS WITH QWEST’S PROPOSED PROCESS**
9 **FOR MAKING UPDATES TO THE WIRE CENTER LIST?**

10 A. Yes. The procedure proposed by Qwest for adding wire centers to the Wire Center
11 List is problematic in multiple respects. Below I address each of the steps
12 identified above.

13 (1) Qwest should be allowed to propose to reclassify a wire center when
14 Qwest has a good faith belief that the number of fiber-based collocators
15 has met a threshold condition. Because Qwest has claimed that line count
16 information is available only on an annual basis, due to the FCC’s reliance
17 on ARMIS data, updates based on line counts are appropriate only when
18 new ARIMIS data is available, i.e. once a year.

⁶⁰ *Id.* at 15.

⁶¹ *Id.* Note, for dark fiber Qwest proposes 180 days for transition to alternative arrangements.

⁶² *Id.* at 17.

1 Because the impairment status of a wire center is vitally important in
2 informing CLEC investment decisions, CLECs should be informed when a
3 wire center is within 5,000 lines, or within 1 fiber collocator, of changing
4 designation.

5 (2) Qwest needs to provide to CLECs and this Commission, not only
6 notice of changes to wire center designations, but the factual evidence
7 supporting these changes. CLEC review and Commission approval of any
8 updates to the Wire Center List remains crucial going forward for a
9 number of reasons. Proper review of updates based on Qwest's fiber-
10 based collocation data is necessary given that Qwest's default process is to
11 count a carrier as a fiber-based collocator when the carrier does not
12 respond to Qwest's request for verification. Qwest also appears to default
13 to counting a carrier as a fiber-based collocator despite the results of its
14 own field verification. In addition, in some cases Qwest counts a carrier
15 as a fiber-based collocator when the carrier disagrees with this
16 classification. It is also important that carriers are able to verify that
17 Qwest counted switched business lines consistently with the findings of
18 this Commission.

19 (3) The Joint CLECs agree that any decisions made by this Commission
20 regarding interpretation of the TRRO should not be re-litigated by either
21 party as updates are made to the wire center list.⁶³ In addition, the Joint

⁶³ However, it should be clear that the Joint CLECs disagree with Qwest's characterization that the FCC's methodology is being challenged. The Joint CLECs have not asked this Commission to overturn the FCC's methodology as it relates to non-

1 CLECs have always supported an expedited process with regard to
2 additions to the wire center list.

3 (4) The Joint CLECs disagree that proposed changes by Qwest should
4 become effective by "operation of law." This type of unilateral action by
5 Qwest is why the Joint CLECs petitioned this Commission for this
6 proceeding in the first place. In the TRRO, the FCC determined
7 impairment for unbundled access to high-capacity loops and transport on a
8 wire center basis, using as criteria the number of business lines and fiber-
9 based collocators in wire centers.⁶⁴ A CLEC must "undertake a
10 reasonably diligent inquiry" into whether high capacity loops and transport
11 meet these criteria, and then must self-certify to the ILEC that the CLEC is
12 entitled to unbundled access.⁶⁵ The FCC said that ILECs must
13 "immediately process" the UNE order and then may "subsequently" bring
14 a dispute before a state commission or other authority if it contests the
15 CLEC's access to the UNE. If the ILEC prevails in the dispute, the ILEC
16 is protected because it may back bill for the time period when it should
17 have been allowed to bill a higher rate.

18 Instead of insisting on enforcing their rights under the law, the Joint
19 CLEC's would agree to a process whereby this Commission reviews and

impaired wire centers, but only to force Qwest to implement this methodology consistent with the TRRO. It is Qwest that is seeking to change the FCC methodology by refusing the CLEC's ability to self-certify as outlined in the TRRO. This is discussed in greater detail under (4).

⁶⁴ TRRO ¶¶ 146, 155, 166, 174, 178, 182 and 195.

⁶⁵ TRRO ¶ 234.

1 approves Qwest's list. The Joint CLECs believe that such an approach
2 will conserve Commission and staff resources by avoiding adjudicating
3 individual disputes between Qwest and CLECs. However, as a condition
4 of the Joint CLECs making this concession, the CLECs and the
5 Commission must be able to meaningfully review the evidence used to
6 support changes to Qwest's wire center list. The Joint CLECs cannot
7 agree to a process whereby Qwest simply declares the list has changed
8 because of the material shortcomings in Qwest's data gathering processes
9 and its application of the law to the facts it gathers. The Joint CLECs will
10 only relinquish their self-certification rights under the TRRO if the
11 Commission agrees to explicitly approve changes to the wire center list
12 proposed by Qwest before they become effective.

13 Qwest's proposal to block CLEC orders in offices Qwest deems as "non-
14 impaired" underscores the practical importance of having the Commission
15 approve any additions to Qwest's wire center list.⁶⁶ The ability to block a
16 competitor's orders is an extremely potent anti-competitive weapon. By
17 blocking CLEC orders, Qwest can bring a CLEC's business to a stop. The
18 Commission should not permit one competitor to have the unilateral
19 power, in addition to the temptation, to damage the business interests of its
20 competitors.

21 Finally, Qwest's procedures provide only thirty days notification to
22 CLECs before changes are implemented. A thirty-day notification is

⁶⁶ Qwest's proposal to block CLEC orders will be discussed in more detail in Section V.

1 inadequate for a CLEC to properly plan and react to changes in UNE
2 availability.

3 (5) Qwest's process allows for a notice period and a transition period that
4 in total allows a CLEC between 90 and 120 days for loops and transport,
5 depending on the interpretation of Qwest's language⁶⁷ to find replacement
6 facilities for the UNEs Qwest claims are no longer available. Qwest's
7 transition period pales in comparison to the one-year transition period the
8 FCC established in the *TRRO*.⁶⁸ The FCC recognized the significant rate
9 shock involved in a transition in addition to the practical problems of
10 establishing alternative service arrangements and arranging for seamless
11 migrations to avoid customer impacts. The FCC's one-year transition
12 should be the standard for all future transitions.

13 The tariffed rates Qwest has proposed to charge for delisted UNEs are
14 significantly higher than the UNE rates. For example, the DS1 UNE rate
15 is \$87.37, while the month-to-month interstate special access rate for DS1

⁶⁷ Note that it is unclear whether the clock on Qwest's 90-day transition period starts on day of notification or 30 days after notification. Both Ms. Albersheim's testimony and Qwest's TRO/TRRO Amendment are unclear in this regard. Qwest's TRO/TRRO Amendment states: "Thirty (30) Days after notification from Qwest, CLEC will no longer order impacted high capacity or Dark Fiber UNEs in or between those additional Wire Centers. CLEC will have ninety (90) Days to transition existing DS1 and DS3 UNEs to an alternative service. CLEC will have one hundred eighty (180) Days to transition Dark Fiber transport to an alternative service." Section 2.8.4 of Qwest's TRO/TRRO Amendment (<http://www.qwest.com/wholesale/downloads/2006/060331/TRO-TRRO-Amendment2-24-06.doc>).

⁶⁸ TRRO, ¶ 5. Note that the FCC set an 18-month transition period for Dark Fiber Transport. In the Omaha Forbearance Order (Memorandum Opinion and Order FCC 05-170, WC Docket No. 04-233, September 26, 2005) the FCC established a six-month transition period for carriers to establish alternative arrangements.

1 Channel Terminations is \$165.00, almost twice as much as the UNE rate.
2 Changes in costs will affect CLECs' business plans. Collocation builds
3 are expensive and time consuming. The expected return from a
4 collocation will be dramatically lower if high cap loops UNEs or UNE
5 transport were suddenly to become unavailable. Uncertainty as to future
6 UNE availability will deter CLEC investment in facilities. Providing
7 CLECs with information on the status of wire centers with respect to
8 business access lines and fiber-based numbers will allow them to
9 rationally plan future investment.

10 (6) Qwest proposes that any unsuccessful dispute raised by CLECs
11 regarding changes in Qwest's wire center list be subject to back billing to
12 the time when Qwest added the wire center to the list. While the Joint
13 CLECs do not disagree in theory with Qwest's proposal, any disputes
14 regarding the effective date should be settled by the Commission based on
15 the circumstances that caused a delay in implementation. For example, if
16 Qwest simply provides a list of wire centers, without proper supporting
17 data, or if the supporting data Qwest provides is incomplete, or in
18 substantial error, the Joint CLECs do not agree that the effective date of
19 the change in the wire center list should be retroactive. Under Qwest's
20 scenario, Qwest would have the incentive to list all of its wire centers as
21 "non-impaired" even before the data supports this status. Qwest has
22 nothing to lose by improperly classifying a wire center as "non-impaired,"
23 but everything to gain by adding a wire center to the list at the earliest
24 moment possible. If any dispute arises regarding the effective date of a

1 new wire center added to the “non-impaired” list, then the Commission
2 should deal with this issue based on the facts regarding that wire center
3 and the reasons that a CLEC may have questioned the validity of the wire
4 center designation.

5 **Q. WHAT IS THE CLEC PROPOSAL FOR MAKING UPDATES TO THE**
6 **WIRE CENTER LIST?**

7 A. The Joint CLEC’s propose the following process for Qwest to make updates to
8 the wire center list. This process was outlined in the Joint CLECs’ February 15,
9 2006, letter to the Commission, *TRRO/Request for Commission Review and*
10 *Approval of Wire Center Lists*, Attachment A.

11 (1) Before Qwest files a request (along with supporting data) to this
12 Commission to add a wire center to the wire center list, Qwest will issue a
13 notice to CLECs informing them of the filing, notifying them that the
14 filing (which will be filed as confidential pursuant to the protective order)
15 may contain a CLEC’s confidential data, advising each CLEC that it may
16 obtain data in the docket by signing the protective order, and indicating
17 that, if a CLEC objects, the CLEC should contact *the Commission* before
18 a given date. Qwest should provide this notice to CLECs at least five
19 business days before Qwest plans on making a filing to the Commission.
20 These notices would be similar to the notices that ILECs currently send
21 with respect to requests for CLEC-specific data (*see* example in JOINT
22 CLECS/11). The example of the Qwest notice in JOINT CLECS/11
23 shows that Qwest already has a process in place for notifying CLECs

1 (including non-party CLECs) of when Qwest intends to provide CLEC-
2 specific data to the other parties or the Commission pursuant to a
3 protective order.

4 (2) Qwest should make a filing with the Commission and provide
5 sufficient supporting data to the Commission and CLECs so that the data
6 can be reviewed. Once sufficient data is provided, the CLECs would
7 request any necessary follow up information. This exchange of
8 information should take no more than 20 days, assuming that Qwest
9 provides sufficient data with its initial filing.⁶⁹

10 (3) Once the information exchange is complete and CLECs have
11 reviewed the data, CLECs should file exceptions, challenge the
12 sufficiency of the data, or object to inclusion of any wire center on the list.
13 If there is no objection, the Commission should approve the wire center
14 list, send a notice containing the updated approved wire center list, and
15 post the approved list on the Commission's website. If there are any
16 objections, the Commission should approve a list containing only any
17 undisputed wire centers and resolve all disputes as to disputed wire

⁶⁹ Qwest's filing should contain information it provided in this case with its direct testimony and in response to data requests. Qwest's full disclosure of relevant information will expedite the review process and alleviate Qwest's concern for timely review. For fiber-based collocations this should contain the names of the fiber-based collocators, indications as to whether the carriers verified their status as fiber-based collocators, indication as to whether any carrier objects to being classified as a fiber based collocator, results from any field verification Qwest may have undertaken and any other relevant data. Line count data should be consistent with the Commission's decision in this docket. In addition line count data should be provided with enough details so that calculations made to develop total line counts can be verified from the source data. In addition, Qwest should provide carrier specific data, in masked format, so that each

1 centers. Once the disputes are resolved, the Commission should, if
2 necessary, update the list.

3 This process need not be lengthy for a number of reasons. First, additions to the
4 wire center list are almost certainly likely to contain fewer wire centers than the
5 wire centers being investigated in Qwest's initial filing. Second, the issues in the
6 investigation to update the wire center list will be narrow. The Commission will
7 already have decided certain disputes regarding the counting of business lines and
8 the sufficiency of fiber-based collocation data. Further, Qwest expanded the
9 issues in this case by raising issues regarding non-recurring charges and the
10 blocking of CLEC orders.

11
12 **V. BLOCKING CLEC ORDERS**

13 **Q. DO YOU HAVE ANY CONCERNS REGARDING HOW QWEST WILL**
14 **IMPLEMENT THE TRRO WITH RESPECT TO UNE ORDERS?**

15 **A.** Yes. Qwest attempted to implement a Change Request through its Change
16 Management Process that would change Qwest's ordering system to block CLEC
17 orders for UNEs in wire centers that Qwest unilaterally believes are not
18 impaired.⁷⁰ Although Qwest did not raise this issue in the direct testimony of any
19 of its witnesses, Qwest did, in its response to the CLECs' petition to establish this

interested carrier can review its own data.

⁷⁰ See CR #SCR083005-01 (currently in deferred status)
http://www.qwest.com/wholesale/cmp/archive/CR_SCR083005-01.htm. This is attached
to this testimony as JOINT CLECS/9.

1 docket, ask the Commission to confirm that “Qwest is permitted to reject [the
2 CLEC’s] order.”⁷¹

3 The FCC has clearly stated that ILECs “must immediately process” orders for
4 UNEs from a CLEC who certifies that it has undertaken a “reasonably diligent
5 inquiry, and, based on that inquiry, self-certify that, to the best of its knowledge,”
6 it is entitled to obtain the UNE.⁷² Because Qwest’s system change would block a
7 CLEC’s UNE order regardless of whether the CLEC had self-certified, it violates
8 the FCC’s Order.

9 The FCC’s position is eminently sensible. The service to the customer comes first
10 and it should not be jeopardized. If the CLEC is mistaken about the status of the
11 wire center, Qwest can seek redress and back bill the CLEC for the difference
12 between the UNE rate and the Private Line rate. If Qwest is mistaken about the
13 status of a wire center, no harm is done to the end-user customer.

14 Qwest’s testimony does not address how its system change request complies with
15 the FCC’s Order. The Commission should require Qwest to follow the FCC’s
16 directive, which could not be clearer: “the incumbent LEC must provision the
17 UNE and subsequently bring any dispute regarding access to that UNE before a
18 state commission or other appropriate authority.”⁷³

⁷¹ *Qwest Corporation’s Response to Joint CLECs’ TRRO Request for Commission Approval of Wire Center Lists* at 6, Docket UM 1251 (February 28, 2006).

⁷² TRRO at ¶ 234.

⁷³ *Id.*

1 Q. ARE THERE ANY SITUATIONS WHERE THE CLECS WOULD BE
2 WILLING TO ALLOW QWEST TO BLOCK ORDERS?

3 A. Although the TRRO prohibits Qwest from blocking orders, the Joint CLECs are
4 prepared to agree to a process under which Qwest could reject orders, provided
5 that: 1) the rejection of orders is limited to facilities designated as non-impaired
6 after party review of the underlying data and consistent with the Commission-
7 approved process established in this proceeding; and 2) the terms, procedures and
8 details for the rejection of such orders are known in advance and mutually agreed
9 upon.

10 **Order rejection should be limited to wire centers on a Commission-approved**
11 **list of non-impaired wire centers.**

12 Given the right of CLECs to self-certify, CLECs can only concede to an
13 automatic rejection process if CLECs have a prior opportunity to: 1) review the
14 underlying data related to Qwest's non-impairment designations; and 2) challenge
15 any such designation at the Commission and obtain an independent determination
16 regarding the propriety of the designation. In other words, it is critical that
17 CLECs have the opportunity, under Commission oversight, to review the inputs
18 into a designation and that the rejection of orders be limited to wire centers on a
19 Commission-approved list of non-impaired wire centers. In short, CLECs require
20 they be given due process before they will waive their right to self-certify.

21 The Commission-approved list should be the touchstone for the rejection of UNE
22 orders with respect to current non-impairment designations and any future
23 additions to the list of non-impaired wire centers. Otherwise Qwest will have the
24 ability, based upon disputed claims, to cause substantial harm to a CLEC's

1 business by rejecting a CLEC's legitimate UNE orders. Qwest must be
2 committed to following a Commission's ruling on the wire center list (including
3 future additions to that list), before CLECs can enter into discussions with Qwest
4 about putting system modifications in place that would reject CLEC orders in
5 "non-impaired" wire centers.

6 **The terms and procedures for rejecting orders must be predetermined and**
7 **agreed to by CLECs**

8 The specific terms and procedures for rejecting orders must be known and
9 mutually agreed upon by Qwest and CLECs. The devil is truly in the details.
10 Therefore, it is imperative that the process for Qwest's rejection of UNE orders
11 under the TRRO be acceptable to both Qwest and CLECs and not be imposed
12 unilaterally by Qwest.

