

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

<b>In the Matter of the Petition for Arbitration of</b>	)	
<b>an Interconnection Agreement Between</b>	)	
	)	
<b>LEVEL 3 COMMUNICATIONS, LLC.</b>	)	
	)	<b>DOCKET NO. UT-023043</b>
<b>and</b>	)	
	)	
<b>CENTURYTEL OF WASHINGTON, INC.,</b>	)	
	)	
<b>Pursuant to 47 U.S.C. Section 252</b>	)	

**REPLY TESTIMONY OF WILLIAM H. WEINMAN**

**(Exhibit WHW-3T)**

**ON BEHALF OF**

**CENTURYTEL OF WASHINGTON, INC.**

**NOVEMBER 1, 2002**

1           **Q.     Please state your name and business address.**

2           A     My name is William H. Weinman. My business address is 890 Second St., PO  
3                 Box 337, Lebanon, Oregon 97355.

4           **Q.     Did you previously submit testimony in this matter wherein you described**  
5                 **your background and experience as well as your position and duties with**  
6                 **CenturyTel?**

7           A.     Yes, these items were covered in my pre-filed direct testimony submitted on  
8                 October 18, 2002 in this matter.

9           **Q.     What is the purpose of this additional testimony that you are now**  
10                 **submitting?**

11          A.     In this reply testimony I will respond to matters raised in the pre-filed direct  
12                 testimony of Level 3 witnesses, William Hunt and Timothy Gates.

13          **Q.     By way of review could you summarize what it is that Level 3 is seeking in**  
14                 **this proceeding?**

15          A.     As I described in my direct testimony, Level 3 is seeking to utilize CenturyTel  
16                 facilities in order to provide a service that would carry calls from CenturyTel  
17                 customers to Level 3 ISP customers who are not located in the same local calling  
18                 area. Level 3 would like to force CenturyTel to deliver this traffic on a bill-and-  
19                 keep basis under the guise that it is somehow local traffic.

20          **Q.     In its testimony has Level 3 denied that it would be carrying traffic to**  
21                 **customers not located in the same local calling area as the CenturyTel**  
22                 **customer making the call?**

23          A.     No, they have not denied this.

24          **Q.     If the Level 3 customers are not located in the CenturyTel local calling**

1                   **areas, where are they located?**

2           A.     Nobody knows. Amazingly, in over 100 pages of pre-filed direct testimony and  
3                   exhibits, Level 3 never once indicated the location of its customers under their  
4                   proposed service. Never once does a Level 3 witness mention a single  
5                   community or city in the state of Washington. Yet, Level 3 expects everyone to  
6                   accept that they will be providing a local service. It is clear that the traffic they  
7                   will carry will originate from CenturyTel customers. The location of those  
8                   customers is clearly well known given the local exchange maps that CenturyTel  
9                   has on file with the Commission. However, when it comes to the location of the  
10                  customers to whom Level 3 will deliver that traffic, Level 3 has chosen to keep  
11                  the Commission and everyone else in the dark. I believe that there is cause for  
12                  concern that the Level 3 customers may not even be located within the state of  
13                  Washington.

14           **Q.     Why do you say that?**

15          A.     In Wisconsin PSC Docket No. 05-MA-130, Level 3 proposed the same service  
16                  and sought access to CenturyTel's facilities in the state of Wisconsin. In that  
17                  docket, as here, Level 3 pre-filed testimony without ever once disclosing the  
18                  location of its customers. It was not until the actual hearing that it was revealed  
19                  that Level 3's customer was actually located in Chicago, Illinois and not within  
20                  Wisconsin, let alone within CenturyTel's local calling areas.

21           **Q.     Is there other critical information that you feel is missing thus far in this**  
22                  **matter?**

23          A.     Yes. It is impossible to tell from Level 3's testimony where it is that Level 3  
24                  would expect to connect with CenturyTel facilities to hand off this traffic.

