

February 12, 2004

VIA E-MAIL AND FEDEX

Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

Re: UT 033044

Dear Ms. Washburn:

This responds to the Commission's Order No. 9 in this docket requesting Answers to Covad's Motion for Summary Judgment to be filed by February 13, 2004.

WorldCom, Inc.'s regulated subsidiaries in Washington ("MCI") support Covad's Motion for the reasons stated in the Motion. With regard to an evaluation of impairment concerning unbundled transport, the Federal Communication Commission's Triennial Review Order ("TRO") provides, "[s]tates that conduct this review need only address routes for which there is relevant evidence in the proceeding that the route satisfies one of the triggers or the potential deployment analysis specified in this Part." *TRO at para. 417*. As demonstrated by Covad's Motion, Qwest's evidence fails to demonstrate that any route has satisfied one of the triggers or the potential deployment analysis. Rather, Qwest's evidence is based on conjecture that "transport" exists on a route based on where competitive local exchange carriers have collocated in Qwest central offices. The FCC specifically rejected this analysis, stating that evidence regarding collocation may indicate only that carriers have provisioned fiber from their switch to a single location, not that transport "has been provisioned to transport traffic between incumbent LEC central offices." *TRO at para. 397*.

MCI requests that the Commission grant Covad's Motion for Summary Judgment, finding that Qwest, as a matter of law, has failed to support a finding that the FCC triggers have been met with regard to unbundled transport in Washington.

Respectfully submitted,

Michel L. Singer Nelson

Cc: Service List