BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the	**)**	
	)	**DOCKET NO. UT-003013**
Continued Costing and Pricing of	**)**	**Part D**
Unbundled Network Elements,	**)**	
Transport, and Termination	**)**	

DIRECT TESTIMONY OF

DON PRICE

ON BEHALF OF

WORLDCOM, INC.

Dated: December 21, 2001

INTRODUCTION

Q. Please state your name, title, and qualifications.

A. My name is Don Price. I am employed by WorldCom, Inc.[1] as Senior Manager - Competition Policy in the Western Region Public Policy Group. I have more than 20 years experience in telecommunications, most of which is in the area of public policy. I have been in various public policy positions with WorldCom, through the merger with MCI, for the past 15 years. Prior to that, I was on the Staff of the Public Utility Commission of Texas for three years during the period immediately following divestiture. I began my career in telephony in 1979 with the GTE operating company in Texas -- General Telephone Company of the Southwest -- after receiving my Master of Arts degree from the University of Texas - Arlington. During my five years with GTE, I worked in various positions of increasing responsibility in the group whose function was the planning of central office and outside plant facilities. In my present position, I have broad responsibilities in developing and coordinating WorldCom's regulatory and public policy initiatives, requiring that I work closely with many different organizations in the company, including regulatory organizations, organizations responsible for the company's network, and those who sell services to customers across all market segments.

Since passage of the Telecommunications Act of 1996, I have been involved in negotiations on interconnection agreements in regions other than the states

[1] WorldCom Inc. is a holding company and is the parent of various entities certificated in Washington to provide interexchange (i.e., MCI) and local exchange (i.e., MCImetro) services.

served by Qwest, and have participated in numerous arbitration proceedings before state regulators in the states served by Southwestern Bell Telephone Company ("SWBT"), BellSouth Telecommunications ("BST"), and Pacific Bell. In addition, I was heavily involved in the so-called "collaborative proceeding" in Texas whereby SWBT ultimately obtained the Texas PUC's blessing for its 271 application to the FCC. My detailed qualifications, including all of the proceedings in which I have filed testimony, are included in Exhibit 1 to my testimony.

SUMMARY OF TESTIMONY

Q. Please provide a summary of your testimony.

A. In my testimony I address certain issues raised by Qwest's direct case in this matter, as detailed below. At the outset of my testimony, I provide an overview of WorldCom's direct case and explain how the testimonies presented by WorldCom's witnesses fit together. I will also provide a brief critique of Qwest's presentation in this proceeding. For ease of reference, the electronic copy of my testimony has major headers for each issue which, in the "Print Layout" view, the reader can simply "click" to be taken to that portion of my testimony.

OVERVIEW OF WORLDCOM'S PRESENTATION

Q. Would you provide a brief overview of WorldCom's position in this proceeding?

A. Yes. As a general matter, WorldCom's testimony will present critiques of several of Qwest's recommendations in this proceeding. I should stress that WorldCom is not taking positions on each and every recommendation presented by Qwest's witnesses. In addressing or raising the issues in the testimonies presented by WorldCom, the Commission should not infer that there are no other issues or problems with Qwest's or Verizon's various proposals in this docket. To the extent other issues are not covered in WorldCom's testimony, the absence of such testimony by WorldCom should not be taken as agreement with that Qwest or Verizon proposal.

Q. Please explain how WorldCom's testimony in this proceeding is organized.

A. WorldCom is presenting testimony by seven witnesses: Peter Gose, Sid Morrison, Tim Gates, Roy Lathrop, Ed Caputo, Michael Lehmkuhl, and me. WorldCom witness Peter Gose provides WorldCom's recommendations regarding appropriate cost factors for use in determining Qwest's nonrecurring charges. WorldCom witness Sid Morrison recommends changes to certain of Qwest's proposed nonrecurring charges. WorldCom witness Tim Gates testifies to certain issues pertaining to Qwest's proposed "branding" rates. In his testimony, WorldCom witness Roy Lathrop presents recommendations regarding the issues of CLEC to CLEC Interconnection, Channel Regeneration, Space Inquiry, Space Optioning, Remote Terminal Collocation and Bona Fide Request. Mr. Caputo's testimony includes a critique of directory assistance, operator services and customized routing. Finally, Mr. Michael J. Lehmkuhl addresses

Qwest's pricing of directory assistance listing ("DAL") databases, and its calling name database ("ICNAM" or "CNAM"). My testimony deals with the policy implications of the following issues: remote terminal collocation and packet switching, enhanced extended links, switching vertical features, unbundled network element combinations, the customer transfer charge, "SS7" charges, local tandem switching, branding, and individual case basis pricing.

