

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

QWEST CORPORATION

For Competitive Classification of
Basic Business Exchange
Telecommunications Services

DOCKET NO. UT-030614

STAFF'S RESPONSE TO ISSUES
RAISED IN ANSWERS TO
STAFF'S MOTION

- 1 Staff submits the following response to the issues raised by the answers to Staff's motion pursuant to the notice issued by ALJ Mace on June 18, 2003. Staff's response is organized by the issues identified in the ALJ's notice. Staff also responds to each item proposed by Public Counsel and WeBTECH.
- 2 1. The first issue is, for CLECs providing facilities-based service, whether Staff would receive adequate information if responses were based on Qwest exchanges rather than wire centers. To adequately evaluate whether effective competition exists in Washington, Staff requires the most specific description possible of where CLECs provide their business services. In addition, Staff must be able to meaningfully compare the CLEC information with the information received from Qwest. Staff would prefer information by wire center, but would accept information by exchange or rate center, in that order of preference.
- 3 2. The second issue is whether Qwest would be the logical provider of information regarding the location of services provided by wire center for CLECs using Qwest facilities. Staff has no objection to using information from Qwest regarding CLEC services based on Qwest's facilities.
- 4 3. The third issue is whether there is any objection to the additions or revisions proposed by Public Counsel and WeBTECH. Staff addresses each addition or revision separately.

- 5 a. Item No. 1 in Public Counsel and WeBTEC's joint response proposes that the CLECs be asked to identify each business local exchange service they provide in addition to the services identified in Staff's proposed questions. Staff believes that the questions should be limited to the services for which Qwest seeks competitive classification because those are the relevant services in this proceeding. Information on other services is not relevant to determine whether effective competition exists for the services identified in Qwest's petition.
- 6 b. Item No. 2 proposes that the CLECs provide separate information regarding the services they plan to offer in the next 12 months from the services they offer today. Staff has no objection to requiring the CLECs to separate the information. However, Staff would clarify that the information sought is not the particular service or business plans the CLECs plan to implement within the next 12 months, but rather what geographical areas the CLECs plan to enter to provide business services.
- 7 c. Item No. 3 proposes that CLECs providing UNE loops identify what type of loops they use. Item No. 3 also proposes subpart (d) be revised to say "loops owned by your company." Staff does not intend to use information about the type of loops used by the CLECs. Rather, Staff plans to evaluate whether CLECs provide particular types of service using CLEC-owned loops. Staff has no objection to clarifying the language in subpart (d) to request "loops" rather than "facilities."
- 8 d. Item No. 4 asks the CLECs to identify the number of lines provided or locations served through Qwest special access service and to identify the type or capacity of the circuits used. Staff does not plan to use this information to evaluate whether effective competition exists in Washington.
- 9 e. Item No. 5 asks CLECs providing service using Qwest special access service to describe the service installation and repair intervals they experience from Qwest. Staff does not intend to use this information to evaluate whether effective competition exists in Washington. However, even if Staff were to use the information, it is contained in reports Qwest is required to file with the Commission, such as the Performance Results Report on Qwest's Performance Assurance Plan filed with the Commission on May 30, 2003, in Docket No. UT-030388. The information contained in those reports is sufficiently comprehensive and accurate and can be used to avoid unnecessary burden on the CLECs.

10 f. Item No. 6 asks CLECs to provide information on collocation with Qwest central offices and transport services purchased from Qwest. Staff does not require this information to determine whether effective competition exists in Washington. Moreover, such information could be obtained from Qwest.

11 g. Item No. 7 asks CLECs to state whether they are EBITDA positive. This information is neither susceptible to meaningful interpretation nor relevant to determining whether effective competition exists in Washington. The questions to be answered in this proceeding are whether effective competition exists in Washington for the services Qwest requests competitive classification.

12 h. Item No. 8 asks CLECs to identify what types of business customers they target and what, if any, criteria they use. This information is not relevant to determining whether effective competition exists in Washington. It is sufficient to know whether business customers are being served by CLECs.

13 i. Item No. 9 asks CLECs to provide the ordinal description of the number of lines per customer in each wire center. This level of detail is not necessary to determine whether effective competition exists in Washington.

14 j. Item No. 10 asks CLECs to provide documentation regarding service installation and repair delays, or other problems or disputes, experienced with Qwest in connection with any service purchased. This information is not relevant to determining whether effective competition exists in Washington. Moreover, this information is available through reports the Commission requires Qwest to file.

15 k. Public Counsel and WeBTEC also request full access to information submitted by the CLECs. Staff has no objection to this request.

16 4. The fourth issue identified by ALJ Mace is whether an additional protective order should be entered in this proceeding. Specifically, the ALJ asks whether a protective order consistent with the protective order entered in Docket No. UT-000883, Second Supplemental – Protective Order, July 31, 2000, is appropriate in the current docket. Staff has no objection to an additional protective order being entered in this docket. Nor does Staff object to the additional protective order being consistent with the protective order entered in Docket No. UT-000883. Further, should the protective order allow for full access for Public Counsel and WeBTEC, Staff would offer no objection.

17 5. The fifth issue involves the tight timeframe of the current docket. Staff is required to file testimony in this case on August 6, 2003. In order for the information gathered from the CLECs to be materially useful in Staff's analysis, we would prefer to receive the information by July 16, 2003, but must receive it no later than July 18, 2003. Qwest acknowledges that its petition does not include information about the customers served by CLECs over facilities owned by the CLECs, that this information could be relevant to the proceeding, and that the Commission should base its decision on "the most complete picture of the competitive market available." A further waiver by Qwest of the statutory deadline would greatly benefit Staff's ability to receive and analyze the information from the CLECs.

18 Based on the discussion above, Staff offers the following revisions and proposes the Commission require CLECs to provide answers to the following questions:

19 1. If your company offers basic business telecommunications, PBX, or centrex service in less than the entire state of Washington, describe the geographic area in which your company offers such service. In addition, describe the geographic areas in which your company plans to offer such service in the state of Washington within the coming 12 months.

20 2. For each Qwest wire center, exchange, or rate center in Washington, and for each type of telecommunications service that your company provides to business customers (basic business exchange telecommunications, PBX, or centrex service), supply the number of lines your company provided as of December 31, 2002, using loops owned by your company. Please identify whether you are providing the information by wire center, exchange, or rate center.

21 3. For each Qwest wire center, exchange, or rate center in Washington, and for each type of telecommunications service that your company provides to business customers (basic business exchange telecommunications, PBX, or centrex service), supply the total number of business customer locations your company served as of December 31, 2002, using loops owned by your company. Please identify whether you are providing the information by wire center, exchange, or rate center.

Respectfully submitted, this ____ day of June, 2003.

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