

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

In the Matter of the Petition of)
QWEST CORPORATION) DOCKET NO. UT-030614
)
) MCI'S
) RESPONSE TO COMMISSION
For Competitive Classification of) QUESTIONS RE STAFF'S
Basic Business Exchange) MOTION FOR CLECS TO
Telecommunications Services.) PRODUCE
) INFORMATION & REQUEST
) FOR A FURTHER PROTECTIVE
) ORDER

Pursuant to the Commission's June 18, 2003 Request for Responses on Issues Raised in Staff's Motion Requesting Production of Information ("Commission's Request") MCI WorldCom Communications, Inc. and MCImetro Access Transmission Services, LLC (collectively "MCI") hereby provide the following:

1. On June 12, 2003, Commission Staff filed a motion pursuant to RCW 80.36.330(5) requesting that the Commission enter an order requiring that by July 11, 2003, competitive local exchange carriers ("CLECs") provide Commission Staff with data necessary to determine whether competitive classification of business services sought by Qwest is warranted. Staff proffers three questions for which it seeks response from CLECs.

2. Qwest, Integra, AT&T, MCI, Public Counsel and WEBTEC filed answers to Staff's motion on July 17, 2003, prompting the Commission to issue its Request for the following additional information:

Question 1: For CLECs who provide facilities-based service, would adequate information be provided if responses were based on Qwest exchanges, or other parameters, rather than Qwest wire centers?

Response 1: This question is somewhat confusing because “Qwest exchanges” and “Qwest wire centers” are often interchangeable. Nonetheless MCI will respond to the best of its ability. To the extent the question asks whether it would be easier to provide information based on NPA NXXs rather than CLLI codes, the answer is, yes. It would be easier to provide it based on NPA NXXs. Another way that this information could be provided so that it would be useful to the parties and the Commission would be by geographic areas.

Question 2: For CLECs that provide services based on Qwest’s facilities, would Qwest be the logical provider of the information Staff seeks regarding location of services by wire center?

Response 2: MCI agrees that Qwest would be the most logical provider of information relating to services provided by CLECs in Washington that are based on Qwest facilities, including services provided via resale and unbundled network elements. Once Qwest provides this information, the CLECs are able to review it to determine whether it is consistent with the information in the CLECs’ records, regardless of the manner in which the records are maintained in the ordinary course of the CLECs’ businesses.

Question 3: Is there any objection to the inclusion of additional or revised requests for information as proposed by Public Counsel?

Response 3: Public Counsel and WebTEC listed the following additional questions that they believe should be posed to all CLECs in Washington pursuant to the Staff's authority under RCW 80.36.330(5). Generally, because the time to respond was short, MCI has been unable fully to assess its ability to respond to Public Counsel and WebTEC's questions by the time of this filing. MCI will continue to research and will update this response as information becomes available. Otherwise, MCI's response and objections are as follows:

1. In addition to "basic business telecommunications, PBX, or centrex service," CLECs should be asked to identify each of the business local exchange services they provide, including all analog and digital switched services, and the price charged for each service.

MCI objects to the expansion of the scope of Staff's Question No. 1 to the extent the information sought is beyond the scope of the services listed in Qwest's filing. Information beyond the scope of Qwest's filing is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the question is overly broad and to respond would be unduly burdensome, particularly since the information would add no value to the issues involved in this matter.

2. CLECs should be asked to identify the geographic areas in which they provide service today, since the statutory test refers to existing competition. Any future service plans should be separately identified. Also, to the extent possible, CLECs should be asked to identify geographic areas by reference to Qwest wire centers.

As stated in our Joint Response to Staff's Motion, MCI objects to providing any information about future service plans. The analysis of RCW 80.36.330 concerns the state of competition at the time that the carrier seeks to have its services classified as

competitive. Each factor listed in the statute concerns the present state of the market. Future plans are not relevant to the analysis nor are they reasonably calculated to lead to the discovery of admissible evidence. In addition, the question is speculative, particularly in light of the uncertainty that the Federal Communications Commission's ("FCC's") upcoming Triennial Review Order has injected into the market. Information about future plans would only invite speculation and confuse the issues. Moreover, a CLEC's future plans are highly confidential and trade secret. If the information is not absolutely necessary for an analysis of the issues, its disclosure should not be required.

3. CLECs using UNE loops should be asked to specify which type of loops (analog, digital, high-capacity) they use. The reference in subpart (d) to "facilities owned by your company" should be clarified to say "loops owned by your company" to avoid confusion and possible duplication with other answers. Without the clarification, a CLEC using a UNE loop and its own switching or transport may report the same lines under both subparts (b) and (d) because the switches and transport represent "facilities owned by" it. In such a case, the information provided would be misleading and give a false impression about the extent to which CLECs have been able to self-provision loops.