13 If Qwest unilaterally implemented a defective process or systems modification to
14 reject orders, and that defective process resulted in erroneous rejections, then
15 CLECs would be in the same position that they would be in if Qwest erroneously
16 rejected orders in violation of TRRO paragraph 234 for any other reason. Mutual
17 prior agreement on the process will also avoid needless disputes that would likely
18 come before the Commission in the context of a crisis. CLECs are willing to
19 develop those procedures bi-laterally with Qwest in interconnection agreement
20 negotiations or as part of this proceeding. Addressing those details in this
21 proceeding would probably be the more efficient approach and minimize the risk
22 of delay in Qwest's ability to block CLEC UNE orders.

1 Qwest claims that it is necessary to change the circuit ID so that Qwest can
2 “accurately maintain records”⁷⁷ and help measure “the different service
3 performance requirements that apply to UNEs and private line services.”⁷⁸

4 Qwest proposes to charge a \$50.00 NRC ⁷⁹ per circuit to the CLEC so Qwest can
5 recover its cost of changing the circuit ID of the facility being converted. This
6 change in circuit ID is done for the convenience of Qwest, at the inconvenience of
7 the CLEC, and risks putting the CLEC customer out of service during this
8 process.

9 To “convert” means “to cause to change in form, character, or function.”⁸⁰

10 Converting from a UNE to a private line or special access circuit involves no
11 change whatsoever in the “form, character, or function” of the facility. The
12 physical facility and its functionality are identical whether it is purchased as a
13 UNE or purchased as a private line or special access circuit. Nor does the end-
14 user’s service change in any way. The customer should continue to receive
15 exactly the same service via a private line as the customer received via a UNE.

16 The “conversion” of a UNE into a private line is not a network facility issue – it is
17 an issue with Qwest’s internal systems and how Qwest plans to move the billing
18 for the facility from one system to another system.

⁷⁷ Qwest/12, Million/6, line 1.

⁷⁸ *Id.* at 6, lines 24-25.

⁷⁹ See JOINT CLECS/2, JCDR 01-031.

⁸⁰ *The New Oxford American Dictionary*, Oxford University Press 2001.

1 To “convert” a UNE to a private line, consists of no more than Qwest wanting to
2 bill CLECs higher monthly recurring charges while excluding performance data
3 for former UNEs from UNE performance measurements. Consequently, the
4 conversion process results from the choices Qwest makes about how to
5 accomplish these results. Neither result is required by the TRRO.

6 **Q. WHY WOULD THE END USER CUSTOMERS SERVICE BE PLACED**
7 **AT RISK AS RATES ARE CHANGED FROM THE UNE RATE TO THE**
8 **PRIVATE LINE RATE?**

9 A. Qwest describes how the conversion from a UNE to a private line service could
10 impact end user customers: “because the circuit ID is changing, for example,
11 mechanized steps in Qwest’s systems view the outward action of the old circuit
12 ID as disconnect activity. This could cause disruption to the CLEC’s end-user
13 customer’s service unless it is prevented by the manual intervention steps
14 designed in the conversion process.”⁸¹

15 There is no reason why a CLEC’s end user customer should be placed at risk.
16 However the process by which Qwest plans on implementing this billing change,
17 which includes a record change to the circuit ID, does just that.

18 It is important to understand that only CLEC’s end users are being placed at risk.
19 Qwest’s end users are not affected by these changes. As a result, any errors that
20 impact the CLEC’s end user customer have the potential of being a win-back
21 situation for Qwest. The CLEC’s end user is unaware of the TRO/TRRO and
22 does not care what billing system Qwest uses to bill the CLEC.

1 **Q. WHY WON'T THE "MANUAL INTERVENTION STEPS" MENTIONED**
2 **BY QWEST BE SUFFICIENT TO PROTECT THE CLEC'S END USER**
3 **CUSTOMER?**

4 A. First, it should be recognized that the "manual intervention steps" described by
5 Qwest are only necessary if Qwest insists on changing the circuit ID. If the
6 circuit ID is not changed, then the "prevention" of customer service disruption is
7 not necessary.

8 Second, every time manual intervention enters a process, the possibility for errors
9 occurs. Qwest points out numerous situations where a failure in the manual
10 intervention process could cause a disruption of service for the CLEC's end-user
11 customer during the conversion. Below are areas where Qwest describes the
12 manual intervention that must take place.

13 Provisioning: "[M]anually reviewing WFADI and WFADOA, whose purpose is
14 to ensure that work steps have not been loaded to the central office or the field
15 **that would result in the interruption of service to the CLEC's end-user**
16 **customer during the conversion.**"⁸² "Unnecessary WFADI and WFADO steps
17 increase the risk of disconnecting a customer in error and/or an unnecessary
18 dispatch. Therefore the tester must review WFADI and WFADO and cancel un-
19 needed steps."⁸³

⁸¹ See Exhibit DD-01, JCDR 01-019.

⁸² See JOINT CLECS/2, JCDR 01-007. See also JOINT CLECS/2, JCDR 01-023

⁸³ See JOINT CLECS/2, JCDR 01-009.

1 Service Delivery Coordinator (“SDC”): “For Common Language Serial numbered
2 (CLS) circuit IDs, it is most efficient, and **minimizes the risk of the customer**
3 **being taken out of service**, to reuse the serial number portion of the circuit ID
4 whenever possible.”⁸⁴

5 “The SDC verifies multiple pieces of information provided on the service order
6 by the customer to ensure that the activity to be performed is clear and that the
7 circuit being converted is specifically identified in order **to avoid billing and**
8 **service problems.**”⁸⁵

9 Designing: “The manual review and validation processes that the Designer
10 performs are intended to interrupt an otherwise mechanized downstream flow that
11 is initiated with the record-in and record-out orders in order to ensure that no
12 physical changes in facilities or equipment **that would disrupt service to the**
13 **CLEC’s end-user customer** have occurred.”⁸⁶

14 Qwest has identified numerous manual steps that must take place for each order
15 converting a UNE to a private line service. Each manual step is intended to
16 prevent the disruption of the CLEC’s end-user customer during the transition of
17 the circuit. These steps would not be necessary if Qwest simply changed the rates
18 it charges to CLECs, rather than insisting on a change in the circuit ID
19 representing the facilities serving the end user customer.

⁸⁴ See JOINT CLECS/2, JCDR 01-017.

⁸⁵ See JOINT CLECS/2, JCDR 01-019.

⁸⁶ See JOINT CLECS/2, JCDR 01-020.

1 **Q. IS IT NECESSARY FOR QWEST TO CHANGE THE CIRCUIT ID TO**
2 **CONVERT A UNE TO A PRIVATE LINE SERVICE?**

3 A. No. Qwest has mentioned three general reasons why it believes a change in the
4 circuit ID is necessary for the conversion of a UNE to a private line service. The
5 reasons cited by Qwest are: (1) Qwest needs the ability to maintain detailed and
6 distinct records for UNEs versus private line circuits; (2) the unique circuit ID is a
7 means of measuring the unique service performance that apply to UNEs and
8 private line services; and (3) the FCC requires unique circuit IDs. Upon
9 examination, not one of these reasons is valid. The bottom line is that Qwest
10 would find it more convenient if the circuit ID were to change, while making the
11 CLEC's life inconvenient. As mentioned, there is risk to the CLEC's end user
12 customer's service. In addition, the CLEC must update circuit IDs in the CLEC's
13 internal systems so that the CLEC can validate bills, report troubles, and
14 implement moves, adds and changes.

15 ***(1) Detailed and distinct records***

16 Qwest witness Million testifies that Qwest has two billing systems: CRIS
17 (Customer Record and Information System) and IABS (Interactive Access Billing
18 System).⁸⁷ Qwest bills UNEs out of its CRIS system and private lines and special
19 access out of its IABS system. During the initial arbitrations Qwest insisted on
20 using its CRIS system for billing UNEs over the objections of AT&T which
21 proposed the use of IABS for all wholesale billing.⁸⁸

⁸⁷ Qwest/12, Million/4.

⁸⁸ *In the Matter of the Petition of AT&T Communications of the Pacific Northwest, Inc.,*

1 Million does not testify that its CRIS system cannot accurately bill CLEC's higher
2 rates for circuits. Such a claim would be simply be incredible given that UNE
3 rates in Qwest's region have changed and Qwest has implemented both rate
4 increases and decreases in CRIS.

5 Perhaps even more dramatic evidence of the capabilities of the CRIS system in
6 this regard is Qwest's implementation of Qwest Platform Plus (QPP) agreements.
7 QPP circuits are subject to annual rate increases. In fact, the rate changes
8 involved with QPP are significantly more complex that the rate change involved
9 in changing from UNE rates to private line rates. QPP rates differ depending
10 upon whether the end-user customer is a residential or a business customer and
11 upon whether the CLEC has met certain volume quotas. Qwest has accomplished
12 these rate changes within CRIS by means of adding new Universal Service
13 Ordering Codes ("USOC") that introduce additives to the underlying UNE rate
14 that CLECs pay for the circuit. Qwest does not assess conversion charges upon
15 its CLEC customers for increasing the amounts that CLECs pay for QPP circuits.

16 Additional evidence that Qwest is able to accomplish conversions via a simple
17 rate change appears in Qwest's Interconnection Agreement Amendment relating
18 to the FCC *Omaha Forbearance Order*. The *Omaha Forbearance Order*⁸⁹
19 removed Qwest's obligations to provide UNEs in certain Nebraska wire centers.

for Arbitration of Interconnection Rates, Terms, and Conditions Pursuant to 47 Pursuant
to 47 U.S.C. § 252 (b) of the Telecommunications Act of 1996, Arbitrator's Decision,
Docket No. ARB 3, Issued December 6, 1996, Issues 41 – 45, pages 10 – 12.

⁸⁹ *Memorandum Opinion and Order on the Petition of Qwest Corporation for
Forbearance Pursuant to 47 U.S.C. §160(c) in the Omaha Metropolitan Statistical Area,*
FCC 05-170, WC Docket No. 04-233, effective September 16, 2005, ("*Omaha
Forbearance Order*").

1 Qwest has implemented a conversion process for DS0 unbundled loops whereby
2 there is simply a rate change.⁹⁰ If Qwest were willing to work with CLECs, a
3 method could be developed to adjust rates without changing circuit IDs which
4 places the CLEC end user customer's service at risk.

5 ***(2) Performance measurement***

6 Qwest's second basis for claiming for the necessity of changing circuit identifiers
7 also simply states a conclusion as well. Qwest states that "the unique circuit ID is
8 maintained as a means of measuring the different *service performance*
9 *requirements* that apply to UNEs and private line services."⁹¹ And again, Qwest's
10 actual experience with QPP suggests this conclusion is wrong. Qwest measures
11 service performance for QPP lines differently than it does for UNEs, and Qwest
12 has accomplished this without changing the circuit identifiers. Further, "Prior to
13 April 2005 Qwest did not require a change to the circuit IDs when a CLEC
14 requested a conversions from Private Line/Special Access to EEL."⁹² Despite
15 this, Qwest indicates that "EEL circuits are being managed properly in the
16 PID/PAP reporting in Oregon."⁹³

⁹⁰ This comes from a Qwest proposed Interconnection agreement titled, *Omaha Forbearance Order Amendment to the Interconnection Agreement between Qwest Corporation and COMPANY for the State of Nebraska*, downloaded from Qwest's website on May 18, 2006, (<http://www.qwest.com/wholesale/downloads/2006/060426/OFOICAamendment4-18-06.doc>)

⁹¹ Qwest 12, Million/6, lines 24-25.

⁹² See JOINT CLECS/2, JCDR 01-025.

⁹³ See JOINT CLECS/2, JCDR 01-029.

1 Tracking the appropriate circuits should not be a problem as a vast majority of the
2 UNEs that are no longer available due to “non-impaired” status are in distinct
3 wire centers or along specific transport routes.

4 *(3) FCC rules*

5 Qwest witness Million contends that 47 C.F.R. § 32.12(b) and (c) requires Qwest
6 to change the circuit identifier.⁹⁴ Million opines that “[i]n order to sufficiently
7 maintain its subsidiary records to support its accounting for UNEs versus its
8 private lines services, Qwest must have accurate circuit identifiers that properly
9 track circuits separately.”⁹⁵

10 However, the FCC provisions cited only require Qwest to maintain orderly
11 records with sufficient detail. The FCC does not prescribe how Qwest is to use
12 circuit identifiers to maintain orderly records. Million’s conclusory statement that
13 accurate accounting and reporting requires changing circuit identifiers begs the
14 question of whether changing the circuit identifier is necessary. Presumably
15 Qwest is able to maintain orderly records for its QPP products without changing
16 the circuit identifier of the underlying line. As previously stated, prior to April
17 2005, Qwest did not require a change to the circuit IDs when a CLEC requested a
18 conversion from Private Line/Special Access to an EEL. When Qwest
19 implemented its new process to change the circuit ID, CLECs were given the
20 opportunity to opt out of the changes to their embedded base of circuits.⁹⁶ When

⁹⁴ Qwest/12, Million/6, lines 1-2.

⁹⁵ *Id.* at 6, lines 20-23.

⁹⁶ *See* JOINT CLECS/2, JCDR 01-025.

1 given this opportunity all CLECs chose to opt out of this change in circuit ID,⁹⁷
2 because no CLEC wants to put its end user customers at risk, especially when
3 there is no change in the functionality of the circuit.

4 ***Conclusion***

5 Qwest's proposal to change the circuit ID is done for the convenience of Qwest,
6 at the inconvenience of the CLEC and at risk to the end user customer. Further,
7 Qwest proposes to charge the CLEC for changing the circuit ID.

8 The issue of changing circuit identifiers is important. Qwest's economic incentive
9 is to increase its competitors' costs. Qwest can increase a CLEC's costs by
10 undertaking unnecessary activity, or undertaking necessary activity in an
11 inefficient manner, and requiring the CLEC to pay Qwest's costs. Qwest can also
12 increase a CLEC's costs by undertaking activity that requires the CLEC to change
13 its internal operations. By contending that it is necessary to change circuit
14 identifiers, Qwest buttresses its claim that "conversion" is necessary and that it
15 involves costs. Further, when Qwest changes a circuit's identifier, the CLEC
16 must change the identifier in its systems as well and, depending upon the nature
17 of the change and the CLEC's systems, processes and procedures, the CLEC's
18 costs for making the change can be greater or smaller. To validate Qwest billing,
19 to do moves, adds or changes to an existing line, and to deal with service and
20 repair issues, CLECs will have to record the new circuit identifiers in their
21 systems. Making the change will involve costs, including the costs of dealing
22 with mistakes in the new identifiers that affect customer service.

⁹⁷ See JOINT CLECS/2, JCDR 01-026

1 Qwest has failed to demonstrate that its proposed "conversion" is necessary.
2 Qwest witnesses never address the question of whether they can accomplish the
3 goals of increasing its charges for a circuit, keeping accurate records, and
4 excluding circuits from performance measurements in other ways that are less
5 costly and less potentially disruptive to end user customers. The fact that Qwest
6 accomplished these goals with QPP, is strong evidence that the "conversion"
7 Qwest wants to perform is unnecessary.

8 If the Commission determines that it is appropriate for Qwest to change the circuit
9 ID during the conversion process, then every effort should be made to protect the
10 CLEC's end-user customer and hold the CLEC harmless from any errors that may
11 occur.

12 **Q. SHOULD QWEST BE PERMITTED TO ASSESS A CONVERSION**
13 **CHARGE FOR CONVERTING UNE CIRCUITS TO SPECIAL ACCESS?**

14 A. No, for several reasons. First, although Qwest is no longer required to supply
15 certain UNEs to CLECs, Qwest's decision not to do so is Qwest's decision alone.
16 If there are any costs to the conversion, Qwest is the cost-causer. Economic
17 efficiency is enhanced when the entity responsible for costs bears them, giving the
18 cost-causer a reason to minimize costs.

19 Second, as the FCC recognized, ILECs have an incentive to impose "wasteful and
20 unnecessary charges, such as termination charges, re-connect and disconnect fees,
21 or non-recurring charges associated with establishing a service for the first

1 time."⁹⁸ The FCC further found that conversion charges "could unjustly enrich an
2 incumbent LEC as a result of converting a UNE or UNE combination to a
3 wholesale service."⁹⁹ Qwest should not be allowed to impose unnecessary costs
4 on its competitors.

5 Third, Qwest does not impose conversion charges on its own customers. Qwest
6 expects CLECs that Qwest requires to convert UNE to special access circuits to
7 pay a significant non-recurring charge. Few if any competitive businesses would
8 ask their customers to be charged for getting higher monthly recurring charges
9 and getting a lesser service quality program while simultaneously necessitating
10 changes to the customer's own internal records as well.

