

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

In the Matter of the Petition of

QWEST CORPORATION

To Initiate a Mass-Market Switching and  
Dedicated Transport Case Pursuant to the  
Triennial Review Order

DOCKET NO. UT-033044

**MCI'S SUPPLEMENTAL RESPONSES  
TO CLEC QUESTIONS**

WorldCom, Inc., on behalf of its regulated subsidiaries operating in Washington ("MCI"), respectfully submits these supplemental responses to the October 23, 2003 CLEC Questions and states as follows:

**GENERAL OBJECTIONS**

1. MCI has interpreted the CLEC Questions to apply to MCI's regulated intrastate operations in Washington and will limit its responses accordingly. To the extent that the CLEC Questions are intended to apply to matters that take place outside the state of Washington and which are not related to Washington intrastate operations subject to the jurisdiction of the Washington State Utilities and Transportation Commission ("Commission"), MCI objects to such Questions as irrelevant, overly broad, unduly burdensome, and oppressive.

2. MCI objects to the CLEC Questions to the extent they seek information that is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege.

3. MCI objects to the CLEC Questions to the extent they are vague, ambiguous, overly broad, imprecise, or utilize terms that are subject to multiple interpretations, but are not properly defined or explained for purposes of the Questions.

4. MCI objects to the CLEC Questions to the extent they seek information not reasonably calculated to lead to the discovery of admissible evidence, and/or information that is not relevant to the subject matter of this action.

5. MCI objects to the CLEC Questions to the extent they seek information or documents, or seek to impose obligations on MCI which exceed the requirements of the FCC's Triennial Review Order ("TRO"), Washington Rules of Civil Procedure, Washington law, the Commission's Rules of Practice and Procedure, and other Commission rules or any other applicable laws, rules, or procedures.

6. MCI objects to the CLEC Questions to the extent they seek information that is already in the public record before the Commission or which is already in the possession, custody, or control of the Commission.

7. MCI objects to the CLEC Questions to the extent they are overly broad, unduly burdensome, expensive, oppressive, or excessively time-consuming as written.

8. MCI is a large corporation with employees located in many different locations in Washington and in other states. In the course of its business, MCI creates countless documents that are not subject to the Commission's or FCC's retention of records requirements. These documents are kept in numerous locations and are frequently moved from site to site as employees change jobs or as the business is reorganized. Therefore, it is possible that not every document has been identified in response to these requests. MCI will conduct a reasonable and diligent search of those files that are reasonably expected to contain the requested information and will supplement its discovery responses if appropriate. To the extent that the CLEC Questions purport to require more, MCI objects on the grounds that compliance would impose an undue burden or expense.

9. MCI objects to the CLEC Questions to the extent they request that MCI provide information that MCI does not maintain in the ordinary course of business. This objection includes, but is not limited to, certain information at the ILEC wire center district level. MCI does not maintain certain data at ILEC wire center district level. MCI maintains that data at the "NPA/NXX" level rather than at the ILEC wire center district level.

10. MCI objects to the CLEC Questions to the extent they seek to have MCI create documents not in existence at the time of the request.

11. MCI objects to the CLEC Questions to the extent they are not limited to any stated period of time, or a stated period of time that is longer than is relevant for purposes of the issues in this docket, as such discovery is overly broad and unduly burdensome.

12. In light of the short period of time MCI has been afforded to respond to the CLEC Questions, the development of MCI's positions and potentially responsive information to the CLEC Questions is necessarily ongoing and continuing. MCI expressly reserves the right to supplement or modify its discovery responses based on its ongoing inquiry.

13. MCI objects to the CLEC Questions that seek to obtain "all", "each", or "every" document, item, customer, or other such piece of information, to the extent that such discovery is overly broad and unduly burdensome.

14. MCI objects to the CLEC Questions to the extent that the information requested constitutes "trade secrets" which are privileged pursuant to Washington law and the "Uniform Trade Secrets Act." Notwithstanding that objection, and without waiving that objection, MCI will produce privileged trade secret information subject to the terms of the highly confidential protections in the protective order issued in this case.

15. MCI objects to the CLEC Questions to the extent they seek information regarding so-called “voice-grade equivalent lines” (“VGEs”), as this term is not used by MCI in the course of its business, and MCI does not maintain information regarding “voice-grade equivalent lines” in the ordinary course of business. Given MCI’s business records, MCI will answer such Questions by providing information regarding MCI’s DS0s.

