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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of U S WEST Communications, Inc.'s Statement of Generally Available Terms pursuant to Section 252(f) of the Telecommunications Act of 1996)	Docket No. _____
)	U S WEST'S INITIAL MEMORANDUM
)	REGARDING ITS STATEMENT OF
)	GENERALLY AVAILABLE TERMS
)	AND CONDITIONS
)	

I.INTRODUCTION

U S WEST Communications, Inc. (U S WEST) submits this memorandum regarding its Statement of Generally Available Terms (SGAT)¹ pursuant to section 252(f) of the Telecommunications Act of 1996. By this memorandum, U S WEST requests that the Commission open a docket to address its SGAT.²

U S WEST's SGAT contains terms, conditions and prices that permit competitive local exchange carriers (CLECs) to immediately obtain interconnection, access to network elements,

¹ The SGAT is attached hereto as an exhibit. It is the same SGAT that U S WEST filed in the 271 docket (Docket No. UT-003022).

² Such review should be limited to the portions of the SGAT not considered in the 271 docket. For example, the provisions regarding checklist item 3 (poles, ducts and rights-of-way) will be fully reviewed and approved in the 271 docket, and such review should not be duplicated or redone in this SGAT docket.

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3 and services for resale, among other things, pursuant to the Telecommunications Act of 1996,
4 47 U.S.C. § 151 et seq. (the Act). It constitutes a comprehensive document where U S WEST
5 sets forth its standard contract offering for each item required under Sections 251 and 271 of the
6 Act. The SGAT, unlike current Commission approved interconnection agreements, which in
7 many instances are years old, contains provisions incorporating the FCC's recent rulemakings
8 including, for example, the UNE Remand Order, line sharing, high capacity loops, and UNE
9 Combinations.

10 The SGAT is vital to the continuing development of both local and long distance
11 competition in Washington. It provides a comprehensive set of local interconnection terms that
12 benefits CLECs regardless of whether they already have an interconnection agreement. Once the
13 SGAT is in effect, U S WEST will allow existing agreements to be amended with SGAT terms,
14 and it will also allow CLECs without existing interconnection agreements to opt into the SGAT
15 or portions thereof. To accomplish these goals as soon as possible, the Commission should open
16 a docket to review the SGAT, but permit the SGAT to take effect by operation of law 60 days
17 from the date of this filing notwithstanding the Commission's ongoing review and possible
18 revision of the SGAT.

19 **II. BACKGROUND**

20 U S WEST originally filed its SGAT in the Commission's 271 docket (Docket No. UT-
21 003022). After U S WEST explained that it considered such filing to have triggered the SGAT
22 review provisions of the Act, the Commission made clear that it would prefer that U S WEST
23 make a separate filing in order to trigger those provisions and open a separate SGAT docket.

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This memorandum and the attached SGAT is such a filing.

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III. SECTION 252(f)

Section 252(f)(1) provides for the filing of the SGAT:

(f) STATEMENTS OF GENERALLY AVAILABLE TERMS.—

(1) **IN GENERAL.**--A Bell operating company may prepare and file with a State commission a statement of the terms and conditions that such company generally offers within that State to comply with the requirements of section 251 and the regulations thereunder and the standards applicable under this section.

(2) **STATE COMMISSION REVIEW.**--A State commission may not approve such statement unless such statement complies with subsection (d) of this section [which addresses pricing] and section 251 and the regulations thereunder. Except as provided in section 253, nothing in this section shall prohibit a State commission from establishing or enforcing other requirements of State law in its review of such statement, including requiring compliance with intrastate telecommunications service quality standards or requirements.

Section 252(f)(3) gives the Commission the option to complete its review within 60 days or to let the SGAT take effect:

(3) **SCHEDULE FOR REVIEW.**--The State commission to which a statement is submitted shall, not later than 60 days after the date of such submission—

(A) complete the review of such statement under paragraph (2) (including any reconsideration thereof), unless the submitting carrier agrees to an extension of the period for such review; or

(B) permit such statement to take effect.