11 The California Public Utilities Commission found these concerns sufficient to
12 prohibit the ILEC from assessing charges for converting UNE circuits to special
13 access. The California Commission explained:

14 We concur with the FCC's finding in ¶ 587 of the *TRO* . . . that because
15 ILECs are never required to perform conversions in order to continue
16 serving their own customers, such charges are inconsistent with Section
17 202 of the Act, which prohibits carriers from subjecting any person or
18 class of persons to any undue or unreasonable prejudice or disadvantage.
19 In the following paragraph, the FCC also reiterates that the conversions
20 between wholesale services and UNEs are 'largely a billing function.'
21 Given the FCC's finding cited above, it is inappropriate to charge a
22 nonrecurring charge for record changes. Therefore, **we conclude that no**
23 **charges are warranted for conversions and transitions that to not**
24 **involve physical work**¹⁰⁰

⁹⁸ TRRO at ¶ 587.

⁹⁹ *Id.*

¹⁰⁰ *Application of Pacific Bell Telephone Company, d/b/a SBC California for Generic Proceeding to Implement Changes in Federal Unbundling Rules Under Sections 251 and 252 of the Telecommunications Act of 1996*, Decision Adopting Amendment to Existing

1 Finally, Qwest did not impose a conversion charge when customers transitioned
2 from UNE-P to QPP. Qwest's conversion charge consequently penalizes
3 facilities-based providers. Qwest should not be permitted to discriminate against
4 facilities-based CLECs in favor of CLECs that rely completely on Qwest's
5 network.

6 **Q. IN ASSESSING A CONVERSION CHARGE, WHAT COSTS DOES**
7 **QWEST SEEK TO RECOVER?**

8 A. Qwest seeks to recover costs involved in "assur[ing] itself that the data for the
9 converted circuit is accurately recorded in the appropriate systems."¹⁰¹ Qwest
10 witness Million's testimony is that Qwest plans to change the billing for the
11 CLEC's circuit from CRIS to IABS, change the circuit ID, and remove the circuit
12 from Qwest's performance assurance plan. But for Qwest's insistence on
13 changing the billing platform and changing the circuit ID, there would be no need
14 for Qwest to "assure itself" that "the data for the converted circuit is accurately
15 recorded."

16 Qwest intends to charge CLECs for costs imposed by Qwest's own decisions. In
17 ordering UNEs, CLECs have paid to enter the correct information required by
18 Qwest into Qwest's systems. Rather than simply bill CLECs more for circuits
19 billed in CRIS, Qwest chooses to charge CLECs for unnecessarily moving the
20 information to Qwest's IABs system. Consequently, Qwest is proposing to move
21 CLEC circuits to a different billing system, risk disrupting service to CLEC

Interconnection Agreement (Jan. 26, 2006) (CA Arbitration Decision) at 35 (emphasis added).

¹⁰¹ Qwest/12, Million/4, lines 9-10.

1 customers, and require CLECs to change information in their own systems – all at
2 the CLEC’s expense.

3 **Q. IS QWEST’S DESIGN CHANGE CHARGE AN APPROPRIATE**
4 **CHARGE?**

5 A. No. Qwest witness Million testifies that Qwest intends to charge a “Design
6 Change” non-recurring charge. She claims that the functional areas and tasks
7 involved in a design change “are similar” to the tasks required to transfer circuit
8 records to IABS. Million further testifies that the Design Charge is “a
9 conservative estimate” of the cost.¹⁰² However, Qwest’s definition of a Design
10 Change indicates that it is intended to recover for engineering activity and no
11 engineering activity is necessary to record circuit information in IABS.¹⁰³

12 Qwest’s FCC Interstate Tariff #1 defines this “Design Change Charge” as:

13 “[A]ny change to an Access Order which **requires engineering review**.
14 An engineering review is a review by Company personnel of the service
15 ordered and the requested changes to determine what change in the design,
16 if any, is necessary to meet the changes requested by the customer.
17 Design changes include such things as a change of end user premises
18 within the same serving wire center, the addition or deletion of optional
19 features, functions, BSEs or a change in the type of Transport Termination
20 (Switched Access only), type of channel interface, type of Interface Group
21 or technical specification package.”¹⁰⁴

¹⁰² Qwest/12, Million/7, lines 8 - 11.

¹⁰³ In response to JCDR 01-031 (see JOINT CLECS/2), Qwest states that it plans to update the language describing the Design Change charge because “the language contained in the interstate tariff does not specifically describe the activities attendant with the conversion of a UNE to a Private Line.” Changing the definition of the rate element does not make it any more appropriate.

¹⁰⁴ Qwest Tariff FCC No. 1, section 5.2.2C. (emphasis added).

1 Because the UNE circuits are converted “as is,” no physical change to the circuit
2 is required. This change is a record change only in order to update the Qwest
3 systems. The circuit is up and working as a UNE. Since there is no need to
4 change the circuit ID, there is no need to “review” or “validate” the circuit design
5 or to ascertain whether “physical changes to the circuit are needed.”¹⁰⁵

6 Ms. Million describes three positions involved in a conversion: a Service
7 Delivery Coordinator (SDC), a Designer, and a Service Delivery Implementer,
8 but no activity that any of them do associated with a conversion is “engineering
9 design.”

10 First, Qwest requires CLECs to place an order. The SDC processes the order to
11 remove the circuit from the CRIS billing and put it into IABS billing and changes
12 the circuit identifier, both of which are solely for Qwest’s convenience or
13 advantage rather than being technically necessary.

14 Ms. Million first describes the Designer as conducting a review of a working
15 circuit operating without trouble in order to determine whether any “physical
16 changes to the circuit are needed.”¹⁰⁶ A more unnecessary step could scarcely be
17 imagined. Ms. Million also identifies two other tasks involving the Designer.
18 She states that the Designer “assures that the design records for the converted
19 circuit match the current UNE circuit” and that the Designer “reviews the circuit
20 inventory in the Trunk Integrated Record Keeping System (“TIRKS”) database to

¹⁰⁵ Qwest/12, Million/5.

¹⁰⁶ *Id.*

1 ensure accuracy and database integrity.”¹⁰⁷ It appears that what the Designer does
2 is take the opportunity to correct errors in Qwest’s database at CLEC expense.
3 CLECs have already paid installation charges when the UNE circuit was initially
4 purchased. CLECs now are to be charged again to correct any errors in Qwest’s
5 systems from earlier activity.

6 The Service Delivery Implementer “has overall control for order provisioning.”¹⁰⁸
7 Because no provisioning is required, there is nothing for the Implementer to
8 control. The Implementer also “verifies the Record-In and Record-out orders and
9 completes the update of the circuit orders in the WFA system.”¹⁰⁹ In essence, the
10 Implementer checks to see that the Coordinator’s work was correct. However,
11 because the Coordinator principally processes CLEC orders before they go into
12 Qwest’s systems, it would seem more sensible to check the accuracy of the order
13 before it is submitted. If an accurate order does not flow through to update
14 Qwest’s systems properly, that is a system issue and cost, not a conversion cost.

15 In other words, Qwest wants to impose an engineering charge on CLECs to
16 recover the costs of undertaking unnecessary work that does not actually involve
17 any engineering. The charge is inappropriate and the Commission should not
18 allow it.

19 **Q. WHAT CONVERSION CHARGE WOULD YOU RECOMMEND?**

¹⁰⁷ Qwest/12, Million/5, lines 3-7.

¹⁰⁸ *Id.* at 5, line 10.

¹⁰⁹ *Id.* at 5, lines 11-12.

1 A. For the reasons I have outlined above, there should be no conversion charge.
2 However, if the Commission chooses to allow Qwest to impose such a charge, it
3 should be a TELRIC UNE rate reflecting the record work only nature of the
4 conversion process.

5 The Washington Public Utilities and Transportation Commission found the
6 appropriate rate for UNE conversions to Private Line was the TELRIC rate for
7 conversions from Private Lines to UNEs.¹¹⁰ The Minnesota TELRIC rate for
8 conversions from Private Lines to UNEs is \$1.25¹¹¹ and the Utah Commission
9 approved a charge of \$8.48 for converting Private Lines to UNEs.¹¹² The Oregon
10 Commission has not approved a rate for converting Private Lines to UNEs, and
11 the rates Qwest proposes are unreasonably high. The average Commission
12 approved rates across Arizona, Colorado, Minnesota and Utah is \$20.22.

13 **Q. DO THE COST STUDIES QWEST PROVIDED SUPPORT THE \$50**
14 **DESIGN CHANGE CHARGE QWEST PROPOSES TO CHARGE FOR**
15 **CONVERSIONS FROM UNES TO PRIVATE LINES?**

16 A. No, these cost studies suffer from the same flaws the as the cost studies Qwest
17 filed in Docket No. UT 138. In that docket the Commission found that Qwest's

¹¹⁰ *In the Matter of the Petition for Arbitration of an Amendment to Interconnection Agreements of Verizon Northwest, Inc. with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Washington Pursuant to 47 U.S.C. § 252(b) and the Triennial Review Order, Report and Decision, Order No. 17, Doc. No. UT-043013 (July 8, 2005) at ¶ 429.*
(<http://www.wutc.wa.gov/rms2.nsf/vw2005OpenDocket/9D2ACD4D768DABE888257084007B7673>).

¹¹¹ *See Sections 9.23.6.5 and 9.23.7.6 of Qwest's Minnesota SGAT*
(<http://www.qwest.com/wholesale/downloads/2006/060113/MNSGATExhibitA12-21-05.xls>)

1 estimates of time required to perform activities were overstated and ordered
2 adjustments to those times.¹¹³ Qwest did not incorporate any of the changes from
3 that order into the studies provided to the Joint CLECs for review.

4 **Q. IS QWEST ASKING THIS COMMISSION TO APPROVE THE DESIGN**
5 **CHANGE CHARGE AS THE APPROPRIATE CHARGE FOR QWEST**
6 **TO CHARGE CLECS FOR CONVERTING IMPACTED UNE CIRCUITS**
7 **TO PRIVATE LINES?**

8 A. No, Qwest is not asking this Commission to determine a reasonable charge. Ms.
9 Million states “Qwest asks that this Commission acknowledge Qwest’s right to
10 assess [the Design Change] charge for the work that it performs.”¹¹⁴ In other
11 words, Qwest is asking this Commission to determine that it does not have
12 jurisdiction over this charge. This Commission should reject these claims and
13 establish an appropriate rate for the conversion of unbundled network elements to
14 private line circuits.

¹¹² The other two states with Ordered rates are Arizona (\$40.32) and Colorado (\$30.72).

¹¹³ *In the Matter of Ascertainning the Unbundled Network Elements that must be Provided by Incumbent Local Exchange Carriers to Requesting Telecommunications Carriers Pursuant to 47 C.F.R. §51.319.* Order, Docket No. UT 138/UT 139 Phase III, Entered February 5, 2003, Order No. 03-085, at 8 – 11.
(<http://apps.puc.state.or.us/orders/2003ords/03-085.pdf>)

¹¹⁴ Qwest/12, Million/8, lines 12-14.

VII. CONCLUSION

1
2 **Q. WHAT ARE YOUR RECOMMENDATIONS TO THE OREGON**
3 **COMMISSION?**

4 A. I have the following recommendations for this Commission:

5 1) The Joint CLECs' recommendations regarding the "non-impaired" status of
6 Qwest's wire centers should be adopted. Qwest did not supply sufficient
7 information to verify its fiber-based collocation data. If, during the course of this
8 proceeding, Qwest provides further information that verifies the fiber-based
9 collocations in dispute, then the Joint CLECs will review this data and if
10 necessary update their recommendations.

11 Qwest should be required to file proper switched business line count data. Qwest
12 should update its line count data to be reflective of the implementation of the
13 TRRO along with the information required to implement the proper counting of
14 this data as outlined in this testimony.

15 2) Future additions to the wire center "non-impaired" list should require
16 Commission approval. Qwest should make available to the Commission and
17 CLECs the underlying data used by Qwest to determine that additional wire
18 centers meet the FCC's "non-impaired" status. Qwest should not be allowed to
19 unilaterally impose its view of what is "non-impaired." Further, Qwest should
20 provide, on an on-going basis, a list of wire centers close to meeting the FCC's
21 "non-impairment" criteria.

1 3) Qwest should not be allowed to block CLEC orders without the agreement and
2 participation of CLECs in the process and necessary systems changes.

3 4) Qwest should not be allowed to place the CLEC's end-user customer at risk,
4 for the convenience of Qwest, by changing the circuit ID on UNE circuits
5 impacted by the "non-impairment" determination. In addition, Qwest should not
6 be allowed to charge CLECs for Qwest to perform tasks that Qwest is performing
7 for its own benefit.

8 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

9 **A. Yes.**

Oregon
UM 1251
Joint CLECS 01-007

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 007

[Qwest/12. Million/4] Please explain whether there are any activities
Qwest claims it must perform for converting from UNEs to Private Line
facilities that are not related to activities for Qwest to "assure itself
that the data for the converted circuit is accurately recorded in the
appropriate systems."

RESPONSE:

In addition to ensuring that the converted circuit is accurately recorded and
updated in the appropriate systems, Qwest must ensure that each product is
assigned to the appropriate Overall Control Office (OCO) and Maintenance
Control Office (MCO) because orders and repair tickets for UNEs are handled
by different work groups (test centers) than for private lines. The Omaha
OCO/MCO handles UNE orders and repair tickets while the Des Moines, Denver,
Salt Lake and Seattle OCO/MCOs handle Private Line orders and repair tickets.
This means that the records for the circuit must be removed from the billing
and downstream systems that support UNEs and must be populated in the billing
and downstream systems that support Access Services.

Also, as discussed in response to data request 01-006, there are a number of
activities in the conversion process, such as manually reviewing WFADI and
WFADO, whose purpose is to ensure that work steps have not been loaded to the
central office or the field that would result in the interruption of service
to the CLEC's end-user customer during the conversion.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-009

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 009

[Qwest/12, Million/1-9] Why is a manual review of WFADI and WFADO required
in a case where there is no dispatch?

RESPONSE:

The WFA tables are set up so that normally they don't create WFADI or WFADO
steps when the orders follow a pre-defined set of rules. However if
something in the order causes it to be outside of the pre-defined rules (e.g.
missing related order number RO), WFADI or WFADO steps can be systemically
generated. Un-necessary WFADI and WFADO steps increase the risk of
disconnecting a customer in error and/or an un-necessary dispatch. Therefore
the tester must review WFADI and WFADO and cancel un-needed steps.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-017

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 017

[Qwest/12, Million/4] Please explain what activities the SDC performs to
change a circuit ID and why this step requires manual intervention.

RESPONSE:

If the circuit ID is for a Common Language Facility-type circuit ID (CLF),
the circuit must be manually named or verified by the SDC. For Common
Language Serial numbered (CLS) circuit IDs, it is most efficient, and
minimizes the risk of the customer being taken out of service, to reuse the
serial number portion of the circuit ID whenever possible. In order to do so,
the SDC manually changes the CLCI identifier code by overtyping a new code on
the service order to be used with the existing serial number. This activity
also requires the SDC to first manually validate that the serial number is
not currently in use with the new CLCI for another customer's circuit. If the
serial number cannot be reused, the SDC must type the appropriate commands to
generate a new circuit ID.

In all cases for Private Line service, manual steps are required to generate,
retain or assign a circuit ID. This is not a case of manual "intervention"
into an automated process, however, as there is no instance where an order
would pass through systems to be assigned a circuit ID without human
assistance.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-019

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 019

[Qwest/12, Million/4-5] Please explain precisely what is being reviewed
for accuracy when "the SDC must check the accuracy of . . . data." Would
this step be necessary if there were electronic flow through between
the systems?

RESPONSE:

The SDC verifies multiple pieces of information provided on the service order
by the customer to ensure that the activity to be performed is clear and that
the circuit being converted is specifically identified in order to avoid
billing and service problems. The review includes:

1. Verification that the circuit ID provided belongs to the customer
submitting the request. This avoids working on the wrong customer's
circuit or divulging CPNI.
2. Verification that the circuit ID that is provided matches the address
information that is provided.
3. Verification that the information on the order for CFA and signaling
match the information that Qwest has in its records for this circuit. If
not, the SDC must determine whether it is the customer's intent to request
a change, or whether the information provided is accurate.
4. Verification that the BTN that is provided by the customer matches
Qwest's records for that circuit, again to ensure that the correct circuit
is being converted.

Finally, while the electronic flow-through that is apparently suggested by
this request does not exist, it would not impact this step nevertheless. In
fact, despite electronic screening in the QROA gateway, the SDCs reject
hundreds of ASRs monthly because of inaccurate or invalid information
contained on the ASRs that CLECs submit.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-020

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 020

[Qwest/12, Million/5] Please explain why it is necessary for the Designer to
review and validate the circuit design for a circuit that is already in
place, designed, and serving an end user customer.