16. MCI objects to the CLEC Questions that seek information regarding non-switched services (*e.g.*, services that do not depend on local Class 5 switches) except for non-switched services (*e.g.*, DSL) provided on loops that are also used to provide switched services), as such discovery is irrelevant for purposes of this docket and is not reasonably calculated to lead to the discovery of admissible evidence.

17. MCI objects to the CLEC Questions to the extent they seek information regarding MCI’s operations in ILEC service areas other than the service area within the state of Washington, as such information is irrelevant to Qwest’s case in this docket and such discovery is overly broad and unduly burdensome.

18. MCI objects to the definitions for “qualifying service” and “non-qualifying service,” and each and every one of the CLEC Questions that includes such terms, as MCI does not use such terms in the ordinary course of business, does not maintain information regarding “qualifying service” and “non-qualifying service” in the ordinary course of business, and answering in these terms would require MCI to provide a legal interpretation of the FCC’s terms. With the exception of the specific services the FCC has designated as qualifying or non-qualifying, the term is not clearly defined by the FCC or by the CLEC Questions. For example, as the FCC stated in footnote 466 of the TRO Order (FCC 03-36, released August 21, 2003) “[o]ur list is intended to identify general categories of services that would qualify as eligible

services. It is not intended to be an exhaustive list or to identify services in a more particular manner.” Thus, such discovery is vague.

19. MCI objects to the definitions for “hot cut”, “batch hot cut”, and “individual hot cut”, and each and every one of the CLEC Questions that include such terms, because it is not clear whether or to what extent Qwest’s practices are consistent with the FCC’s use of such terms, however such terms may be defined by the FCC. Thus, such discovery is vague. MCI further objects to the use of such terms as they apply to Qwest’s individual hot cut process as MCI is not privy to each and every process or procedure employed by Qwest in implementing such hot cuts.

20. MCI objects to the CLEC Questions to the extent they seek information not within MCI’s possession, custody, or control.

21. MCI objects to each and every one of the CLEC Questions that seeks information regarding MCI’s projections regarding future services, revenues, marketing, strategies, equipment deployments, or other such future business plans as such requests are trade secrets and, for purposes of this proceeding, would be highly speculative and irrelevant to the issues to be decided in this docket. Moreover, MCI’s future plans are irrelevant because the TRO concerns a hypothetical CLEC.

### **RESPONSES**

Subject to and without waiver of its General Objections, MCI responds to the CLEC Questions as follows:

**CLEC QUESTION NO. 6 (Bench Request No. 37):**

If the Commission determines that competitive carriers are not impaired without access to switching in the mass-market, please identify, by Qwest wire center in Washington State, what monthly volumes of hot cuts would be required within the first 12 months after the effective date of the decision: (a) to migrate existing UNE-P customers to UNE-L or another form of service, and (b) to connect new customers in the ordinary course of business. Please provide supporting documentation for these volume estimates.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to his Question and will provide further information promptly when it becomes available.

**SUPPLEMENTAL RESPONSE:**

MCI objects to Bench Request No. 36 as set forth in the General Objections above and to the extent it calls for speculation as to things outside MCI's direct knowledge, events that may or may not occur in the future, forecasts regarding the future, plans regarding the future, or the implications or ramifications of events that may or may not occur in the future.

Further, MCI is currently actively participating in workshops with Qwest and other CLECs on this issue and continues to analyze this issue. To the extent further responsive information is discovered or developed, MCI will supplement this response or provide such responsive information in its prefiled testimony and exhibits, but MCI is not in a position to provide further responsive information at this time.

Reserving and without waiving these objections, MCI states that it is difficult to provide any definitive estimate concerning the applicable volumes because no one knows for certain how the local exchange market will react to a post-TRO environment. For a CLEC that served mass-market customers using UNE-P, the number of hot cuts performed in Washington could be thousands or tens of thousands per month. However, in addition to the volumes identified above, the process must also account for churn and should consider the impact of "winbacks" and slamming in a batch migration process, i.e., the potential for slamming allegations where a customer conversion is in the batch conversion queue.

**CLEC QUESTION NO. 13 (Bench Request No. 44):**

For each Qwest wire center identified in response to CLEC Question No. 12, please identify the total number of voice-grade equivalent lines that you are providing to customers in that wire center from each switch identified in response to CLEC Question No. 11. For purposes of this question, "voice-grade equivalent lines" should be defined consistently with the FCC's use of the term. See, e.g., *FCC Form 477, Instructions for the Local Competition and Broadband Reporting Form*.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to this Question, and will provide further information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE:**

See highly confidential Attachment A-1.

