

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In re Qwest Corporation's Proposed) DOCKET NO. UT-081973
Modifications Section 2 of its Access)
Service Tariff)
)
)

**AT&T'S OBJECTIONS TO QWEST'S ACCESS TARIFF SECTION 2 FILING,
REQUEST TO SUSPEND**

AT&T Communications of the Pacific Northwest, Inc., TCG Oregon, Inc. and TCG Seattle, Inc. (collectively "AT&T") hereby submit this Objection to Qwest Corporation's ("Qwest") Advice No. 3653T, WN U-44, Section 2 Revision, filed October 31, 2008. In addition to this Objection, AT&T also requests that the Washington Utilities and Transportation Commission ("Commission") suspend Qwest's proposed revisions to Tariff Section 2 pending an investigation. As grounds therefore, AT&T states as follows:

OBJECTION

1. AT&T objects to Qwest's proposed revisions for the reasons that follow:
 - a. Qwest proposes to revise its Access Service Tariff, WN U-44, Section 2, by establishing a percent interstate usage ("PIU") floor of 3% for Feature Group D ("FCG") terminating traffic that does not contain originating number information, otherwise known as the Calling Party Number ("CPN"). Generally, when a call lacks CPN the terminating carrier is not able to determine whether the call should be billed pursuant to inter or intra state access rates, so the carrier must develop a proxy to assign the appropriate rate.

b. Qwest asserts that its revisions are necessary to ensure accurate “jurisdictional” reporting and reduce misuse of such reporting. There are legitimate and illegitimate reasons why CPN may not be available. In some cases, carriers simply cannot obtain or determine the CPN; for example, when a call originates from an international wireless customer roaming in the United States there is not a North American Numbering Plan CPN for the carrier to determine jurisdiction. In other cases, carriers may be stripping the CPN from the Signaling System 7 (“SS7”) data stream so as to avoid paying the higher intrastate switched access rates. While AT&T does not dispute the necessity of Qwest’s proposed floor, it is concerned that several important protections for access customers are missing from Qwest’s revised tariff.

c. First, the 3% floor that Qwest has established is too low. There are numerous legitimate reasons why carriers may not be able to send CPN and as discussed later the Federal Communications Commission (“FCC”) recognizes these exceptions. There may be from time-to-time a situation when the CPN is not available and a customer with a PBX located outside of Washington sends an unusual number of calls into Washington that increases the traffic ratio above the 3% floor, causing these calls to be billed an intrastate rate instead of the appropriate interstate rate. Consequently, AT&T recommends that Qwest raise the PIU floor to 7% or allow for a 4% grace amount where a given carrier’s traffic could exceed the 3% PIU floor on a periodic basis without incurring the switch to intrastate rates.

d. Second, Qwest's proposed tariff revisions lack any mechanism through which access customers may challenge the application of incorrect intrastate rates above the 3% PIU floor. Consequently, Qwest could assess access customers a much higher intrastate access rate than is appropriate. This issue might arise where, for example, a carrier encounters a temporary problem with a switch causing it to be temporarily unable to transmit CPN. Similarly, the FCC has created several exceptions for calls that cannot transmit CPN such as calls originating from PBXs and payphones, among others.¹ Thus, AT&T requests that the Commission order Qwest to make the following addition to its proposed tariff prior to any approval:

In the event that the Company applies the intrastate terminating access rate to calls without sufficient call detail as provided in this tariff, the customer will have the opportunity to request backup documentation regarding the Company's basis for such application, and further request that the Company change the application of the intrastate access rate upon a showing of why the intrastate rate should not be applied.

d. AT&T's third concern involves the proposed tariff's lack of any definition of the critical term "sufficient call detail." Frequently Qwest's tariff asserts that if the "terminating call details are insufficient to determine the jurisdiction of the call," it will assess the intrastate rate.² Defining what constitutes "sufficient" or "insufficient" detail is extremely important for accomplishing the goal of reducing reporting abuses and putting all industry members at competitive parity. That is, if a carrier chooses to populate the CPN field with false numbers or a combination of letters and numbers such that it had stripped the actual originating NPA-NXX

¹ 47 C.F.R. § 64.1601.

² See e.g., Washington, WN U-44, Access Service Section 2.3.10.B.2.c.

from the data stream and populated it with junk, it—under Qwest’s proposal—could still claim that there was “sufficient” detail to assume it was an interstate call. Accordingly, AT&T proposes that the Commission order Qwest to add the following definition of “insufficient detail” to its revised tariff prior to approval:

Insufficient call detail shall be either no detail or detail that deprives the Company from identifying the actual, *bona fide* NPA-NXX associated with the call(s).

Placing a definition in the Qwest tariff helps to ensure that those carriers that strip data from their SS7 streams in order to hide originating NPA-NXXs from Qwest are less likely to get away with it, and thus it enables all access customers to compete on a neutral field.

2. As noted above, AT&T is not opposed to Qwest’s tariff revisions so long as they are altered to create an environment that protects an access customer’s right to challenge Qwest’s PIU designation and they foster fair competition between carriers rather than giving some disreputable carriers an advantage over those who play fair.

REQUEST TO SUSPEND THE PROPOSED REVISIONS

3. AT&T requests that the Commission suspend Qwest’s proposed tariff revisions until such time as the Commission has conducted the necessary investigation and ordered further revisions, if any.

CONCLUSION

For the reasons stated above, AT&T respectfully requests that the Commission grant this objection and suspend Qwest’s proposed revisions to its Access Service Tariff Section 2 pending the outcome of its investigation.

Submitted this 14th day of November, 2008.

**AT&T COMMUNICATIONS OF THE
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