RESPONSE:

The manual review and validation processes that the Designer performs are
intended to interrupt an otherwise mechanized downstream flow that is
initiated with the record-in and record-out orders in order to ensure that no
physical changes in facilities or equipment that would disrupt service to the
CLEC's end-user customer have occurred. In other words, because of the
mechanization in Qwest's processes, the systems may attempt to initiate
activity that would cause changes to the existing circuit. Qwest's conversion
process, however, has been developed to interrupt those mechanized flows and
review and validate the process at various points to ensure that unintended
changes to the existing circuit do not occur.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-023

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 023

[Qwest/12, Million/5] Please explain what provisioning is taking place for
a circuit that is already in place and serving an end user customer.

RESPONSE:

Please see the work steps detailed in the UNE to Private Line Conversion cost
study provided in response to data request 01-004. There are a variety of
steps that Qwest performs in order to process the order-in and order-out
activity associated with the conversion. As described in response to data
request 01-007, in addition to record update activities and changing of work
group responsibilities, Qwest must ensure that none of its automated or
mechanized processes result in unintended changes or disruption of service to
the CLEC's end-user customer.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-025

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 025

[Qwest/12, Million/5] Is there any time when Qwest changed the code used to maintain its inventory of circuits and did not change the embedded base of circuits to the new format?

RESPONSE:

Prior to April 2005, Qwest did not require a change to the circuit IDs when a CLEC requested conversions from Private Line/Special Access to EEL; these circuits retained the Private Line service code modifiers. However, because of the difficulty this practice caused with Qwest's ability to track these products correctly in its systems, effective April 8, 2005, Qwest began utilizing the industry standard service code modifiers specific to EEL, and also established service code modifiers specific to Loop Mux Combo (LMC). Circuit IDs were required to be changed to reflect the new service code modifiers on all new requests, as well as new conversion requests from Private Lines to EEL/LMC and change orders on existing EEL/LMC circuits. Qwest also implemented the changes to those EEL and LMC Loops in the embedded base.

There were some CLECs that requested to opt out of the changes to their embedded base, which Qwest allowed. Those circuits remaining in the EEL/LMC embedded base with a Private Line circuit ID represent less than 7% of the total circuits impacted by the UNE to Private Line conversions. These circuits will retain their Private Line circuit IDs when they are converted from EEL/LMC to Private Lines. The conversion cost study has been adjusted to reflect those circuits that do not require circuit ID changes as part of the conversion process.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-026

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 026

[Qwest/12, Million/1-9] What portion of the impacted lines belonged to
CLECs that opted out of changes to the circuit ID of their embedded based?

RESPONSE:

Please see the response to data request #01-025; 100% of the less than 7% of
UNE lines that have a Private Line circuit ID belong to CLECs that opted out
of changes to the circuit ID of their embedded base.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-029

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 029

[Qwest/12, Million/6-7] Please confirm that EEL circuits, where Qwest
historically did not change the circuit ID, are being managed properly in
the PID/PAP in Oregon.

RESPONSE:

Yes, EEL circuits are being managed properly in the PID/PAP reporting in
Oregon. However, as discussed in response to data request 01-025, because the
circuit IDs do not properly reflect the products to which they are assigned,
Qwest has difficulty tracking the EEL circuits in its systems, and therefore
must manually track those circuits in order to report them properly. For that
reason, effective April 8, 2005, Qwest has required changes to the circuit ID
on all new requests, conversions and change orders on existing EEL/LMC
circuits.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-031

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 031

[Qwest/12, Million/7] Please specifically identify the rate, and section of
the FCC interstate tariff containing that rate, along with a description of
the rate element, that Qwest proposes to charge to CLECs converting from
UNEs to Private Line facilities.

RESPONSE:

A description of the Design Change charge is contained in section 5.2.2(C) of
Qwest's F.C.C. No. 1 Access Service tariff. While the language contained in
the interstate tariff does not specifically describe the activities attendant
with the conversion of a UNE to a Private Line, Qwest is in the process of
clarifying its tariff language to better address such conversions. The rate
for the Design Change charge is \$50. Of course, if a CLEC were to convert its
UNE circuits to intrastate Private Line services, then the Design Change
charge from the applicable intrastate tariff would apply.

Respondent: Terri Million, Staff Director

Oregon
UM 1251
Joint CLECS 01-033

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 033

[Qwest/5, Brigham/1-24] Please provide data similar to what was provided in
Highly Confidential Attachment C and Confidential Attachment D in response
to Bench Requests BCH 01-002 representative of March 2005. If March 2005
data is not available, please provide this data for end of year 2004.

RESPONSE:

Qwest objects to this data request on the grounds that it is irrelevant and
does not bear upon, or reasonably could lead to matters that bear upon, any
issue in this proceeding. First, Qwest's use of December 2003 data is
consistent with the data the FCC analyzed in making its non-impairment
decisions in the TRRO. The data which formed the basis of the FCC's analysis
was ARMIS data from December 2003, which was filed in April 2004. See e.g.,
TRRO, ¶ 105 ("The BOC wire center data that we analyze in this Order is based
on ARMIS 43-08 business lines, plus business UNE-P, plus UNE loops"). Second,
on February 4, 2005, the FCC directed Qwest and the other RBOCs to submit the
list of wire centers that meets the FCC's non-impairment criteria. The
December 2003 data represents the most recent ARMIS business line data that
was available in February, 2005. Consequently, the use of December 2003
ARMIS business line data is not only appropriate, it is consistent with the
FCC's intent to base determinations on "an objective set of data that
incumbent LECs already have created for other regulatory purposes." TRRO, ¶
105. Further, for consistency, the UNE-L quantities (Attachment C provided
in response to BCH 01-002) and UNE-P quantities (Attachment D provided in
response to BCH 01-002) must be provided for the same December, 2003 time
frame.

Oregon
UM 1251
Joint CLECS 01-036

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 036

[Qwest/5, Brigham/18] Please describe any effort Qwest made to remove residential loop counts from the CLEC UNE loop data, including but not limited to the number of residential loops removed and how Qwest determined that the lines were residential. If Qwest did not remove residential UNE loop data, please provide the number of residential loops that Qwest included within the total CLEC UNE loop data.

RESPONSE:

As described on pages 11-12 of Mr. Brigham's testimony, Qwest did not attempt to remove residential loop counts from the CLEC UNE loop data. In fact, such a removal would not be in compliance with the requirements of the TRRO. Qwest does not know whether a UNE loop purchased by a CLEC serves a residential or business customer, and therefore cannot determine the number of residential loops included in the UNE loop data.

Respondent: Bob Brigham

Oregon
UM 1251
Joint CLECS 01-037

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 037

[Qwest/5, Brigham/11-18] Please describe any effort Qwest made to remove non-switched line counts from the CLEC UNE loop data, including but not limited to the number of non-switched lines removed and how Qwest determined that the lines were non-switched lines. If Qwest did not remove non-switched lines from the UNE loop data, please provide the number of non-switched lines that Qwest included within the total CLEC UNE loop data.

RESPONSE:

Qwest did not attempt to remove non-switched loop counts from the CLEC UNE loop data. In fact, such a removal would not be in compliance with the requirements of the TRRO. Qwest does not know whether a UNE loop purchased by a CLEC is used to provide switched or non-switched services, and therefore cannot determine the number of non-switched loops included in the UNE loop data.

Respondent: Bob Brigham

Oregon
UM 1251
Joint CLECS 01-043

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 043

[Qwest/7, Torrence/10-11] Qwest filed a fiber-based collocation list with
the FCC in February 2005. Please clarify the time period represented by that
fiber based collocation list.

RESPONSE:

The list represented operating collocations as of February 2005.

Respondent: Rachel Torrence

Oregon
UM 1251
Joint CLECS 01-041

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 041

[Qwest/7, Torrence/1-23] For fiber-based collocation please indicate
whether Qwest received affirmation from a carrier regarding whether or not
the carrier was a fiber-based collocater.

RESPONSE:

See Confidential Attachment A.

Respondent: Rachel Torrence

Oregon
UM 1251
Joint CLECS 01-044

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 044

[Qwest/7, Torrence/12] Please provide a representative copy of the letter
Qwest sent to each CLEC asking the CLEC to verify whether the CLEC is a fiber
based collocator.

RESPONSE:

See Confidential Attachment B.

Respondent: Rachel Torrence

Oregon
UM 1251
Joint CLECS 01-046

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 046

[Qwest/7, Torrence/14] Please provide a copy of the spreadsheet discussed on
this page of Ms. Torrence's testimony, along with all supporting information
for all wire centers where Qwest relied upon fiber-based collocation to
determine that the wire center is "non-impaired."

RESPONSE:

See Confidential Attachment C.

Respondent: Rachel Torrence

Oregon
UM 1251
Joint CLECS 01-047

INTERVENOR: Covad Communications Co., Eschelon Telecom of Oregon, Inc.,
Integra Telecom of Oregon, Inc., McLeodUSA Telecomm. Services, Inc., and XO
Comm. Services

REQUEST NO: 047

[Qwest/7, Torrence/15] Please provide a copy of any explicit instructions
Qwest provided to its field personnel that during its June 2005 inspection
they should consider only fiber-based collocations as of March 11, 2005.

RESPONSE:

See Confidential Attachment D.

Respondent: Rachel Torrence

QWEST CORPORATION

DOCKET: UM 1251
INTERVENOR: Bench Requests
REQUEST NO: BCH 01-002

REQUEST:

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.

RESPONSE:

See the tier designation provided as Attachment A for a list of each wire center, its wire center classification and whether the calculation is based on the number of fiber-based collocators, the number of business lines, or both.

For a list of the fiber-based collocators and the number of fiber-based collocators in each Non-impaired wire center, please see HIGHLY CONFIDENTIAL Attachment B.

Business line counts include (1) CLEC UNE-L counts (including EEL), (2) CLEC business UNE-P counts, and (3) Qwest business line counts.

See Highly Confidential Attachment C for the UNE-L/EEL loop counts for each CLEC. The line counts for each CLEC are provided to those attorneys and witnesses who are qualified to review Highly Confidential Information and have signed Appendix B of the modified protective order in this docket (Order No. 06-141, issued on March 24, 2006), as well as to the Commission as Highly Confidential Information pursuant to Order No 06-141.

See Confidential Attachment D which provides the number of business UNE-P loops by wire center.

The CLEC line counts in Highly Confidential Attachment C and Confidential Attachment D, coupled with the Qwest line counts provided in response to BCH 01-003(vii) produce the total line counts Qwest relied upon in determining tier designation for each wire center (Total business lines are provided in response to BCH 01-003(v)).

Respondent: Rachel Torrence
Bob Brigham

OREGON
Docket No. UM-1251
BCH 01-002
Attachment A

WIRE CENTER	WIRE CENTER CLLI8 CODE	WIRE CENTER CLASSIFICATION	BASIS FOR CLASSIFICATION (Collos/Bus. Lines/Both)
EUGENE 10 th AVE	EUGNOR53	Tier 1	Business Lines
MEDFORD	MDFDOR33	Tier 1	Fiber Collo
PTLD BELMONT	PTLDOR13	Tier 1	Fiber Collo
PTLD CAPITOL	PTLDOR60	Tier 1	Both (for DS1 & DS3 loops) Meets Tier 1 designation with either
SALEM STATE (MAIN)	SALMOR58	Tier 1	Business Lines
BEND	BENDOR24	Tier 2	Business Lines
PTLD ALPINE	PTLDOR11	Tier 2	Business Lines

WORKING COPY

QWEST CORPORATION

DOCKET: UM 1251
INTERVENOR: Bench Requests
REQUEST NO: BCH 01-003

REQUEST:

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.

RESPONSE:

Please refer to the testimony of Mr. Robert Brigham for a "descriptive explanation" of the business line data provided by Qwest. Please refer to the testimony of Ms. Rachel Torrence for a "descriptive explanation" of the collocation data provided by Qwest.

(i) See Highly Confidential Attachment B provided in response to BCH 01-002 which includes a list of all fiber based fiber-based collocators located in the non-impaired wire centers.

(ii) The fiber based fiber-based collocators were operating as of March 11, 2005.

(iii) See Highly Confidential Attachment B provided in response to BCH 01-002 which includes a list of all fiber-based collocators in the non-impaired wire centers.

(iv) Qwest sent a letter to each CLEC that was identified as operating a fiber-based collocation within a Qwest Oregon wire center. Six of the 14 collocators identified in (i) responded. HIGHLY CONFIDENTIAL Attachment A is the correspondence between Qwest and the responding CLECs.

(v) See Confidential Attachment B which includes a list of all business line counts in the non-impaired wire centers.

(vi) Business line totals were based on December 2003 data.

(vii) See Confidential Attachment C for total ILEC business switched access lines.

(viii) In ARMIS 43-08, Qwest reports the number of circuits attributed to DS1 and DS3s based on the actual channels used by the customer. The methodology dictated by FCC rule for counting DS1 and DS3 circuits under the TRRO is different. Rather than counting the actual number of circuits activated, the FCC rule requires that the count include the full capacity of the DS1 or DS3. Therefore, a DS1 circuit was counted as the equivalent of 24 business lines, and a DS3 was counted as 672 business lines. Qwest removed the ARMIS count of DS1 and DS3, and replaced them with the FCC capacity amount to avoid double counting. Please see Confidential Attachment D for underlying data.

(ix) See Highly Confidential Attachment C provided in response to BCH 01-002.

(x) Please see Confidential Attachment D provided in response to BCH 01-002 for the number of business UNE-P loops. The methodology used to develop business UNE-P lines is described in the testimony of Mr. Robert Brigham. Based on this methodology, the UNE-P business line count is not provided on a CLEC-specific basis.

(xi) See Highly Confidential Attachment C provided in response to BCH 01-002.

(xii) There is no difference, as the response to (x) includes all business UNE-P loops.

(xiii) There is no difference, as the response to (xi) includes all UNE-L loops. Please refer to the testimony of Mr. Robert Brigham for a description of the methodology used to develop UNE-L counts.

(xiv) The response to (x) identifies UNE-P loops, and the response to (xi) identifies UNE-L loops. The response to (ix) identifies the same UNE-L loops that are identified in (xi). Therefore, the sum of sum of (x) and (xi) does not equal (ix). In addition, UNE-P loops in (x) are not broken out by CLEC.

(xv) The response to (vii) identifies Qwest business switched access lines (Confidential Attachment C), which are displayed in more detail in Confidential Attachment D. Confidential Attachment E provides the underlying data and calculations used to derive the quantities of Qwest business lines in Confidential Attachments C and D. The response to (xi) identifies UNE-L lines, and refers to Highly Confidential Attachment C provided in response to BCH 01-002. This attachment identifies the UNE-L quantities and the underlying data and calculations.

(xvi) Qwest did not have any host/remote arrangements in the Oregon non-impaired wire centers with CLEC presence.

Respondent: Rachel Torrence
Bob Brigham
Lisa Hensley-Eckert

QWEST CORPORATION

DOCKET: UM 1251
INTERVENOR: Bench Requests
REQUEST NO: BCH 01-002

REQUEST:

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.

RESPONSE:

See the tier designation provided as Attachment A for a list of each wire center, its wire center classification and whether the calculation is based on the number of fiber-based collocators, the number of business lines, or both.

For a list of the fiber-based collocators and the number of fiber-based collocators in each Non-impaired wire center, please see HIGHLY CONFIDENTIAL Attachment B.

Business line counts include (1) CLEC UNE-L counts (including EEL), (2) CLEC business UNE-P counts, and (3) Qwest business line counts.

See Highly Confidential Attachment C for the UNE-L/EEL loop counts for each CLEC. The line counts for each CLEC are provided to those attorneys and witnesses who are qualified to review Highly Confidential Information and have signed Appendix B of the modified protective order in this docket (Order No. 06-141, issued on March 24, 2006), as well as to the Commission as Highly Confidential Information pursuant to Order No 06-141.

See Confidential Attachment D which provides the number of business UNE-P loops by wire center.

The CLEC line counts in Highly Confidential Attachment C and Confidential Attachment D, coupled with the Qwest line counts provided in response to BCH 01-003(vii) produce the total line counts Qwest relied upon in determining tier designation for each wire center (Total business lines are provided in response to BCH 01-003(v)).

Respondent: Rachel Torrence
Bob Brigham

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QWEST CORPORATION

DOCKET: UM 1251
INTERVENOR: Bench Requests
REQUEST NO: BCH 01-003

REQUEST:

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.

RESPONSE:

Please refer to the testimony of Mr. Robert Brigham for a "descriptive explanation" of the business line data provided by Qwest. Please refer to the testimony of Ms. Rachel Torrence for a "descriptive explanation" of the collocation data provided by Qwest.