In the event the Commission were to permit the SGAT to take effect, the Commission would retain continuing jurisdiction to revise the SGAT after the conclusion of the 60-day period:

(4) **AUTHORITY TO CONTINUE REVIEW.**--Paragraph (3) shall not preclude the State commission from continuing to review a statement that has been permitted to take effect under subparagraph (B) of such paragraph or from approving or disapproving such

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statement under paragraph (2).

47 U.S.C. §252(f)(4). Such revision could occur in the 271 docket to the extent the SGAT relates to checklist items and in this docket as to non-271 reviewable items.

As a result of the foregoing provisions, State commissions in Arizona, Nebraska, and Colorado – every state where U S WEST filed an SGAT more than 60 days ago – permitted the SGAT to take effect subject to ongoing review.

IV. PERMITTING THE SGAT TO TAKE EFFECT IN 60 DAYS OR LESS IS IN THE PUBLIC INTEREST

The Commission should open a docket for the non-271 SGAT issues, it should review the SGAT, and it should eventually approve the SGAT. However, because the 271 SGAT issues will be addressed in the 271 workshops, the Commission will not be able to approve the SGAT within 60 days. It is in the interest of both the public and CLECs for the Commission to simply permit the SGAT to take effect within or upon the conclusion of the 60-day period.

The SGAT is the most current reflection of U S WEST’s efforts to open its Washington local markets to competition and reflects U S WEST’s current obligations under the Act. It also demonstrates U S WEST’s commitment to provide services and facilities that may not be included in a particular interconnection agreement, but that U S WEST agrees to provide or that other CLECs may wish to obtain. Thus, not only is it a comprehensive document, it "fills in the gaps" of any of U S WEST’s interconnection offerings.

Permitting the SGAT to take effect immediately will provide a new and comprehensive local interconnection option for CLECs. For example, a CLEC with outdated arrangements in its

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3 interconnection agreement can obtain substitute arrangements from the SGAT that complies with
4 current law. In addition, a CLEC without an interconnection agreement can obtain one very
5 quickly by opting into some or all portions of the SGAT. Moreover, for all CLECs, the SGAT
6 would be the quickest way to obtain the newest UNEs approved by the FCC. This obviously will
7 further encourage competition in the public interest.

8 In addition to providing an additional option to CLECs, the SGAT takes no options away
9 from CLECs. It has no effect on existing interconnection agreements. It does not affect
10 U S WEST's obligations to negotiate interconnection agreements under Section 252. It does not
11 affect a CLEC's right to negotiate and arbitrate its own interconnection agreement for its own
12 particular needs and purposes. And it does not affect CLECs' rights to opt into existing
13 interconnection agreements under Section 252(i).

14 The SGAT will also favor the public interest by streamlining the 271 docket and thereby
15 hastening U S WEST's interLATA entry, which will, in turn, increase long distance competition.
16 The SGAT provides a single, comprehensive and up-to-date document, rather than hundreds of
17 interconnection agreements, for determination of U S WEST's legal obligations under 271.
18 Moreover, U S WEST's experience in Arizona and Colorado demonstrates the SGAT will
19 provide a catalyst for conciliation in the workshops. Although U S WEST is not free to alter
20 interconnection agreements in the workshops in order to concede issues and attain consensus, it
21 can alter the SGAT in that context for those purposes. Without focusing on the SGAT, such an
22 efficient settlement of an issue cannot occur because compromise would require U S WEST and
23 the CLEC to go through the entire Section 252 process to amend their interconnection agreement

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V.CONCLUSION

For the reasons provided above, this Commission should open a docket for consideration of the SGAT regarding reviewable issues outside of the 271 context. It should resolve the 271 SGAT issues in the 271 docket. In the meantime, it should enhance the public interest and incent further competition by permitting the SGAT to become effective upon immediately or, at the latest, after passage of the 60-day period in section 252(f)(3).

DATED this 28th day of April, 2000

Respectfully submitted,

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U S WEST'S Initial Memorandum
Regarding Its Statement of Generally Available
Terms and Conditions

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