**CLEC QUESTION NO. 14 (Bench Request No. 45):**

With respect to the voice-grade equivalent lines identified in your response to CLEC Question No. 13, please separately indicate the number being provided to: (a) residential customers; (b) business customers to whom you provide between 1-3 voice-grade equivalent lines at one location; (c) business customers to whom you provide between 4-24 voice-grade equivalent lines at one location; and (d) business customers to whom you provide 25 or more voice-grade equivalent lines (in one location).

**RESPONSE:**

Subject to and without waiving its general objections, MCI states that it does not serve any residential customers in Washington using its own switches. With respect to business customers, MCI does not maintain information in the manner requested (*i.e.*, broken down by number of VGEs). MCI is continuing to search for information responsive to the remainder of this Question, and will provide further information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE:**

See highly confidential Attachment A-1.



**CLEC QUESTION NO. 18 (Bench Request No. 49):**

For each month beginning with January 1, 2003, please identify the monthly churn rate you have experienced in providing qualifying services to end user customers in Washington state. In answering this bench request, you should calculate the churn rate as the number of voice grade equivalent lines lost each month divided by the average number of voice grade equivalent lines in service each month. In calculating the churn rate, do not include customers who move but remain your customer.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to this Question, and will provide information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE:**

See highly confidential Attachment A-2. Please note that the churn rates are calculated on an account basis.

**CLEC QUESTION NO. 20 (Bench Request No. 51):**

Please provide a list of all the Qwest wire centers in Washington state, identified by name, address, and CLLI code, to which you provide or offer transport facilities (*i.e.*, any facilities that, directly or indirectly, provide connections to wire centers) to other carriers. For each such facility, please identify:

- (a) The type of transport facility (*i.e.*, DS0, DS1, DS3, dark fiber);
- (b) The transport technology used (*e.g.*, fiber optic (dark or lit), microwave, radio, or coaxial cable);
- (c) The level of capacity the facility is capable of supporting; and
- (d) The names of the other carriers.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to this Question, and will provide further information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE:**

Subject to and without waiving its General Objections, MCI hereby provides notice that responsive information may not be available in the form requested. MCI further states that it does not differentiate between customers on the basis of their business plans, but MCI does offer general transport services to its customers without regard to the customer's use of such facilities. MCI provides facilities from all collocations located in Washington, but MCI does not connect on a "route", as that term is defined by the FCC's *Triennial Review Order*.

**CLEC QUESTION NO. 25 (Bench Request No. 56):**

Please identify whether you have any long-term (10 or more years) dark fiber Indefeasible Rights of Use (IRUs) between any two Qwest wire centers or other facilities in the same LATA in Washington state, in which you maintain an active physical collocation arrangement.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to this Question, and will provide information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE:**

MCI has no IRUs in Washington State.

**CLEC QUESTION NO. 26 (Bench Request No. 57):**

If you have identified any long-term dark fiber IRUs in your answer to CLEC Question No. 25, please identify for each pair of wire centers or other locations:

- (a) The common name, address and CLLI code for each pair of wire centers or other locations;
- (b) The number of dark fiber pairs terminating at each of the physical collocation facilities;
- (c) Whether you have attached optronics to the dark fiber, and if so, the transmission level of each such lit circuit; and
- (d) The term of the IRU.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to the question of whether it has any IRUs, as requested in CLEC Question No. 25, and will provide information promptly if it becomes available. MCI objects to CLEC Question No. 26 for the reasons set forth in its General Objections; in particular, on the grounds that it is overly broad, unduly burdensome, expensive, oppressive, and excessively time consuming as written, and seeks information that MCI does not maintain in the ordinary course of business.

**SUPPLEMENTAL RESPONSE:**

See Supplemental Response to CLEC Question No. 25 (Bench Request No. 56).

**CLEC QUESTION NO. 30 (Bench Request No. 61):**

Please provide a list of all Qwest wire centers in Washington state, identified by name, address, and CLLI code, at which you connect a collocation arrangement to a facility or collocation arrangement belonging to another carrier, and for each connection, identify the carrier and the capacity or type of connection.

**RESPONSE:**

Subject to and without waiving its General Objections, MCI states that it is continuing to search for information responsive to this Question, and will provide information promptly if it becomes available.

**SUPPLEMENTAL RESPONSE:**

MCI has no records of "cage-to-cage" cross-connects with other CLECs, but in many instances other CLECs make the request to Qwest in order to access MCI's network/facilities.