- (i) See Highly Confidential Attachment B provided in response to BCH 01-002 which includes a list of all fiber based fiber-based collocators located in the non-impaired wire centers.
- (ii) The fiber based fiber-based collocators were operating as of March 11, 2005.
- (iii) See Highly Confidential Attachment B provided in response to BCH 01-002 which includes a list of all fiber-based collocators in the non-impaired wire centers.
- (iv) Qwest sent a letter to each CLEC that was identified as operating a fiber-based collocation within a Qwest Oregon wire center. Six of the 14 collocators identified in (i) responded. HIGHLY CONFIDENTIAL Attachment A is the correspondence between Qwest and the responding CLECs.
- (v) See Confidential Attachment B which includes a list of all business line counts in the non-impaired wire centers.
- (vi) Business line totals were based on December 2003 data.
- (vii) See Confidential Attachment C for total ILEC business switched access lines.
- (viii) In ARMIS 43-08, Qwest reports the number of circuits attributed to DS1 and DS3s based on the actual channels used by the customer. The methodology dictated by FCC rule for counting DS1 and DS3 circuits under the TRRO is different. Rather than counting the actual number of circuits activated, the FCC rule requires that the count include the full capacity of the DS1 or DS3. Therefore, a DS1 circuit was counted as the equivalent of 24 business lines, and a DS3 was counted as 672 business lines. Qwest removed the ARMIS count of DS1 and DS3, and replaced them with the FCC capacity amount to avoid double counting. Please see Confidential Attachment D for underlying data.
- (ix) See Highly Confidential Attachment C provided in response to BCH 01-002.
- (x) Please see Confidential Attachment D, provided in response to BCH 01-002 for the number of business UNE-P loops. The methodology used to develop business UNE-P lines is described in the testimony of Mr. Robert Brigham. Based on this methodology, the UNE-P business line count is not provided on a CLEC-specific basis.
- (xi) See Highly Confidential Attachment C provided in response to BCH 01-002.
- (xii) There is no difference, as the response to (x) includes all business UNE-P loops.
- (xiii) There is no difference, as the response to (xi) includes all UNE-L loops. Please refer to the testimony of Mr. Robert Brigham for a description of the methodology used to develop UNE-L counts.

(xiv) The response to (x) identifies UNE-P loops, and the response to (xi) identifies UNE-L loops. The response to (ix) identifies the same UNE-L loops that are identified in (xi). Therefore, the sum of sum of (x) and (xi) does not equal (ix). In addition, UNE-P loops in (x) are not broken out by CLEC.

(xv) The response to (vii) identifies Qwest business switched access lines (Confidential Attachment C), which are displayed in more detail in Confidential Attachment D. Confidential Attachment E provides the underlying data and calculations used to derive the quantities of Qwest business lines in Confidential Attachments C and D. The response to (xi) identifies UNE-L lines, and refers to Highly Confidential Attachment C provided in response to BCH 01-002. This attachment identifies the UNE-L quantities and the underlying data and calculations.

(xvi) Qwest did not have any host/remote arrangements in the Oregon non-impaired wire centers with CLEC presence.

Respondent: Rachel Torrence
Bob Brigham
Lisa Hensley-Eckert

[Service Date April 20, 2006]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation) DOCKET UT-053025
Concerning the Status of Competition)
and Impact of the FCC's Triennial) ORDER 03
Review Remand Order on the)
Competitive Telecommunications) INITIAL ORDER REQUIRING
Environment in Washington State) DISCLOSURE OF ADDITIONAL
) INFORMATION
)
) **(Information due by Friday,**
) **April 28, 2006; Comments**
) **accepting or objecting to wire**
) **center designations due by**
.....) **Friday, May 5, 2006)**

1 *Synopsis. This order requires Qwest and Verizon to submit additional information to the Commission and interested persons by Friday, April 28, 2006, to allow the Commission to address the proper designation of wire centers in Qwest's and Verizon's service territory in Washington. Specifically, the order requires Qwest to submit December 2003 ARMIS 43-08 data, as filed with the FCC, showing actual business lines in use, rather than total capacity of its access lines. Verizon must provide an explanation of how it calculated its ARMIS 43-08 data and identify how it separates business and residential UNE-P lines in this data. Qwest and Verizon must respond to the Joint CLECs' data requests concerning fiber-based collocators in the wire centers in question. Verizon must also submit, as confidential, data concerning fiber-based collocators and business lines, as required by the Commission's order to disclose information. The order rejects all other requests for additional information.*

SUMMARY

2 **PROCEEDING.** In this proceeding, the Washington Utilities and Transportation Commission (Commission) will consider whether to issue an interpretive statement or policy statement addressing issues of competition in the telecommunications industry and challenges facing telecommunications carriers

DOCKET NO. UT-053025
ORDER NO. 03

PAGE 2

following the Federal Communication Commission's (FCC) Triennial Review Remand Order (TRRO). The first part of this inquiry concerns Qwest Corporation's (Qwest) and Verizon Northwest Inc.'s (Verizon) designation of wire centers as non-impaired, or ineligible for access to high capacity loops and transport by competitors.

3 **INTERESTED PARTIES.** Lisa A. Anderl, Associate General Counsel, and Adam L. Sherr, Corporate Counsel, Seattle, Washington, represent Qwest. Timothy J. O'Connell and John H. Ridge, Stoel Rives LLP, Seattle, Washington, represent Verizon. Gregory J. Kopta and Sarah Wallace, Davis Wright Tremaine LLP, Seattle, Washington, represent Covad Communications Company (Covad), Eschelon Telecom of Washington, Inc. (Eschelon), Integra Telecom of Washington, Inc. (Integra), McLeodUSA Telecommunications Services, Inc., and XO Communications Services, Inc. (collectively Joint CLECs). Gregory Diamond, Denver, Colorado, represents Covad. Dennis Robins, Vancouver, Washington, represents Electric Lightwave, Inc. Karen Clausen, Minneapolis, Minnesota, represents Eschelon. Karen Johnson, Beaverton, Oregon, represents Integra. David Mittle, Santa Fe, New Mexico, represents Tel West Communications, LLC. Peter Healy, Olympia, Washington, represents TSS Digital Services, Inc. (TDS). Arthur A. Butler, Ater Wynne LLP, Seattle, Washington, represents the Washington Electronic Business and Telecommunications Coalition (WeBTEC). Simon J. ffitch and Judith Krebs, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel).

4 **DECISION.** This initial order considers the Joint CLECs' objections to data submitted by Qwest and Verizon, and requests for additional information. This order finds December 2003 data appropriate for evaluating Qwest's and Verizon's initial designation of non-impaired wire centers. The order requires Qwest to submit December 2003 ARMIS 43-08 data, as filed with the FCC, showing actual business lines in use, rather than total capacity of its access lines. Verizon must provide an explanation of how it calculated its ARMIS 43-08 data, and identify how it separates business and residential UNE-P lines in this data. Qwest and

DOCKET NO. UT-053025
ORDER NO. 03

PAGE 3

Verizon must submit additional data concerning fiber-based collocators in the disputed wire centers. Verizon must also submit, as confidential, data concerning fiber-based collocators and business lines, as required by the Commission's order to disclose information. The order rejects all other Joint CLEC requests for additional information. Qwest and Verizon must submit the additional data and explanations on or before Friday, April 28, 2006, and interested persons may respond on or before Friday, May 5, 2006, accepting or objecting to the ILECs' wire center designations.

MEMORANDUM

A. Background

5 On February 4, 2005, the FCC released its Order on Remand, also known as the Triennial Review Remand Order, or TRRO.¹ In the TRRO, the FCC reexamined whether competitors were impaired without unbundled access to certain network elements, pursuant to Section 251(c)(3) of the federal Telecommunications Act of 1996 (the Act).² In determining whether competitors are impaired without unbundled access to high-capacity loops and interoffice transport, the FCC looked to the number of fiber-based collocators in a wire center and the number of business lines terminating and leaving a wire center as indicia of competition. The FCC classified ILEC wire centers into three "tiers" – Tier 1, Tier 2 and Tier 3, "based on indicia of the potential revenues and suitability for competitive transport deployment."³

6 Wire centers designated as Tier 1 are considered the most competitive, and have four or more fiber-based collocations, or 38,000 or more business lines.⁴ Tier 2

¹ *In the Matter of Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338, Order on Remand, FCC 04-290 (rel. Feb. 4, 2005) [Hereinafter "*Triennial Review Remand Order*" or "*TRRO*"].

² Pub. L. No. 104-104, 110 Stat. 56 (1996).

³ *TRRO*, ¶ 111.

⁴ *Id.*, ¶¶ 111-12.

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wire centers have three or more fiber-based collocations or 24,000 or more business lines.⁵ Tier 3 wire centers are those that are not Tier 1 or 2 wire centers.⁶ Tier 1 and Tier 2 wire centers are considered “non-impaired,” such that competitors do not have unbundled access to high-capacity loops and transport in these wire centers.⁷ Competitors continue to have unbundled access to these network elements in Tier 3 wire centers.⁸

7 The FCC defines fiber-based collocators as:

[A]ny carrier, unaffiliated with the incumbent [local exchange carrier] LEC, that maintains a collocation arrangement in an incumbent LEC wire center, with active electrical power supply, and operates a fiber-optic cable or comparable transmission facility that (1) terminates at a collocation arrangement within the wire center; (2) leaves the incumbent LEC wire center premises; and (3) is owned by a party other than the incumbent LEC or any affiliate of the incumbent LEC, except as set forth in this paragraph. ... Two or more affiliated fiber-based collocators in a single wire center shall collectively be counted as a single fiber-based collocator.⁹

8 The FCC also defines a business line as:

[A]n incumbent LEC-owned switched access line used to serve a business customer, whether by the incumbent LEC itself or by a competitive LEC that leases the line from the incumbent LEC. The number of business lines in a wire center shall equal the sum of all incumbent LEC business switched access lines, plus the sum of all [unbundled network element] UNE loops connected to that wire center, including UNE loops provisioned in combination with other

⁵ *Id.*, ¶ 118.

⁶ *Id.*, ¶ 123.

⁷ *Id.*, ¶¶ 111, 118; *see also* ¶¶ 174, 178, in which the FCC classifies Tier 1 wire centers for purposes of access to DS3-capacity loops as having at least 38,000 business lines *and* four or more fiber-based collocators, and for DS1-capacity loops as having at least 60,000 business lines *and* four or more fiber-based collocators.

⁸ *Id.*, ¶ 123.

⁹ 47 C.F.R. § 51.5; *see also* TRRO, ¶ 102.

unbundled elements. Among these requirements, business line tallies (1) shall include only those access lines connecting end-user customers with incumbent LEC end-offices for switched services, (2) shall not include non-switched special access lines, (3) shall account for ISDN and other digital access lines by counting each 64 kpbs-equivalent as one line. For example, a DS1 line corresponds to 24 kpbs-equivalents, and therefore to 24 “business lines.”¹⁰

The FCC explains that “business line counts are an objective set of data that incumbent LECs already have created for other regulatory purposes,” and analyzed “ARMIS 43-08 business lines, plus business UNE-P, plus UNE-loops” in the TRRO.¹¹

- 9 After the FCC issued the TRRO, the FCC’s Wireline Competition Bureau requested that incumbent local exchange carriers (ILECs), such as Verizon and Qwest, submit lists of wire centers satisfying the TRRO’s non-impairment criteria.¹² Qwest and Verizon submitted lists in February 2005 using the most recent data filed with the FCC, reflecting data collected through December 2003.

B. Procedural History

- 10 The Commission held a workshop in this proceeding on February 1, 2006, concerning competition in the telecommunications industry and challenges facing telecommunications carriers after the TRRO. One of the primary issues identified in the workshop was the proper designation of wire centers in Washington meeting the FCC’s non-impairment standards for UNE loops, high-capacity circuits and transport. In particular, competitive local exchange carriers (CLECs) attending the workshop questioned whether Qwest and Verizon had correctly designated certain wire centers as non-impaired for purposes of unbundled access to UNE loops, high-capacity circuits and transport.

¹⁰ 47 C.F.R. § 51.5.

¹¹ TRRO, ¶ 105.

¹² Joint CLEC Final Exceptions, ¶ 3.

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- 11 The Commission held a conference on February 6, 2006, and established a schedule for obtaining information from Qwest and Verizon about the wire centers in question. The schedule provided an opportunity for interested parties to file exceptions to Qwest's and Verizon's data, for Qwest and Verizon to respond, and for interested parties to file final exceptions or state agreement with Qwest's and Verizon's designation of wire-centers.
- 12 At the request of the participating CLECs, Qwest and Verizon, the Commission entered Order 01 in this proceeding, a protective order, to allow interested persons who have filed appropriate exhibits to the protective order access to confidential and highly confidential information provided by Qwest and Verizon.
- 13 On February 21, the Commission entered Order 02, Order Requiring Disclosure of Information, requiring Qwest and Verizon to provide certain information to the Commission and interested persons.
- 14 Qwest and Verizon provided the Commission and interested persons with data on March 1. Both companies provided additional data within a week.
- 15 On March 8, the Joint CLECs submitted exceptions to Qwest's and Verizon's data and requested additional data. Qwest and Verizon filed responses to the Joint CLECs' exceptions on March 14, objecting to the requests for additional data.
- 16 On March 21, the Joint CLECs filed final exceptions and objections to Qwest's and Verizon's data supporting wire center designations. Public Counsel filed comments the same day asserting it premature for the Commission to decide on wire center designations. On March 28, Verizon filed comments responding to Public Counsel's comments.

C. Disputed Issues

- 17 The Joint CLECs raise a number of concerns about the sufficiency of the data Qwest and Verizon use to designate certain wire centers as non-impaired, the

methods the ILECs use to calculate certain data and whether the data should be considered confidential or highly confidential. In essence, these issues are discovery disputes which must be resolved before the Commission can address the ultimate issue of the proper designation of wire centers in Qwest's and Verizon's service territory in Washington. Although the Joint CLECs appear to concede that Qwest has properly designated certain wire centers in Washington,¹³ the Commission reserves ruling on these wire centers until Qwest and Verizon provide additional data in compliance with this order.

1. Age of the data

18 Each year on April 1, ILECs file annual network, financial and service quality data with the FCC's Automated Reporting Management Information System (ARMIS). For example, ILECs file 2005 data on April 1, 2006. The number of access lines in service is one type of data ILECs provide annually for FCC Report 43-08, the ARMIS Operating Data Report.¹⁴ The parties refer to this data as ARMIS 43-08 data. In this proceeding, Qwest and Verizon provided ARMIS 43-08 data showing the number of access lines in wire centers as of December 2003.

19 The Joint CLECs assert the data Qwest and Verizon provide is out-dated. The Joint CLECs assert that the ILECs have more current data, as they collect data monthly and report to the FCC annually. The Joint CLECs assert that using 2003 access line counts may inflate the number of business lines serving the wire centers in question. The Joint CLECs assert both Qwest and Verizon claim that their access lines are declining, indicating there may be a significant difference between line counts as of December 2003 and March 2005, when the TRRO became effective.

20 The Joint CLECs assert it is irrelevant that the December 2003 ARMIS data was the most recent data on file on the effective date of the TRRO. The Joint CLECs request the Commission require Qwest and Verizon to provide ARMIS 43-08 data

¹³ *Id.*, n.2.

¹⁴ See the FCC's website at www.fcc.gov/wcb/armis/.

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- as close as possible to March 11, 2005, the effective date of the TRRO. The Joint CLECs assert the ILECs should provide, at a bare minimum, the data from the April 1, 2005, ARMIS filing, which includes data through December 2004.
- 21 Qwest and Verizon assert that using 2003 ARMIS 43-08 data is appropriate, as it is the same data the FCC used in establishing wire center tiers in the TRRO, and the same data available when the FCC requested ILECs to submit lists of wire centers meeting the TRRO non-impairment criteria.¹⁵ Qwest asserts the FCC has not requested updated data from the ILECs.¹⁶ Verizon asserts that once a wire center meets a non-impairment threshold, it cannot later be reclassified as impaired.¹⁷ Verizon asserts the Joint CLECs' request to use more recent data is an attempt to reclassify as impaired wire centers the company has already identified as non-impaired.
- 22 Qwest and Verizon assert the Joint CLECs' delay in requesting new data is unreasonable and using more recent data would only reward this delay.¹⁸ Qwest further asserts that any decline in its business access lines is a sign of increasing competition in Washington, which supports limiting unbundled access to CLECs.¹⁹
- 23 *Discussion and decision.* It is reasonable for Verizon and Qwest to submit to the Commission December 2003 ARMIS data to support the designation of their initial list of "non-impaired" wire centers. It was the most recent data on file with the FCC at the time it entered the TRRO. The FCC used this data in establishing the wire center tiers. Qwest and Verizon used this data in filing their initial lists of non-impaired wire centers with the FCC.
- 24 The Joint CLECs appear to concede that certain wire centers may meet the TRRO's non-impairment criteria using this data, but seek updated data for the purpose of verifying the status of other wire centers. It would be inconsistent to

¹⁵ Qwest Response to Exceptions, ¶ 4; Verizon Response to Exceptions at 2.