At this time, MCI is unable to state whether it can separately identify the type of loops (analog, digital, high-capacity) over which its services are provided. MCI agrees that changing "facilities" to "loops" would clarify subpart (d) of question nos. 2 and 3.

4. CLECs should be asked to also identify the number of lines provided or locations served through Qwest special access service and to further identify the type or capacity of the special access circuits used (e.g., analog, DS-0, DS-1, DS-3, OC-levels).

MCI objects to providing information about services that are provided by telecommunications carriers using Qwest special access services. Access services currently are subject to local and long distance usage restrictions. This proceeding

involves whether competition exists for Qwest's business local services. Information about competitors' toll services is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence in a proceeding involving the status of local service markets. Moreover, the question would unnecessarily broaden the scope of the investigation in this proceeding and burden party resources, particularly in light of the short timeframes involved.

5. CLECs providing service using Qwest special access service also should be asked what service installation and repair intervals they experience from Qwest.

MCI objects to responding to this question for the same reasons stated in response to the previous question. Special access services are not relevant to the issues involved in this case.

6. CLECs should be asked to identify all Qwest central offices in which they are collocated and which Qwest wire centers or exchange areas they serve by purchasing transport services from Qwest.

MCI cannot state at this time whether this information is readily accessible from its business records or how long it would take to respond to this question. To the extent that Qwest maintains this information, and the Commission believes it is relevant to this matter, it should be provided by Qwest.

7. CLECs should be asked whether they are currently EBITDA positive.

MCI has no objection to this inquiry.

8. CLECs should be asked to identify what types of business customers they target (e.g., small, medium, or large) and what

criteria, if any, they utilize in deciding whether to target or serve those customers (e.g., minimum number of lines, type of service ordered (analog or digital), or minimum quantity of service ordered at the location (e.g., DS-3 in a high-rise office building)).

MCI objects to providing information about the types of customers it “targets.” The use of the word target is vague and ambiguous. In addition, the information is not relevant nor is it reasonably calculated to lead to the discovery of admissible evidence in this matter. The relevant inquiries based on the statute are what services do other CLECs actually provide? And, to whom are these services provided? Again, particularly in light of the short timeframes involved in this proceeding, the investigation should be limited to matters that are relevant to the issues identified in the competitive classification statute.

9. CLECS should be asked to provide an ordinal description of the number of lines per customer in each wire center. (e.g. number of customers with 100 lines, 500 lines, 1000 lines, 10,000 lines).

MCI cannot state at this time whether it is able to provide a response to this question based on information maintained in the ordinary course of business.

10. CLECs should be asked to provide documentation regarding service installation and repair delays or other type of provisioning problems experienced with Qwest in connection with any service purchased, and documentation of any disputes regarding enforcement of interconnection agreements.

MCI has no objection to providing this information.

Public Counsel and WEBTEC also ask the Commission to order that the responses submitted by CLECs be made available, with the appropriate confidentiality protection, to the parties to the proceeding.

MCI has no objection to permitting representatives of Public Counsel and WebTEC as well as all other parties to this proceeding to review the information provided by the CLECs as long as the information is protected by an appropriate

confidentiality agreement and persons be allowed to review the information only on an “as-needed” basis.

Question 4: If a further protective order is entered in this proceeding, should it reflect the highly confidential provisions contained in the protective order entered in Docket No.UT-000883, Second Supplemental - Protective Order, July 31, 2000? If not, why not? What further protective provisions, if any, would be appropriate?

Response 4: Counsel for MCI was unable to access the protective agreement entered in UT-000883 on the Commission’s website, or otherwise, by the deadline for filing this motion and is therefore unable to state whether MCI would agree to the Protective Order in that proceeding. The heightened protection requested by MCI in the Joint Response to Staff’s Motion was aimed to limit the party representatives to whom the highly confidential information would be available to only those with a “need to know.”

Question 5: In light of AT&T and MCI’s answer that they would need additional time to respond and in light of the possible need to request information from Qwest in circumstances where Qwest provides facilities upon which CLEC service is based, should the time frames for responses to Staff’s motion be lengthened? What is a reasonable alternative deadline for production of information? Would Qwest be willing to lengthen its waiver of the statutory deadline for completion of the proceeding to accommodate the additional time needed?

Response 5: MCI requests that it be given 30 calendar days from the date of service to respond to Staff’s questions, subject to the objections raised herein and in the Joint Response.

Dated this 23rd day of June 2003.

Respectfully Submitted,

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