1           The location of these meet points will determine the extent of CenturyTel  
2           facilities that Level 3 would utilize in providing its service to its customers  
3           outside of the CenturyTel local calling areas. However, Level 3's testimony in  
4           this regard is very unclear. At page 11 of his pre-filed direct testimony, Level 3  
5           witness Timothy Gates notes that the calls will eventually be directed to Level 3  
6           for completion. At page 30 of his testimony, Mr. Gates generally discusses points  
7           of interconnection (POI) with CenturyTel's network. With regard to FX-  
8           Type/Virtual NXX service, he states that "CenturyTel routes the call to the POI or  
9           to the Qwest tandem that performs transit functions." He also states that Level 3  
10          has agreed to interconnect with CenturyTel within each calling area (Gates direct  
11          at page 28). All of this is very confusing. Will Level 3 meet CenturyTel at the  
12          end office switch? Does Level 3 expect CenturyTel to extend facilities to the  
13          exchange boundary to meet Level 3 facilities? In those instances where  
14          CenturyTel's customers' local calling area includes Qwest exchanges, does Level  
15          3 expect CenturyTel to bear the cost of facilities to meet Level 3 at a Qwest  
16          location? The location of the POI will directly affect the amount of use of  
17          CenturyTel's interoffice transport facilities.

18          **Q. Do you have any other concerns with regard to the POI or meet point?**

19          A. I am concerned that Level 3 has no appreciation for the fact that CenturyTel's  
20          service locations in the state of Washington are quite spread out. CenturyTel  
21          serves 78 local exchanges and more than 30 local calling areas in Washington.  
22          Level 3 has stated that they will interconnect with CenturyTel in each local  
23          calling area. I question whether they are really prepared to establish more than 30  
24          POIs.

1           **Q.     Will CenturyTel's costs vary depending on where the meet point or POI is?**

2           A.     Absolutely. In his testimony at page 28, Mr. Gates mischaracterized a CenturyTel  
3                   response to a data request in another state. Mr. Gates claims that CenturyTel  
4                   admitted that its costs would not differ depending upon the location of the Level 3  
5                   customer. However, in the data request that Mr. Gates refers to, CenturyTel was  
6                   specifically asked to presume that the POI would not change. The point remains  
7                   that CenturyTel's costs will change when the POI changes, and the location of  
8                   Level 3's customer will affect the POI.

9           **Q.     The Level 3 witnesses in their testimony mention Qwest Wholesale Dial**  
10           **service (Hunt direct at page 25, Gates direct at page 5). Qwest Market**  
11           **Expansion Line service (Gates direct at page 13), Verizon CyberPOP and**  
12           **Verizon IPRS services (Hunt direct at page 25). Do you have any comment**  
13           **on these services?**

14          A.     CenturyTel does not offer any of these services so I am not very familiar with  
15                   them. However, if as Level 3 infers, they allow customers to make calls to an ISP  
16                   not located in the same calling area, I would offer the following observations. I  
17                   expect that they would utilize ILEC facilities in order to make the service  
18                   possible. I would also expect they are not offered for free. In other words, the  
19                   ILEC (Qwest or Verizon) would be compensated for use of their facilities in  
20                   provision of the service. Therefore, these services are not at all analogous to what  
21                   Level 3 is seeking to do. Level 3 wants to offer a service that would allow calls to  
22                   be made to an ISP not located in the same calling area. That service would also

utilize ILEC facilities (in this case, CenturyTel facilities). However, unlike the other services mentioned in Level 3's testimony, Level 3 has no intention of compensating the ILEC for the use of the ILEC's.

**Q. Mr. Gates in his direct testimony discusses EAS, Remote Call Forwarding (RCF) and FX service. Didn't you also discuss these services in your direct testimony?**

A. Yes, I did. As I described in my direct testimony, the existence of these services does not in any way justify Level 3's expectation that it should be allowed to utilize CenturyTel's network on a bill-and-keep basis. As with Level 3's proposed Virtual NXX service, each of these services could provide a call from a CenturyTel customer to an ISP customer not in the same local calling area, or in the case of EAS, not within the original local calling area before the EAS conversion. Each service, including Level 3's Virtual NXX service, would utilize CenturyTel facilities to do so. However, as I described in my direct testimony, the other services would all compensate CenturyTel for use of its network. If Level 3 gets its way, theirs would be the first service that would be allowed to use CenturyTel's facilities in exactly the same manner without having to compensate CenturyTel for that use.