¹⁶ Qwest Response to Exceptions, ¶ 5.

¹⁷ Verizon Response to Exceptions at 3 n.5, citing 47 C.F.R. § 51.319(e)(3)(i).

¹⁸ Qwest Response to Exceptions, ¶ 6; Verizon Response to Exceptions at 3-4.

determine the initial list of non-impaired wire centers based on data from different time periods. Qwest and Verizon's use of December 2003 data for the purpose of determining the initial list of wire centers is appropriate. Therefore, the Joint CLECs' request for Qwest and Verizon to provide updated ARMIS 43-08 data is rejected. On a going-forward basis, however, Qwest and Verizon must submit the most recent ARMIS 43-08 data when seeking to add any new wire centers to the list of non-impaired wire centers the Commission resolves in this proceeding.

2. Method of calculating business lines

- 25 The Joint CLECs object to the way Qwest calculates the number of its own business lines.²⁰ The Joint CLECs assert Qwest inflates the number of its business lines serving a wire center by counting the full voice-grade capacity of DS1 and DS3 circuits, rather than just those circuits used to provide service to business customers. The Joint CLECs request the Commission direct Qwest to use only ARMIS 43-08 data for counting ILEC-owned business lines.²¹
- 26 Similarly, the Joint CLECs assert Qwest over-counts the number of CLEC UNE loops by including the total capacity of the UNE circuit rather than the actual circuits in use when calculating total business lines.²² The Joint CLECs request the Commission direct Qwest to apply a utilization factor to determine the number of actual circuits in use.
- 27 The Joint CLECs assert the FCC intended, both in the TRRO and the definition of "business line" in Rule 51.5, that ILECs calculate the *actual* business lines served, not the capacity of the circuit. The Joint CLECs point to the first sentence of the FCC's rule: "A business line is an incumbent LEC-owned switched access line used to serve a business customer, whether by the incumbent itself or by a

¹⁹ Qwest Response to Exceptions, ¶ 6.

²⁰ The Joint CLECs state it is unclear whether Verizon has properly calculated its business line count, and requests the Commission require Verizon to verify that it has not altered the ARMIS 43-08 data. See Joint CLEC Exceptions, n.3.

²¹ *Id.*, ¶ 8.

²² *Id.*, ¶ 9.

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competitive LEC that leases the line from the incumbent LEC.”²³ The Joint CLECs assert the FCC bases its definition of business lines in the TRRO on “ARMIS 43-08 business lines, plus business UNE-P, plus UNE loops.”²⁴ The Joint CLECs also rely on a decision of the South Carolina commission, which found the FCC intended to count actual lines in use, and did not intend in the TRRO and rules to alter the ILECs’ ARMIS business line count.²⁵

28 Qwest asserts its method of calculating business line counts is based on the FCC’s business line definition. Qwest asserts the last two sentences of the FCC’s definition, requires ILECs to base their business line counts on the capacity of the circuit, not actual lines served.²⁶ That portion of the definition provides:

Among these requirements, business line tallies (1) shall include only those access lines connecting end-user customers with incumbent LEC end-offices for switched services, (2) shall not include non-switched special access lines, (3) *shall account for ISDN and other digital access lines by counting each 64 kpbs-equivalent as one line. For example, a DS1 line corresponds to 24 kpbs-equivalents, and therefore to 24 “business lines.”*²⁷

29 For UNE loops, Qwest asserts the FCC’s definition requires Qwest to count “all UNE loops connected to that wire center, including UNE loops provided in combination with other unbundled elements.”²⁸

30 Qwest asserts the FCC intended the definition of “business line” to include “both actual and potential competition, based on an indicia of significant revenue

²³ *Id.*, ¶ 6, citing 47 C.F.R. § 51.5.

²⁴ *Id.*, citing TRRO, ¶ 105.

²⁵ *Id.*, ¶¶ 7, 9, citing *In re Proceedings to Consider Amendments to Interconnection Agreements Between BellSouth Telecommunications, Inc., and Competing Local Providers Due to Changes of Law*, NC Utils. Comm’n Docket No. P-55, SUB 1549, Order Concerning Changes of Law at 67 (Mar. 1, 2006) [Hereinafter “North Carolina Order”].

²⁶ Qwest Response to Exceptions, ¶ 7.

²⁷ 47 C.F.R. § 51.5 (emphasis added).

²⁸ Qwest Response to Exceptions, ¶ 10, quoting 47 C.F.R. § 51.5.

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opportunities at wire centers.”²⁹ Qwest refers the Commission to the decisions of the Florida and Georgia commissions, which, it asserts, interpreted the FCC’s business line definition and provisions of the TRRO to require ILECs to include unused capacity on high capacity loops when calculating the number of ILEC-owned business lines.³⁰ Qwest also refers to decisions by the Florida, Indiana, Illinois and Ohio commissions directing ILECs to count all UNE loops connected to wire centers.³¹

31 Verizon asserts it has used ARMIS 43-08 data to include only ILEC business lines for switched services in calculating the total number of business lines.³² Verizon asserts the FCC’s rule requires all UNE loops to be included in the calculation.³³

32 **Discussion and Decision.** The FCC’s definition includes three requirements for tallying business lines. The interpretation of these three requirements drives the dispute between the parties. The Joint CLECs’ interpretation concerning ILEC-

²⁹ *Id.*, ¶ 9, quoting TRRO, ¶ 88; see also *Id.*, ¶ 10, citing TRRO, ¶ 24.

³⁰ *Id.*, ¶ 9 citing *In re: Petition to Establish Generic Docket to Consider Amendments To Interconnection Agreements Resulting from Changes in Law, by BellSouth Telecommunications, Inc.*, Fla. PSC Docket No. 041269-TP, Order No. PSC-06-0172-FOF-TP at 37 (Mar. 2, 2006) [Hereinafter “*Florida BellSouth Decision*”]; *In Re Generic Proceeding to Examine Issues Related to BellSouth Telecommunications, Inc.’s Obligations to Provide Unbundled Network Elements*, Docket No. 19341-U, Order on Remaining Issues at 20 (Mar. 2, 2006) [Hereinafter “*Georgia BellSouth Decision*”]. The last sentence in Qwest’s quote from the Florida BellSouth Decision does not appear in the Florida decision. That additional language is stricken from Qwest’s Response.

³¹ *Id.*, ¶ 10, citing *Florida BellSouth Decision* at 39; see also *In the Matter of the Indiana Utility Regulatory Commission’s investigation of Issues Related to the Implementation of the Federal Communications Commission’s Triennial Review Remand Order and the Remaining Portions of the Triennial Review Order*, Cause No. 42857 at 16 (Jan. 11, 2006); *Petition for Arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996 with Illinois Bell Telephone Company to Amend Existing Interconnection Agreements to Incorporate the Triennial Review Order and the Triennial Review Remand Order*, ICC Docket No. 05- 0442, Arbitration Decision at 30 (Nov. 2, 2005); *In re Establishment of Terms and Conditions of an Interconnection Agreement Amendment*, PUCO Case No. 05-887-TP-UNC, Arbitration Award at 16 (Nov. 9, 2005).

³² *Id.*, at 6.

³³ Verizon Response to Exceptions at 5-6.

owned access lines best captures the FCC's intent in how to count ILEC-owned business lines for purposes of identifying tiers of wire centers. Qwest and Verizon, however, are correct in counting all UNE loops connected to wire centers as business lines, regardless of whether they are actually used to serve customers.

33 In explaining its method, the FCC states:

[A]s we define them, business line counts are an objective set of data that incumbent LECs already have created for other regulatory purposes. The BOC wire center data that we analyze in this Order is based on ARMIS 43-08 business lines, plus business UNE-P, plus UNE loops. We adopt this definition of business lines because it fairly represents the business opportunities in a wire center, including business opportunities already being captured by competing carriers through the use of UNEs. Although it may provide a more complete picture to measure the number of business lines served by competing carriers entirely over competitive loop facilities in particular wire centers, such information is extremely difficult to obtain and verify. Conversely, by basing our definition in an ARMIS filing required of incumbent LECs, and adding UNE figures, which must also be reported, we can be confident in the accuracy of the thresholds, and a simplified ability to obtain the necessary information.³⁴

The FCC does not discuss modifying the ILEC-owned business lines reported in ARMIS 43-08 data, referring to the data as "already ... created for other regulatory purposes," and providing "a simplified ability to obtain the necessary information."³⁵ While the FCC's rule states that a business line is an ILEC-owned or CLEC-leased switched access line "used to serve a business customer," the FCC also provides that its thresholds, based on in part on business lines, are intended to "capture both actual and potential competition."³⁶

³⁴ TRRO, ¶ 105.

³⁵ *Id.*

³⁶ 47 C.F.R. § 51.5; *see also* TRRO, ¶ 88.

- 34 The FCC's rule must be read consistently with the FCC's statements in the TRRO. To that end, the FCC's requirements for calculating, or tallying, the total number of business lines serving a wire center are most reasonably applied in part to ILEC-owned switched access lines, and in part to UNE loops. The first two listed requirements (i.e., that the access lines connect only actual customers and the number not include non-switched special access lines) are already considered in the switched access lines ILECs report to the FCC in ARMIS 43-08 data.³⁷ These requirements also logically apply to UNE-P lines, as they are switched access lines leased by competitors. The third requirement, that digital access lines be counted by voice-grade equivalents, should apply when ILECs count the number of UNE loops served by a wire center. Like the number of business lines served "entirely over competitive loop facilities in particular wire centers," the number of UNE loops in service "is extremely difficult to obtain and verify," as only CLECs can identify which lines serve business or residential customers. Thus, ILECs should include total capacity, not actual circuits in use, when calculating UNE loops, but not when calculating ILEC-owned or UNE-P business lines. Applying all three requirements to ILEC-owned access lines or to UNE loops would render the rule internally inconsistent, and inconsistent with the FCC's statements in the TRRO.
- 35 Thus, Qwest must submit its business line counts to include actual business lines as reported in its December 2003 ARMIS 43-08 data, without adjustment. Verizon must provide sufficient information to allow the Commission and interested persons to determine that Verizon did not alter its ARMIS 43-08 business line data. Qwest need not modify its calculation of UNE loops. Qwest and Verizon must provide the additional information only for the wire centers the Joint CLECS continue to dispute on or before April 28, 2006. The Joint CLECs and other interested persons may respond to Qwest's and Verizon's additional data on or before May 5, 2006, accepting or objecting to the ILECs' wire center designations.

3. Exclusion of residential UNE-P lines

³⁷ See North Carolina Order at 41-42.

- 36 As a part of its business line calculation, Qwest deducted UNE-P residential white pages directory listings from the total number of UNE-P lines to derive an estimate of business UNE-P lines.³⁸ The Joint CLECs assert that Qwest's method does not accurately count business UNE-P lines, claiming Qwest should count only those UNE-P lines in the business white pages of the directory data base.³⁹ The Joint CLECs assert Qwest provides no basis for its assertion that the majority of residential lines are listed, while the majority of business lines are not. The Joint CLECs also assert that after the FCC entered the TRRO, UNE-P lines were converted to Qwest's commercial offering, Qwest Platform Plus (QPP), which separately identifies lines as residential or business.⁴⁰ The Joint CLECs request that Qwest use QPP data to identify the number of business UNE-P lines in each wire center, as well as any UNE-P lines listed in the business white pages directory, for calculating business UNE-P lines.⁴¹
- 37 The Joint CLECs also assert Verizon provides no explanation for how it excluded UNE-P residential lines from the calculation of business lines.⁴² The Joint CLECs note that Verizon states in response to Bench Request No. 3 (x) that UNE-P lines "are included in the business switched access lines provided in ARMIS 43-08" data. The Joint CLECs are concerned that Verizon has included all UNE-P lines as business lines, without removing residential lines. The Joint CLECs request the Commission order Verizon to explain how it excluded residential UNE-P lines from the calculation of business lines.
- 38 The Joint CLECs also claim that Qwest and Verizon should exclude UNE loops used to provide residential and non-switched services.⁴³ The Joint CLECs request the Commission follow the North Carolina commission's analysis and order Qwest and Verizon to exclude UNE loops used to provide residential service from

³⁸ Joint CLEC Exceptions, ¶ 12, quoting Qwest Response to Bench Request No. 01-003 (x).

³⁹ *Id.*, ¶¶ 11-12.

⁴⁰ Joint CLEC Final Exceptions, ¶ 12.

⁴¹ *Id.*, ¶ 13.

⁴² *Id.*, ¶ 13.

⁴³ Joint CLEC Exceptions, ¶¶ 11-16.

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the calculation of business lines,⁴⁴ and require Qwest and Verizon to exclude from business line counts any UNE loops used to provide non-switched services.

- 39 Qwest asserts its method of calculating business UNE-P lines is a conservative calculation it has used in other proceedings before the Commission, e.g., Dockets UT-003022 and UT-003040, the Section 271 proceeding, and Dockets UT-000883 and UT-030614, competitive classification proceedings.⁴⁵ Qwest asserts it would be inappropriate to count only business UNE-P white pages directory listings, as businesses often have more than one line and list only the main telephone number. Qwest asserts the Joint CLECs' method would artificially reduce the number of business lines and require additional and more complicated calculations.⁴⁶
- 40 Qwest also objects to the Joint CLECs' effort to exclude UNE loops used to provide residential or non-switched service. Qwest asserts that excluding residential or non-switched UNE loops would be inconsistent with the FCC's decision to include all UNE loops in the business line calculation.⁴⁷ Qwest further asserts excluding these loops is "contrary to the FCC's intent to capture an accurate measure of the 'revenue opportunity' in a wire center."⁴⁸
- 41 Verizon asserts it has included only business UNE-P lines reported in ARMIS 43-08 data, and did not include residential UNE-P lines. Verizon asserts it lists business and residential data separately on its ARMIS 43-08 report.⁴⁹ Further, Verizon asserts it is appropriate to include UNE loops used for residential and non-switched services in calculating business lines. Verizon asserts the FCC did not distinguish between business and residential UNE loops the way it did for ILEC-owned access lines and UNE-P lines, but requires ILECs to include "all UNE loops connected to that wire center, including UNE loops provisioned in

⁴⁴ Joint CLEC Final Exceptions, ¶ 14.

⁴⁵ Qwest Response to Exceptions, ¶ 12.

⁴⁶ *Id.*, ¶ 13.

⁴⁷ *Id.*

⁴⁸ *Id.*, ¶ 14.

⁴⁹ Verizon Response to Exceptions at 4.

combination with other unbundled elements.”⁵⁰ Verizon also asserts that ILECs are not able to determine how a CLEC uses its UNE loops, or whether they are used to serve business or residential customers or for non-switched services.⁵¹

42 ***Discussion and decision.*** Qwest’s method for calculating business UNE-P lines is appropriate, as it is consistent with methods the Commission has accepted in past proceedings for calculating residential or business UNE-P lines. There is no need for Qwest to recalculate the data using QPP data or to count only business UNE-P white page listings.

43 It is not clear from the data Verizon provides whether or how it separated business and residential UNE-P lines. Verizon must provide a clear explanation on or before April 28, 2006, showing how it separately identifies business and residential UNE-P lines in its ARMIS 43-08 data. As with the business line count data discussed above, interested persons may respond to Verizon’s explanation on or before May 5, 2006.

44 The Joint CLECs request that Qwest and Verizon exclude from the business line calculation UNE loops used to serve residential customers and provide non-switched services is denied. The clear language of the TRRO and the FCC’s definition of “business line” demonstrate the FCC’s intent to include all UNE loops in the business line calculation. In the TRRO, the FCC calculated business lines based on “ARMIS 43-08 *business* lines, plus *business* UNE-P, plus UNE-loops.”⁵² The FCC did not qualify the UNE loops it included as business UNE loops or non-switched UNE loops, but *all* UNE loops. Further, in its definition of business line, the FCC provided: “The number of business lines in a wire center shall equal the sum of all incumbent LEC *business* switched access lines, plus the sum of *all* UNE loops connected to that wire center, including UNE loops

⁵⁰ *Id.*, at 5-6, quoting 47 C.F.R. § 51.5.

⁵¹ *Id.*, at 5, 8.

⁵² TRRO, ¶ 105 (emphasis added).

provisioned in combination with other unbundled elements.”⁵³ All UNE loops should be included in the business line calculation.

