

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of	)	DOCKET NO. UT-033044
	)	
QWEST CORPORATION	)	ORDER NO. 11
	)	
To Initiate a Mass-Market	)	ORDER GRANTING JOINT CLECS'
Switching and Dedicated Transport	)	MOTION TO SUPPLEMENT
Case Pursuant to the Triennial	)	RESPONSE FILING
Review Order	)	
.....	)	

1     **SYNOPSIS.** *In this Order, the Commission grants the Joint CLECs' motion to supplement their response filing on February 20, 2004, by filing a revised Exhibit DRF-5HC to the Response Testimony of Dean R. Fassett to include information provided in responses to data requests and subpoena duces tecum requests that were not available when the testimony was originally filed with the Commission.*

2     **NATURE OF THE PROCEEDING.** This proceeding addresses a petition filed by Qwest Corporation (Qwest) seeking review of the findings of the Federal Communications Commission (FCC) in its Triennial Review Order<sup>1</sup> concerning impairment to competitors without unbundled access to mass-market switching and dedicated transport.

3     **PROCEDURAL HISTORY.** On October 10, 2003, Qwest filed a petition with the Washington Utilities and Transportation Commission (Commission) in Docket

---

<sup>1</sup> *In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter "Triennial Review Order"].*

No. UT-033044 to initiate a review of the FCC's findings in the Triennial Review Order concerning mass-market switching and dedicated transport.<sup>2</sup>

4 On Friday, February 13, 2004, Eschelon Telecom of Washington, Inc., Integra Telecom of Washington, Inc., Global Crossing Local Services, Inc., McLeodUSA Telecommunications, Inc., Pac-West Telecomm, Inc., and XO Washington, Inc. (collectively "Joint CLECs") filed a motion with the Commission electronically, requesting permission to file a revised Exhibit DRF-5HC to the Response Testimony of Dean R. Fassett to include information provided in responses to data requests and subpoena duces tecum requests that were not available when the testimony was filed with the Commission.

5 The Commission issued a notice to all parties on February 13, 2004, providing an opportunity to respond to the Joint CLECs' motion by Tuesday, February 17, 2004. No party filed a response to the Joint CLECs' motion.

6 **JOINT CLECS' MOTION.** The Joint CLECs stated that the Commission has authorized parties to supplement their testimony in response to the errata that Qwest filed to the direct testimony and certain exhibits of Rachel Torrence. The Joint CLECs note that Exhibit DRF-5HC to Mr. Fassett's response testimony is patterned after Exhibit RT-9HC, one of the exhibits that Qwest revised in its errata filing.

7 The Joint CLECs state that Exhibit DRF-5HC reflects that there was insufficient data to evaluate several carriers as those carriers had not yet responded to data requests or subpoena duces tecum requests when Mr. Fassett's response testimony and exhibits were filed with the Commission. These carriers have now provided responses, or will do so by February 20, 2004, when supplemental responsive testimony must be filed with the Commission.

---

<sup>2</sup> A summary of earlier procedural history in this docket is set forth in Order Nos. 05 and 06 in this proceeding and will not be repeated in this Order.

8 The Joint CLECs request that the Commission allow the Joint CLECs to revise Exhibit DRF-5HC when filing supplemental responsive testimony to include this newly obtained information. The Joint CLECs report that Qwest does not object to the request.

9 The Joint CLECs' request is reasonable and consistent with the Commission's decision in paragraph 9 of Order No. 09, allowing parties to file supplemental direct testimony concerning the narrow issue of Ms. Torrence's revised testimony and exhibits. The Joint CLECs' motion is granted.

10 **NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810(3).**

DATED at Olympia, Washington, and effective this 18th day of February, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Administrative Law Judge