

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Development of)	
Universal Terms and Conditions for)	Docket No. UT-011219
Interconnection and Network Elements)	
To Be Provided by Verizon Northwest Inc.)	JOINT MOTION TO AMEND
_____)	PROCEDURAL SCHEDULE

AT&T Communications of the Pacific Northwest, Inc., Eschelon Telecom, Inc., Fox Communications Corp., Integra Telecom of Washington, Inc., Time Warner Telecom of Washington, Inc., and WorldCom, Inc. (collectively “Joint CLECs”), Verizon Northwest Inc. (“Verizon”), and Commission Staff (collectively “Parties”) request that the Commission amend the procedural schedule to provide the Parties with additional time to negotiate and narrow the issues for Commission determination. In addition, the Joint CLECs and Staff request that the Commission further refine the role of Commission Staff.¹

DISCUSSION

1. The Commission established the current procedural schedule following a status conference on November 12, 2002. The schedule contemplates that, prior to filing a comprehensive disputed issues matrix on June 6, 2003, the Parties will negotiate terms and conditions for competing local exchange carrier (“CLEC”) access to, and interconnection with, Verizon’s network based on the template interconnection agreement that Verizon filed on October 18, 2002. The parties have been engaged in such negotiations, but establishing a mutually acceptable negotiation format and undertaking a thorough review of Verizon’s template agreement has taken longer than the Parties

¹ Verizon takes no position on this request.

anticipated.

2. The Commission modeled the procedures in this case on the individual CLEC-initiated requests for interconnection under Section 252 of the Telecommunications Act of 1996. Unlike that procedure, however, multiple CLECs, as well as Commission Staff, are participating in this process. Following some initial trial and error, the Parties agreed that the Joint CLECs would provide Verizon with a single redline of each major section of Verizon's template agreement, along with an explanation of their proposed changes. Verizon would then have a period of time to review the proposed changes, and the Parties would engage in negotiations. Reaching consensus among the Joint CLECs on issues, revised contract language and explanatory comments requires substantial time and effort. Similarly, several sessions are required to negotiate a single major section of the template agreement. As a result, the Parties will be unable to provide the Commission with a comprehensive disputed issues matrix by June 6, 2003.

3. That is not to say that the Parties have not made progress. To date, the Parties have completed negotiations on the resale section of Verizon's template agreement; the Parties are currently negotiating the general terms section; and Verizon is reviewing the Joint CLECs' proposed changes to the interconnection and 911 sections. Several sizeable sections remain, however, including collocation, unbundled network elements, and additional services. Any review of the latter two sections should await the FCC's Triennial Review order, which is not likely to be issued before May. The Joint CLECs also intend to propose terms and conditions for access to poles, ducts, conduits, and rights of way and for a performance assurance plan, neither of which are included in

Verizon's template agreement.

4. The negotiations in which the Parties have been, and continue to be, engaged, moreover, are extremely time-consuming and resource-intensive. The Parties are meeting in three hour sessions once or twice per week. In addition, Verizon and the Joint CLECs have devoted substantial time and effort to evaluating each other's proposals and consulting with subject matter experts. The participation of these subject matter experts in this process is critical to ensuring that the terms and conditions in Verizon's template agreement reflect the technical and operational needs of the respective companies. These experts, however, have other responsibilities within their companies. Scheduling time with them, both internally and for participation in negotiations, is extremely difficult in the best circumstances, and under the current schedule, it is effectively impossible. As a result, the Parties are hampered in their ability to participate fully and effectively in the negotiations process, leaving far more issues to be resolved by the Commission.

5. The Parties firmly believe that their negotiations are limiting and narrowing the scope of issues that will need to be presented to the Commission for resolution. The current schedule, however, will not enable the Parties even to address most of the provisions of a comprehensive set of interconnection terms and conditions before the Parties are required to identify all disputed issues. Indeed, the Joint CLECs would soon need to forgo negotiations altogether simply to have the time to identify their issues with the terms and conditions that they have not yet reviewed by June 6. The Parties and the Commission then would be required to litigate a substantial number of

issues that otherwise might have been resolved, or at least narrowed, through negotiations.

6. The Parties share the Commission's concern with completing this proceeding as expeditiously as possible, but the efficient use of Party and Commission resources and the quality of Parties' participation and presentation to the Commission are of even greater concern. Towards that end, the Parties agree that the current schedule should be extended.

7. Accordingly, the Parties request that the Commission extend the current schedule by approximately six months, rescheduling the hearings for two weeks in April 2004. That amount of additional time should provide the Parties with sufficient time to complete negotiations and to identify the issues for the Commission to determine without unduly delaying the resolution of the proceeding.

8. In addition, Commission Staff has suggested, and the Joint CLECs agree, that it is not the best use of Commission Staff resources to participate in the negotiation sessions to which, under the circumstances, they have little to contribute.² Rather, Staff's participation would be most valuable in reviewing and analyzing the public interest ramifications of the language and terms on which Verizon and the Joint CLECs agree and the language proposed by Verizon and the Joint CLECs to resolve the disputed issues to be presented to the Commission for its determination. Because Commission Staff would not necessarily participate in the negotiations between Verizon and the Joint CLECs, those participating parties, rather than Commission Staff, are in the best position to identify and define the disputed issues presented to the Commission for resolution at the conclusion of

the negotiations process.

9. Accordingly, the Joint CLECs and Staff request that the Commission clarify that Commission's Staff's role is not necessarily to attend or participate in the negotiations between the Joint CLECs and Verizon but to review and evaluate the public interest ramifications of the language on which Verizon and the Joint CLECs agree and the language proposed by those parties to resolve the disputed issues. In addition, the Commission should clarify that Verizon and the Joint CLECs, rather than Commission Staff, are responsible for developing and presenting a matrix of disputed issues presented to the Commission for resolution.

² As previously noted, Verizon takes no position on this issue.

REQUESTS FOR RELIEF

WHEREFORE, the Parties request the following relief:

A. A Commission order that extends the current schedule by approximately six months; and

B. Such other or further relief as the Commission finds fair, just, reasonable, and sufficient;

AND WHEREFORE, the Joint CLECs and Commission Staff request the following additional relief:

C. A Commission Order that clarifies that Commission Staff need not participate in the negotiations portion of these proceedings and that Verizon and the Joint CLECs, rather than Commission Staff, must prepare a matrix of disputed issues presented to the Commission for resolution; and

D. Such other or further relief as the Commission finds fair, just, reasonable, and sufficient.

RESPECTFULLY SUBMITTED this 22nd day of April, 2003.

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