4. Supporting data for identifying fiber collocators

45 The Joint CLECs claim that neither Qwest nor Verizon provide sufficient data to verify the collocators they identify are “fiber-based collocators” as defined by the FCC.⁵⁴ The Joint CLECs request that the Commission require Qwest and Verizon to provide more detailed information for wire centers where the ILECs rely on the number of fiber-based collocators to show non-impairment. Specifically, the Joint CLECs request that the ILECs respond to data requests with data showing “each fiber-based collocator connects its collocated equipment directly to its own fiber-optic network without relying on ILEC UNEs or cross-connects to other collocated carriers” and that the collocators were fiber-based collocators as of March 11, 2005.⁵⁵

46 Qwest asserts that no additional information is necessary. Qwest based its calculation of fiber-based collocators on the FCC’s definition and discussion in the TRRO.⁵⁶ Qwest used data from December 2003, removed any collocations that were terminated between December 2003 and February 2005, and then physically verified the power supply to the collocation and whether there was fiber terminating at the collocation and leaving the wire center.⁵⁷ Qwest asserts it consulted with CLECs to verify the data, and corrected the data based on feedback from CLECs.⁵⁸

47 Similarly, Verizon objects to the Joint CLECs’ request for additional data. Verizon used data from physical inspections of collocations to determine whether

⁵³ 47 C.F.R. § 51.5 (emphasis added).

⁵⁴ Joint CLEC Exceptions, ¶ 17.

⁵⁵ *Id.*; see also Joint CLEC Proposed Follow-up Data Requests, No. 5 (Qwest) and Nos. 5 and 6 (Verizon).

⁵⁶ Qwest Response to Exceptions, ¶¶ 16-17.

⁵⁷ *Id.*

⁵⁸ *Id.*

a collocator met the FCC's definition of a "fiber-based collocator," then verified the data by notifying CLECs of its designation of a wire-center as non-impaired.⁵⁹ Verizon asserts it has not received any actual data from any CLEC challenging its identification as a fiber-based collocator.⁶⁰

48 The Joint CLECs assert that the failure of CLECs to respond to Qwest's and Verizon's attempts to verify data does not mean the data is accurate. The Joint CLECs assert specific additional information will allow them to determine if Qwest's and Verizon's designations are accurate.

49 ***Discussion and decision.*** Qwest and Verizon must respond to the Joint CLECs' data requests concerning identification of fiber-based collocators in the wire centers the Joint CLECs continue to dispute by April 28, 2006, providing a copy of their responses to the Commission. The information is relevant, is apparently available, does not pose an undue burden on the ILECs, and would allow the Commission and Joint CLECs to verify the non-impairment designation of wire centers. The remaining uncertainty over a few wire centers can be resolved with little additional effort by Qwest and Verizon.

50 Qwest must respond to Data Request No. 5 and Verizon must respond to Data Request Nos. 5 and 6, attached to the Joint CLEC Exceptions filed on March 8, 2006. The Joint CLECs and other interested persons may respond to the ILECs' data on or before May 5, 2006, accepting or objecting to the ILECs' wire center designations.

5. Designation of data as highly confidential

51 Verizon provided information in response to the Commission's order requiring disclosure of information, designating the information as highly confidential. The

⁵⁹ Verizon Response to Exceptions at 8-9.

⁶⁰ *Id.*, at 9.

Joint CLECs object to the designation of the information as highly confidential, asserting the information is not highly confidential and that such a designation is inconsistent with discussions during the workshop.⁶¹ The Joint CLECs request the Commission require Verizon to resubmit the information as confidential to allow appropriate in-house personnel to review the data.⁶²

52 Verizon asserts it properly designated non-masked CLEC-specific information as highly confidential to protect customer-specific information from being shared beyond attorneys in this proceeding in light of its obligations under Section 222 of the Act.⁶³ Verizon asserts it will not disclose this information subject to lesser protection without an express order of the Commission.⁶⁴ Verizon asserts that there is no need to share this information among non-attorneys, as the un-masked data clearly allows for verification of collocation arrangements.⁶⁵

53 ***Discussion and decision.*** Verizon must provide the information, as confidential: Verizon agreed to do so during the February 6, 2006, conference, and the Commission directed Verizon to do so in Order 02, Order Requiring Disclosure of Information.

54 During the conference, Verizon's counsel specifically agreed that it was appropriate to provide the identity of fiber-based collocators and aggregate CLEC line counts as confidential, not highly confidential, information.⁶⁶ Verizon's counsel further agreed that a protective order and Commission order requiring such disclosure would address its concerns about complying with Section 222.⁶⁷ In Order 02, the Commission ordered the disclosure of information, in light of the concerns over Section 222:

⁶¹ Joint CLEC Exceptions at 8.

⁶² *Id.*

⁶³ Verizon Response to Exceptions at 9-10.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ TR 19:14 – 20:9 (O'Connell).

⁶⁷ TR 9:16 – 10:22 (O'Connell).

In order to address the CLECs' concerns over the proper designation of non-impaired wire centers, the Commission requires information from Qwest and Verizon. The nature of the Commission's inquiry in this proceeding requires masking identifying information for certain data, a method the Commission has used in the past when collecting wire center data. After consulting with participants in the workshop and scheduling conference, the Commission requests that Qwest and Verizon provide the identify of fiber-based collocators as confidential information, but mask the identity of CLEC business lines by masking the data or assigning the CLEC a code. While Qwest and Verizon must provide Commission staff with access to all codes, Qwest and Verizon must only provide each CLEC seeking access to the information with the individual CLEC's assigned code.⁶⁸

The Commission also recognized the ILECs' concerns over Section 222 in the Protective Order entered in this proceeding.⁶⁹

55 Given these two orders and Verizon's agreement during the conference, Verizon submission of the information as highly confidential failed to comply with the requirements in Order 02. Verizon must resubmit its information in response to Order 02, as confidential, on or before April 28, 2006, masking the data as appropriate and providing the individual CLECs with their own masking code. Interested persons may respond to Verizon's data on or before May 5, 2006, accepting or objecting to Verizon's wire center designations.

FINDINGS OF FACT

⁶⁸ *In the Matter of the Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State*, Docket UT-053025, Order 02, Order Requiring Disclosure of Information ¶ 7 (Feb. 21, 2006); see also *Id.*, ¶ 8.

⁶⁹ *In the Matter of the Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State*, Docket UT-053025, Order 01, Protective Order ¶ 3 (Feb. 10, 2006).

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56 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated findings and conclusions upon issues in dispute among the parties and the reasons therefore, the Commission now makes and enters the following summary findings of fact, incorporating by reference pertinent portions of the preceding detailed findings:

- 57 (1) The Washington Utilities and Transportation Commission is an agency of the state of Washington vested by statute with the authority to regulate the rates and conditions of service of telecommunications companies within the state, and to take actions, conduct proceedings, and enter orders as permitted or contemplated for a state commission under the Telecommunications Act of 1996.
- 58 (2) Verizon Northwest Inc. and Qwest Corporation are incumbent Local Exchange Companies, or ILECs, providing local exchange telecommunications service to the public for compensation within the state of Washington.
- 59 (3) Covad Communications Company, Electric Lightwave, Inc., Eschelon Telecom of Washington, Inc., Integra Telecom of Washington, Inc., McLeodUSA Telecommunications Services, Inc., Tel West Communications, LLC, TSS Digital Services, Inc., and XO Communications Services, Inc., are local exchange carriers within the definition of 47 U.S.C. § 153(26), providing local exchange telecommunications service to the public for compensation within the state of Washington, or are classified as competitive telecommunications companies under RCW 80.36.310 - .330.
- 60 (4) The FCC's Triennial Review Remand Order finds competitive local exchange carriers are not impaired under Section 251 of the Telecommunications Act of 1996 without access to high capacity loops and transport, if the wire centers serving the loops and transport meet certain criteria.

- 61 (5) The FCC established in the Triennial Review Remand Order the number of “fiber-based collocators” in a wire center and the number of “business lines” serving a wire center as the criteria for determining whether a wire center is non-impaired for purposes of CLEC access to high capacity loops and transport.
- 62 (6) In response to the FCC’s order, Qwest and Verizon, as well as other ILECs across the nation, filed with the FCC in February 2005 lists of wire centers meeting the FCC’s non-impairment criteria.
- 63 (7) In Order 02 in this proceeding, the Commission ordered Qwest and Verizon to provide certain information to the Commission and interested persons to allow the Commission to determine whether Qwest and Verizon properly designated certain wire centers in Washington State as non-impaired.
- 64 (8) Qwest and Verizon provided information in response to the Commission’s Order 02 on March 1, 2006.
- 65 (9) The Joint CLECs object to the sufficiency of the data, as well as the methods Qwest and Verizon used in calculating certain data.
- 66 (10) Qwest and Verizon submitted to the Commission data based on ARMIS 43-08 data reported to the FCC, reflecting 2003 annual data.
- 67 (11) The FCC used 2003 ARMIS 43-08 data in determining the criteria for wire center non-impairment, and ILECs used 2003 ARMIS 43-08 data in submitting lists of non-impaired wire centers to the FCC in March 2005.
- 68 (12) It is unclear from the data Verizon provides whether or how it separated business and residential UNE-P lines.

- 69 (13) The FCC's definition of "business line" in 47 C.F.R. § 51.5, and statements in the Triennial Review Remand Order, provide the basis for determining how ILECs should calculate the number of business lines under the FCC's non-impairment criteria.
- 70 (14) Qwest calculates the number of business UNE-P lines serving wire centers by deducting the number of residential UNE-P white page listings from the total number of UNE-P lines.
- 71 (15) Paragraphs 7 and 8 of the Commission's Order 02 required Qwest and Verizon to provide information as confidential to allow the Commission and interested persons to evaluate the data and protect customer proprietary network information.
- 72 (16) During the February 6, 2006, conference, Verizon agreed to provide the identity of fiber-based collocators and masked data concerning CLEC business lines as confidential, pursuant to a protective order.
- 73 (17) Verizon provided information in response to the Commission's Order 02 by designating the information as highly confidential, not confidential.

CONCLUSIONS OF LAW

- 74 Having discussed above all matters material to this decision, and having stated detailed findings, conclusions, and the reasons therefore, the Commission now makes the following summary conclusions of law incorporating by reference pertinent portions of the preceding detailed conclusions:
- 75 (1) The Washington Utilities and Transportation Commission has jurisdiction over the subject matter of, and parties to, these proceedings.

- 76 (2) It is reasonable for Verizon and Qwest to submit to the Commission December 2003 ARMIS data to support the designation of their initial lists of non-impaired wire centers pursuant to the TRRO because the FCC used this data to establish the non-impairment criteria and the companies used this data in providing lists of non-impaired wire centers to the FCC in March 2005.
- 77 (3) Applying data from different time periods to determine the initial list of non-impaired wire centers, as the Joint CLECs suggest, would be inconsistent.
- 78 (4) The FCC's requirements in its rule defining "business line" for calculating the total number of business lines serving a wire center are most reasonably applied in part to ILEC-owned switched access lines, and in part to UNE loops. Applying all three requirements to ILEC-owned access lines or to UNE loops would render the rule internally inconsistent, and inconsistent with the FCC's statements in the TRRO.
- 79 (5) The first two listed requirements in the FCC's rule defining "business line," i.e., that the access lines connect only actual customers and the number not include non-switched special access lines, are already factored into the switched access lines ILECs report to the FCC in ARMIS 43-08 data. These requirements also logically apply to UNE-P lines, as they are switched access lines leased by competitors.
- 80 (6) The third requirement in the FCC's rule defining "business line," that digital access lines be counted by voice-grade equivalents, should apply when ILECs count the number of UNE loops served by a wire center. Like the number of business lines served "entirely over competitive loop facilities in particular wire centers," the number of UNE loops in service "is extremely difficult to obtain and verify," as only CLECs can identify which lines serve business or residential customers.

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- 81 (7) For purposes of calculating total business lines under the FCC's rule, ILECs should include actual circuits in use when calculating ILEC-owned business lines and business UNE-P lines, but should include the total capacity of circuits, not actual circuits in use, when calculating UNE loops.
- 82 (8) Qwest's method of calculating business UNE-P lines is appropriate and consistent with methods the Commission has accepted in prior proceedings for calculating residential or business UNE-P lines.
- 83 (9) All UNE loops should be included in the calculation of business lines for determining whether a wire center meets the non-impairment criteria. The FCC did not distinguish in paragraph 105 of the TRRO between business and other UNE loops, but included *all* UNE loops in the calculation. In its definition of "business line", the FCC provided: "The number of business lines in a wire center shall equal the sum of all incumbent LEC *business* switched access lines, plus the sum of *all UNE loops* connected to that wire center, including UNE loops provisioned in combination with other unbundled elements." 47 C.F.R. § 51.5 (*emphasis added*).
- 84 (10) Providing additional information about fiber-based collocators in certain wire centers would not pose an undue burden on Qwest and Verizon and would allow the Commission and Joint CLECs to verify the non-impairment designation of wire centers in Washington.
- 85 (11) By submitting information to the Commission as highly confidential, Verizon failed to comply with the requirements of the Commission's Order 02.

ORDER

86 **THE COMMISSION ORDERS:**

- 87 (1) Qwest Corporation and Verizon Northwest Inc. must submit to the Commission and interested persons on or before April 28, 2006, business

line counts showing actual business lines as reporting in their December 2003 ARMIS 43-08 data, without adjusting the data to reflect the total capacity of access lines. The companies must provide this information only for those wire centers the Joint CLECs continue to dispute.

- 88 (2) If Qwest Corporation and Verizon Northwest Inc. seek to designate additional wire centers as non-impaired in the future, the companies must provide to the Commission the most recently filed ARMIS 43-08 data to support the designation.
- 89 (3) Verizon Northwest Inc. must provide a detailed explanation to the Commission and interested persons on or before April 28, 2006, showing how the company calculated its December 2003 ARMIS 43-08 business access line data and how the company separately identified business and residential UNE-P lines in this data.
- 90 (4) Qwest Corporation and Verizon Northwest Inc. must respond to the Joint CLECs' data requests regarding identification of fiber-based collocators, only for those wire centers the Joint CLECs continue to dispute, on or before April 28, 2006.
- 91 (5) As required in the Commission's Order 02, Order Requiring Disclosure of Information, Verizon Northwest Inc. must resubmit, as confidential, on or before April 28, 2006, all information concerning the identity of fiber-based collocators and masked data identifying CLEC business lines.
- 92 (6) Except as the Joint CLECs' requests for additional information are granted in this order, the Joint CLECs' data requests, or requests for additional information, are denied.
- 93 (7) The Commission retains jurisdiction to effectuate the terms of this order.

Dated at Olympia, Washington, and effective April 20, 2006.

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WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL,
Administrative Law Judge

NOTICE TO THE PARTIES

This is an Initial Order. The action proposed in this Initial Order is not effective until entry of a final order by the Utilities and Transportation Commission. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within (10) days after service of the Petition.

<input checked="" type="checkbox"/> Qwest					<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Home	<input checked="" type="checkbox"/> Residential	<input checked="" type="checkbox"/> Small Business	<input checked="" type="checkbox"/> Large Business	<input checked="" type="checkbox"/> Partners	
<input checked="" type="checkbox"/> Products and Services	<input checked="" type="checkbox"/> Resource	<input checked="" type="checkbox"/> Systems	<input checked="" type="checkbox"/> Network Support	<input checked="" type="checkbox"/> Training and Notices	<input checked="" type="checkbox"/> Customer Service
<input checked="" type="checkbox"/> Wholesale					

Products & Services — Local Business Procedures

Local Business Procedures

- [View More Local Resale Non-Facility Based Business Procedures](#)
- [View More Local Interconnection Facility Based Business Procedures](#)

TRRO Compliance and Transition Procedures - V3.0

[History Log](#)

Description

This document is provided for customers who have signed the TRRO compliant agreement/amendment. Transition procedures to alternative arrangements are outlined below.

As a result of the TRRO Order, CLECs are required to amend contracts to be TRRO compliant and may have services that require transition to alternate arrangements. Impacted products, (including those that require transition to alternative arrangements), rates and compliance activities are detailed in the amendment to the ICA. Your [Qwest Service Manager](#) will assist you with compliance and transition activities.

Non-Impairment Criteria

Non-Impairment criteria and product specific details can be obtained by viewing the following TRRO products and services PCATs:

- [TRRO - Enhanced Extended Loop \(EEL\)](#)
- [TRRO - Loop Mux Combination \(LMC\)](#)
- [TRRO - Unbundled Dark Fiber \(UDF\)](#)
- [TRRO - Unbundled Local Loop Digital Signal Level 1 \(DS1\) Capable Loop](#)
- [TRRO - Unbundled Local Loop Digital Signal Level 3 \(DS3\) Capable Loop](#)
- [TRRO - Unbundled Local Loop - General Information](#)
- [TRRO - Unbundled Dedicated Interoffice Transport \(UDIT\)](#)

Qwest wire centers that meet the non-impairment criteria established in the TRRO for DS1 and DS3 loops and DS1, DS3, and dark fiber transport can be viewed at [Qwest Non-Impaired Wire Center Lists for Loops and Dedicated Transport](#).