QWEST'S PRESENTATION

Q. You stated in your summary above that you would present a brief critique of Qwest's presentation in this phase of the proceeding. What aspects of Qwest's presentation deserve such criticism?

A. I have two primary criticisms of Qwest's presentation herein. The first is that Qwest's testimony is not organized in a manner that allows the reader to determine what recommendations are being made. That is, other than the schedule included as Exhibit TKM-28 to Qwest witness Million's testimony, there is no place where any of the witnesses provide an overview of the relief Qwest is seeking in this proceeding and how that relief ties to its direct case.

The second criticism is that nowhere in its presentation does Qwest provide the reader with any explanation as to the application of the numerous rate elements

contained in Ms. Million's Exhibit TKM-28.[2] An example of this can be found in the testimony of Qwest witness Kathryn Malone. In her discussion of Qwest's proposed SS7 rates at 11-12, she lists five different proposed recurring rates that are to be "assessed on a per-terminating call basis." Without further explanation, that phrase is meaningless. As this Commission is well aware, Qwest terminates traffic of varying types -- including both interexchange and local calls. Ms. Malone's testimony provides no indication of which type of call is encompassed by her statement. Likewise, even if we were to assume that Ms. Malone intended her statement to be limited only to "local calls," the reader is given no indication as to whether Qwest's intent is to apply the rates to only those local calls originated via one particular service delivery method -- e.g., those calls originated over a UNE-P switch port. Absent additional information that is completely lacking in Qwest's direct case, neither this Commission nor Qwest's would-be competitors can do anything other than speculate as to Qwest's intended application of the SS7 rates discussed by Ms. Malone.[3]

Another example can be found in the testimony of Qwest witness Joseph Craig. On the last page of his testimony, Mr. Craig names five rate elements that are encompassed in Qwest's "unbundled packet switching" proposal without providing any explanation as to the application of those rate elements. Again,

[2] Nor do Qwest's witnesses furnish cross-references to applicable portions of the SGAT that might provide such explanation.

absent additional information not provided in Qwest's testimony, the reader is left to pure speculation as to the intended application of the proposed rates by Qwest.

Q. Why is it so important that Qwest explains how the rates are to be applied given that this phase of the proceeding is a cost proceeding?

A. There are a variety of "pieces to the puzzle" which must ultimately be pieced together into a coherent whole. That the Commission has chosen separately to consider the piece parts in separate phases of a larger proceeding in no way diminishes the importance of that objective. For example, although the development of terms and conditions applicable to interconnection and unbundled network elements ("UNEs") Qwest must provide is not within the scope of this phase of the proceeding, those terms and conditions represent a critical "piece of the puzzle." Even the closest scrutiny of Qwest's costing analyses by the Commission in this phase will not achieve the desired public policy objectives if the Commission's findings are not tightly integrated with the other puzzle pieces: i.e., terms and conditions (including application of rates) and how the costs of various functions or elements are translated into rates.

Furthermore, it is a fundamental tenet of sound cost analysis that every cost study should reflect the manner in which costs are incurred for the function or

[3] Ms. Malone's testimony on "local tandem switching" at pages 3-4 is likewise without any meaningful discussion of when and/or under what conditions the proposed rates would be

element under analysis.[4] Should Qwest be permitted to apply the resulting rates in a manner different from the cost incurrence reflected in the analysis, a possible (perhaps likely) outcome would be overcharging for the function or element. For these reasons, it is important in each phase not to lose sight of the interrelationship between the various puzzle pieces.

