

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

In the Matter of the Petition of	)	
	)	Docket No. UT-033044
QWEST CORPORATION	)	
	)	
To Initiate a Mass-Market Switching	)	AT&T'S ANSWER TO COVAD
and Dedicated Transport Case	)	COMMUNICATIONS
Pursuant to the Triennial Review	)	COMPANY'S MOTION FOR
	)	SUMMARY JUDGMENT
_____	)	

AT&T Communications of the Pacific Northwest, Inc., and AT&T Local Services on behalf of TCG Seattle and TGC Oregon (collectively "AT&T") hereby answers the Motion for Summary Judgment of Covad Communications Company.

AT&T supports Covad's Motion. Covad makes it clear that Qwest's direct case fails to make the showing demanded by the Federal Communications Commission's ("FCC") *Triennial Review Order*. Qwest fails to show for any of the 29 routes at issue that a carrier is self-provisioning dedicated transport or a wholesale carrier is operationally ready and willing to make dedicated transport, as defined by the FCC, widely available at the specific capacity levels relevant to the triggers.

Qwest's direct testimony and rebuttal testimony ignore responses of the competitive local exchange carriers ("CLECs") to the Commission's bench requests. A number of CLECs identified on Qwest's Exhibit RT-9HC stated in response to the bench requests that they did not provide dedicated transport to other carriers in Washington; however, Qwest has ignored these responses. Nothing on the web sites identified by Qwest contradicts the CLECs' responses.<sup>1</sup>

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<sup>1</sup> Direct Testimony of Rachel Torrence (Exhibit RT-1T) at 21-22.

Qwest has the burden of proof.<sup>2</sup> It has not come close to meeting its burden. As Covad explains, matching collocations or fiber-based collocations prove nothing. The fact that a CLEC may have a collocation arrangement in a Qwest wire center and a fiber network does not necessarily lead to the conclusion that the CLEC provides dedicated transport between two Qwest wire centers.<sup>3</sup> Standing alone, and in a light most favorable to Qwest, Qwest's filing fails to meet the trigger requirements set forth by the FCC in its *Triennial Review Order*.

Covad's Motion for Summary Judgment should be granted.

Respectfully submitted this 10<sup>th</sup> day of February, 2004.

**AT&T COMMUNICATIONS OF THE  
PACIFIC NORTHWEST, INC., AND AT&T  
LOCAL SERVICES ON BEHALF OF TCG  
SEATTLE AND TCG OREGON**

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<sup>2</sup> Qwest has the burden even if no CLECs had put on rebuttal testimony. Qwest cannot simply identify routes and require the CLECs to disprove its assertions.

<sup>3</sup> Covad Motion at 4.