UNE to Private Line/Special Access Transition Procedures

If you choose to convert your TRRO impacted UNEs "As Is" to Qwest's Private Line or Special Access Tariff Services, they will be converted using a single ASR per circuit to establish the UNE as a PLT or SA circuit. Qwest will issue the appropriate service orders from the ASR. A "Conversion As Is" involves a change in billing and may also involve a change in circuit ID. There is no physical work performed to the circuit with a "Conversion As Is". Provisioning changes and additional options are not allowed.

Initiating a Transition

1	CLEC signs TRRO amendment
2	Service Manager will help identify services that are impacted by the TRRO and will require transition to an alternate arrangement.
3	Service Manager will contact CLEC to assist in developing a transition plan. Service Manager will provide information to assist the CLEC in choosing the appropriate options.

Specific ASR entries

The following are key ASR entries specific for "Conversion As Is" from existing UNE services to Private Line/Special Access Services. Consult with your Service Manager for the range of options, guidance and project procedures.

ASR Field	Valid Entries
ACT	C
PROJECT	UNETOPLT
ECCKT	UNE circuit ID (A new PLT/Circuit ID will be provided on FOC)
RMK	TRRO Transition from UNE to PLT. Records change only. No physical work. Reuse facilities. UNE Billing Number
UNE	Must be Blank

If you currently have circuits in which only a segment of the circuit is impacted by the TRRO and you choose to retain the impaired segment at UNE pricing; you may do a "Conversion As Specified." Two circuits of the same bandwidth are created and commingled together, utilizing a PLT Central Office Connecting Channel (COCC). The UNE circuit will in most cases retain the current UNE circuit ID and a new circuit ID will be provided with the new PLT/SA circuit. Two requests are required with a "Conversion As Specified." Additional information may be found under EEL Commingling Conversion Requests and under UDIT Commingling Conversion Requests in the Ordering sections of the TRRO - Enhanced Extended Loop (EEL) and TRRO - Unbundled Dedicated Interoffice Transport (UDIT) PCATs.

Pricing

Rate Structure

For the transition of circuits "As Is" from UNE to Private Line/Special Access Services that are a result of an office or transport route being declared non-impaired under the FCC's guidelines, and is no longer required under Section 251 due to TRO/TRRO, Qwest will charge the tariffed nonrecurring Design Change Charge.

Tariffs, Regulations and Policies

Qwest Private Line and or Special Access Products and Services information, regulations and policies are located in the state specific Tariffs/Catalogs/Price Lists.

Billing

Customer Records and Information System (CRIS) billing is described in Billing Information - Customer Records and Information System (CRIS).

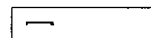
Integrated Access Billing System (IABS) billing is described in Billing Information - Integrated Access Billing System (IABS™).

Contacts

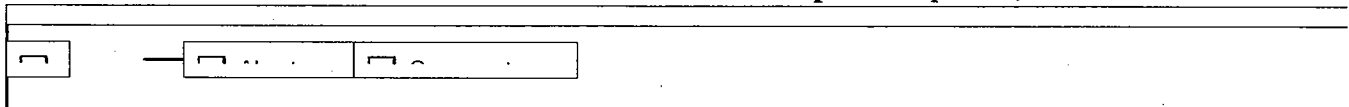
Qwest contact information is located in Wholesale Customer Contacts.

Frequently Asked Questions (FAQs)

This section is being compiled based on your feedback



Last Update: April 14, 2006



**Resources**

—Change Management Process (CMP)

Archived System CR SCR083005-01 Detail**Title: Implement Edits Related to TRRO (FCC 04-290)**

CR Number	Current Status Date	Level of Effort	Interface/ Release No.	Area Impacted
SCR083005-01	Withdrawn 3/15/2006	1500 - 2000	IMA Common/	Ordering

Originator: Hooper, Sami**Originator Company Name:** Qwest Corporation**Owner:** Hooper, Sami**Director:** Bliss, Susan**CR PM:** Esquibel-Reed, Peggy**Description Of Change**

This is a Regulatory Change Request.

The FCC's Triennial Review Remand Order (TRRO), FCC 04-290 (WC Docket No. 04-313 and CC Docket No. 01-338) released February 4, 2005, modified the rules under which Qwest is required to offer DS1 and DS3, loops and transport as Unbundled Network Elements (UNEs) pursuant to section 251(c)(3) of the Telecommunications Act of 1934, as amended. The FCC ordered impairment criteria impacts DS1 and DS3 loops and transport. Due to the volume of customers that have opted into the TRRO Amendment, Qwest needs to implement edits in those states, for those customer's, where a TRRO has been filed, in their states.

No new or conversion activity is allowed in non-impaired offices on Unbundled Loop, EEL, and Loop Mux Combination (LMC). DS1 and DS3 loops and/or transport will be identified by wire center where the requirements of full competition are met.

This CR will install an edit in IMA to reject requests for service in non-impaired offices on UBL, EEL, LMC, DS1 and DS3 loop and/or transport.

Additionally, on EEL and LMC the SPEC field on the LSR will be utilized to identify the request as EEL Loop, EEL Multiplexer, LMC

Loop, or LMC Multiplexer. The product name in IMA for these products will be updated from EEL/UNE Combination to EEL/LMC to match the names in the product catalogs.

Expected Deliverable:

Requested Implementation is the IMA 19.0 Release, April 2006, due to the volume of customers that have opted into the TRRO Amendment, Qwest needs to implement edits in those states, for those customer's, where a TRRO has been filed, in their states.

Status History

Date	Action	Description
3/15/2006	Discussed at Monthly CMP Meeting	Discussed at the March Systems CMP Meeting; please see the March Systems CMP Distribution Package, Attachment G
8/30/2005	CR Submitted	
8/30/2005	CR Acknowledged	
8/31/2005	Communicator Issued	CMPR.08.31.05.F.03232.RegulatoryCRSt
9/6/2005	Clarification Meeting Held	
9/21/2005	Discussed at Monthly CMP Meeting	Discussed at the September Systems CMP Monthly Meeting; please see the September Systems CMP Distribution Package, Attachment D

Project Meetings

March 15, 2006 Systems CMP Meeting Discussion: Jill Martain-Qwest stated that this CR had been out for awhile, is currently in deferred status, and stated that Qwest would now like to withdraw this CR. Jill stated that if Qwest determines, at a later date, that a system enhancement is needed, Qwest would issue another CR. This CR is in withdrawn status.

September 21, 2005 Systems CMP Meeting Discussion: Jill Martain/Qwest stated that based on other issues that are in progress, in and outside of CMP, Qwest will defer this CR and will remove the Regulatory (RG) classification. Jill stated that once the issues are resolved, the CR will be taken out of deferred status and we would have further discussions regarding this Change Request. Jill noted that there is no need for a vote to take place during the September Monthly CMP Meeting. There were no questions or comments. This CR is in Deferred Status.

-- September 8, 2005 Email Received from Covad: Covad objects to the "regulatory" classification of SCR083005-01. To preface, the CMI document clearly spells out the scope of regulatory CRs and the process for a regulatory designation and this change request does not meet those qualifications. In addition, Covad believes a regulatory

designation is inappropriate due to the following:

(a) Currently, Qwest is obligated to provision all orders for services out of arguably unimpaired COs so edits attempting to prevent ordering out of COs Qwest has unilaterally designates as unimpaired is impermissible;

(b) the good faith, self-certification requirement imposed by the TRRC for ordering should accommodate any concerns Qwest may have regarding orders placed out of arguably unimpaired COs; and (c) since Qwest, to date, has made it impossible for any CLEC or state commission to validate whether a CO is unimpaired further reinforces that the only legitimate way to accommodate arguable changes of law resulting from the TRRO is the self-certification process.

Since Covad has not yet executed the TRRO amendment, and since Qwest has not articulated any legitimate reason for using system edits versus the self-certification process, Covad believes that Qwest may not permissibly use any system edits for orders placed by Covad.
Thanks, Liz Balvin Covad Communications

September 6, 2005 Email Received from Eschelon: Eschelon objects to the classification of this CR as a Regulatory CR. Qwest's CR is response to freely negotiated amendments. These were negotiated without arbitration. Qwest was not ordered to limit its product availability and could do more. The FCC sets out a minimum. In addition, this change is contrary to the FCC's self certification process. Under that process, Qwest cannot reject an order when the CLEC self certifies. If Qwest and other CLEC's have agreed to a different process that is voluntary and does not support a Regulatory CR. Eschelon understands that the changes apply only to certain customers that signed the TRO amendment., therefore, the edits/changes, in any event will not apply to Eschelon or ATI. Bonnie J. Johnson Director Carrier Relations Eschelon Telecom, Inc.

September 1, 2005 Email Received from AT&T: AT&T objects to the treatment of the Qwest-originated change request SCR083005-01RG as a Regulatory Change pursuant to the Change Management Process. Section 4.1 defines a regulatory change: 4.1 Regulatory Change A Regulatory Change is mandated by regulatory or legal entities, such as the Federal Communications Commission (FCC), a state commission/authority, or state and federal courts. Regulatory changes are not voluntary but are requisite to comply with newly passed legislation, regulatory requirements, or court rulings. Either the CLEC or Qwest may originate the Change Request. The definition states that the "Regulatory changes are not voluntary but are requisite to comply with newly passed legislation, regulatory requirements, or court rulings." The FCC's Triennial Review Remand Order Qwest reference in Qwest's CR simply relieved Qwest of certain obligations under federal law. That ruling did not mandate that Qwest no longer provide the products and services relating to those obligations. Qwest has voluntarily chosen to cease providing these services. As such, this Qwest CR does not qualify as a Regulatory Change under the CMP. If Qwest wishes to pursue these changes, Qwest's CR must be treated as

any other systems CR. Sharon Van Meter AT&T Western Region
GAM 303-699-6483 303-540-1637 (pager)

September 1, 2005 Clarification: Introduction of Attendees: Sami Hooper-Qwest, Jill Martain-Qwest, Peggy Esquibel Reed-Qwest

Review Requested (Description of) Change: Peggy Esquibel Reed-Qwest reviewed the CR and asked if there was additional information. Sami Hooper-Qwest stated that there is no additional information.

Confirmed Impacted Area(s): Peggy Esquibel Reed-Qwest confirmed that this request is for Ordering.

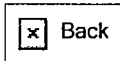
Confirmed Impacted Interfaces: Peggy Esquibel Reed-Qwest confirmed that this is an impact to IMA Common.

Confirmed Impacted Products: Peggy Esquibel Reed-Qwest confirmed the impacted products UBL, EEL, LMC, DS1 & DS3 Loop and/or Transport.

Establish Action Plan & Resolution Time Frame: Peggy Esquibel Reed-Qwest stated that Sami will present this CR at the September 21, 2005 Systems CMP Meeting. Peggy then noted that the Regulatory Notice was sent on 8/31 and that the deadline for objections, for the Regulatory classification, is 5:00 p.m. MT, September 8th.

- August 31, 2005 Regulatory Notification Sent:
CMPR.08.31.05.F.03232.RegulatoryCRSubmitted

QWEST Response



Information Current as of 5/15/2006

Before the

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Docket No. UT-053025

VERIZON NORTHWEST INC.

RESPONSES TO WUTC STAFF INFORMATION REQUEST NOS. 1-4

FEBRUARY 28, 2006

Docket No. UT-053025

Verizon Northwest Inc. Responses to WUTC Staff Information Request Set 1 Nos. 1-4
February 28, 2006

INFORMATION REQUEST NO. 3:

For each of the wire centers listed as “non-impaired”, 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 the ILEC 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 the ILEC’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 ILEC 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 ILEC switching (e.g. UNE-P, QPP, or other ILEC Commercial arrangement).
- (xi) Number of UNE Loops, for each CLEC, where the ILEC does not provide switching.
- (xii) If different from (x) above, the number of business loops, for each CLEC, provided in combination with ILEC switching (e.g. UNE-P, QPP, or other ILEC 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 the ILEC 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.

Docket No. UT-053025

Verizon Northwest Inc. Responses to WUTC Staff Information Request Set 1 Nos. 1-4
February 28, 2006

- (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.

Response:

- (i) Please see response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (ii) March 11, 2005 was the effective date of Verizon's data, however, the physical inspections performed to determine the number of fiber based collocators were performed prior to this date.
- (iii) Please see response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (iv) Verizon did not specifically request affirmation from each carrier regarding whether or not the carrier was a fiber-based collocator. However, Verizon, in its March 1, 2005 correspondence that provided the wire center list to the CLEC industry notified the CLECs how to obtain appropriate backup data and specifically requested that CLECs contact Verizon should they have verifiable data that demonstrated that either wire center should not be identified as nonimpaired.
- (v) Please see response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (vi) All components of the business line counts were determined as of December 31, 2003. Please see response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (vii) Please see response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (viii) The methodology used to determine the line counts in (vii) is the same as the methodology used to determine switched business line counts for ARMIS 43-08. Please see response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (ix) Please see Highly Confidential Attachment "WA UTC_Set1_Attach1_3 ix-HIGHLY CONFIDENTIAL CODED".
- (x) Verizon did not consider the number of UNE Loops, for each CLEC, provided in combination with ILEC switching for purposes of counting UNE loops in assessing non-impairment status. Loops provided in combination with ILEC switching (e.g. commercial arrangements) are not included in total UNE Loops provided in Part (ix) but rather are included in the business switched access lines provided in ARMIS 43-08.
- (xi) Please see response to IR 3(ix) and Highly Confidential Attachment "WA UTC_Set1_Attach1_3 ix-HIGHLY CONFIDENTIAL CODED".

Docket No. UT-053025

Verizon Northwest Inc. Responses to WUTC Staff Information Request Set 1 Nos. 1-4
February 28, 2006

- (xii) Please see response to IR 3(x) and also response to IR 2 and Highly Confidential Attachment "WA UTC_Set1_Attach1_2-HIGHLY CONFIDENTIAL".
- (xiii) Please see response to IR 3(x) and also Highly Confidential Attachment "WA UTC_Set1_Attach1_3 xiii-HIGHLY CONFIDENTIAL CODED".
- (xiv) Because of the methodology explained in (x) above, the total of UNE Loops in (x) and (xi) above equal the loops reported for (ix). Therefore, no reconciliation is needed.
- (xv) All lines are counted on a DS0 or voice grade equivalency basis. All business lines and UNE loops have a VGE conversion factor of 1, with the following exceptions:
 - ISDN BRI is counted as 2,
 - ISDN PRI as 23,
 - DS1 as 24,
 - DS3 as 672
- (xvi) Verizon will respond to this request no later than March 2, 2006.

Prepared By: (i)-(iii); (xv) – Thomas Bausch; (iv) – Robert Graves; (v)-(xiv) – Darnell Morris; (xvi) – Kim Douglass

Date: 02/24/06

Witness: N/A

Announcement Date: April 14, 2006
Effective Date: Immediately
Document Number: GNRL.04.14.06.B.001321.Pub_Ut_Comm_Ben_Request_#3
Notification Category: General Notification
Target Audience: CLECs
Subject/Product Name: Public Utility Commission Bench Requests to Qwest - Request No. 3

Please ensure that this letter is routed to those individuals within your company or agency who are responsible for maintaining your telephone services in the state of Oregon.

In a case pending before the Public Utility Commission of Oregon, Docket No. UM 1251, "In the Matter of Covad Comm. Co., Eschelon Telecom of Oregon, Inc., Integra Telecom of Oregon, Inc., McLeodUSA Telecom. Services, Inc., and XO Communications Services, Inc. Request for Commission Approval of Non-Impairment Wire Center List", Qwest has received a bench request from the Public Utility Commission to produce the following:

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.

This letter is to notify you of this data request, and to provide you a reasonable opportunity to object to Qwest producing this information on a Competitively Sensitive, Trade Secret basis. If Qwest does not hear back from you by April 19, 2006, we will consider you to have consented to the release of this information to the Public Utility Commission.

Absent your filing a formal protest against the production of this information, Qwest plans to produce this information on April 21, 2006. We request, therefore, that you notify us of any concerns regarding this production prior to that date. If you decide to lodge a protest regarding the upcoming production, the protest should be lodged directly with the Oregon Public Utility Commission. Please provide notice to Qwest of the filed protest by sending a copy to me at the contact information above.

If you have any questions, please contact Qwest's attorney, Alex Duarte, 503-242-5623
Alex.Duarte@qwest.com. Thank you for your assistance and cooperation in this matter.