**Q Mr. Gates at page 27 of his direct testimony claims that CenturyTel offers local dial-up access to its customers. Is this true?**

A. Yes, it is true. However, when CenturyTel offers local dial up access, it is local dial-up access because the call is to an ISP that is located within the same local calling area as the calling party. The numbers listed on the web site that Mr. Gates referenced in his testimony are only assigned to Washington

1 ISPs that are located in the same calling area as the calling party. This is not at all  
2 the same thing that Level 3 intends to do. Level 3 intends to assign local numbers  
3 to ISPs that are not located in the same calling area and may not even be located  
4 in the state of Washington.

5 **Q. Level 3 has targeted ISP customers located outside of CenturyTel's local**  
6 **calling areas. Could those ISP customers accomplish inward toll-free calling**  
7 **from CenturyTel customers by taking FX service directly from CenturyTel?**

8 A. Yes they could. They would merely have to request that FX service be  
9 established with Open Ends in the desired CenturyTel exchanges.

10 **Q. Why will Level 3's VNXX service be more appealing to these ISP customers**  
11 **than Open End FX service directly from CenturyTel?**

12 Quite simply, if neither Level 3 nor its customers have to pay any of the business  
13 line or dedicated transport charges associated with the use of CenturyTel's  
14 network, Level 3 will be in a position to have the service subsidized for them.  
15 Both approaches (CenturyTel FX versus Level 3 VNXX) would use CenturyTel's  
16 network in exactly the same way. However, as has been previously discussed,  
17 under true FX, CenturyTel would be compensated for use of its network. Under  
18 Level 3's proposed VNXX service, CenturyTel would not be compensated for the  
19 exact same use of its network. This means that CenturyTel's customers would  
20 have to subsidize Level 3's service and Level 3's customers.

21 **Q. Is there any other aspect of Level 3's direct testimony that you would like to**  
22 **comment on?**

23 A. Yes, I found the comments of Mr. Hunt concerning the subject of voice over

1 IP (pages 16 – 22) to be particularly disturbing. If Level 3 is allowed via VNXX  
2 to get a free ride over CenturyTel's network in establishing a connection between  
3 CenturyTel's customers and very distant IP modem banks this is a very troubling  
4 proposition. It is evident from Mr. Hunt's comments that Level 3, together with  
5 its ISP customers, would be able to offer CenturyTel's customer toll-free voice  
6 calling to any place in the world. CenturyTel is not against expanded calling  
7 opportunities for its customers. However, in this case it would occur on the backs  
8 of CenturyTel's network without compensation for that use. Migration of calls to  
9 Level 3's service would continue to rely upon and travel over CenturyTel's  
10 network. However, now instead of generating billable access minutes, they would  
11 be part of Level 3's free ride on CenturyTel's network. I do not believe that this  
12 Commission has yet reached the point where it has determined that interexchange  
13 carriers should not have to help support the local networks that they utilize to  
14 provision their interexchange calls. There is no question that ILECs are  
15 dependent upon access charge revenue in order to build and maintain the very  
16 local network that Level 3 would rely upon to provide its Virtual NXX service.

17 I agree with Mr. Hunt that an interconnection arbitration does not lend itself to  
18 development of the in-depth analysis that should precede any dramatic shift in the  
19 regulatory paradigm (Hunt direct at page 17). However, I feel it is somewhat  
20 disingenuous of Mr. Hunt to state this. It is Level 3 that is attempting to take  
21 interexchange traffic flowing over an ILEC's local network and, for the first time,  
22 give it a free ride. This has never been the case with toll, 800, FX, FGA, RCF, or  
23 any other service that Mr. Hunt has brought up. Yet Level 3 is attempting to



1           accomplish this major change under the guise of an interconnection arbitration.  
2           Level 3 should not be allowed to accomplish this major change in regulatory  
3           policy by perpetrating a major charade that involves: playing games with the  
4           assignment of telephone numbers, asking the Commission to join them in  
5           pretending their customers are not located where they really are, claiming rights  
6           to local interconnection on bill-and-keep terms that they are not entitled to, and, to  
7           top it all off, asserting that it is all possible because they are a more efficient  
8           carrier than everyone else when, in fact, they are doing nothing more than any  
9           other IXC does, i.e. carrying calls to customers located a long distance away from  
10          the calling party. .

11          **Q.     Does this conclude your reply testimony?**

12          A.     Yes