TESTIMONY ON SPECIFIC ISSUES

Q. Is the remainder of your testimony devoted to specific issues raised in Qwest's direct testimony?

A. Yes. I will address the following issues: remote terminal collocation, enhanced extended links, the "customer transfer charge," switching vertical features, UNE combinations, signaling system 7 charges, local tandem switching, branding, and individual case basis pricing.

REMOTE TERMINAL COLLOCATION

Q. Please provide an overview of how this portion of your testimony is organized.

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applied.

[4] That is, the cost structure should not be imposed artificially, but rather should be a function of the characteristics of the unit under analysis. An admittedly absurd example would be a cost study of loops that attempted to force a per-call attempt means of analyzing the cost of loops.

A. My testimony on remote terminal issues is organized into four separate parts. First, I will provide a brief network overview with an emphasis on the location and function of the remote terminal ("RT") and explain its increasing importance in the ILECs' networks. Second, I will explain the relationship between the RT and other issues in this proceeding -- in particular, packet switching.[5] Third, I will explain why the high cost and administrative issues associated with CLEC access to the RT drives up CLECs' costs of providing competitive services and thereby lessens the potential for competition with Qwest for a variety of telecommunications services. Finally, I will provide a brief description of Qwest's packet switching offering and explain the importance of such an offering in a market moving toward high-bandwidth applications.

Q. Please describe what you mean by the term "RT."

A. The term remote terminal ("RT") denotes a housing for equipment that is "remote" in relation to the ILEC's Central Office, as depicted graphically in Attachment 2 to my testimony.[6] The RT is typically contained in a cabinet that can be mounted on a concrete pad, in a controlled environmental vault, or in an underground vault. The role of the RT is evolving. To understand the increasing importance of the RT in the ILECs' networks, a bit of network history is necessary.

[5] This discussion will also put into context the "remote collocation" proposals contained in the testimony of Qwest witness Kennedy.

For the most part, the historic ILEC network design was made up by numerous wire centers in each metropolitan area. This design was a function of the transmission limitations on copper loops. That is, because of the physical qualities of copper as a conductor of analog electric signals, the "resistance" to signal transmission could be overcome only up to distances of a few miles from the wire center.[7] During the 1970s, the ILECs began to introduce what they referred to as "pair gain" devices: electronic means of multiplexing up to 24 voice grade loops on a single 4-wire circuit. These devices typically were placed at the junction (terminal) between the distribution (or branch) portion of the loop network and the feeder (or trunk) portion that connected to the wire center.[8] This "remote terminal" was chosen because of the efficiencies gained in the feeder portion of the loop by multiplexing signals onto a smaller number of copper pairs. Over time, these pair gain devices became more and more sophisticated.[9] The current generation devices are known as Next Generation Digital Loop Carrier ("NGDLC") systems, a great number of which now utilize solely optic fiber in the transmission path between the wire center and the RT.

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6 The term RT sometimes is used to denote the physical location (i.e., the housing), and sometimes to refer to both the location and the equipment.

7 The term "wire center" is a historic term denoting the point at which all the loops converged in the prototypical ILEC hub and spoke architecture. Often the term "wire center" and central office will be used synonymously, and that location is typically where the ILEC chose to locate its switching equipment. Thus, the terms "wire center," "central office," and "switch" are often used to refer to the same physical location(s) in the ILECs' legacy networks.

8 The feeder portion connects the wire center with the remote terminal, while the distribution portion branches off from the RT and runs down the streets or alleys to individual premises.

9 The term "slick 96" was coined in reference to one particular model of subscriber line concentrator ("SLC") system introduced by AT&T.

Q. What is the significance of the proliferation of NGDLC devices at RTs and the corresponding increase in use of fiber in the ILECs' feeder loop plant?

A. Perhaps the most obvious significance involves the ability to offer new applications to subscribers and/or increase the number of subscribers to which such applications may be offered. Another, but less obvious, result involves the implications to CLECs for the use of the ILECs' facilities.

Turning first to the matter of new applications and expanding the reach of such applications, the reader will recall that copper can pass electrical signals only up to certain distances. Technology developed in the 1980s demonstrated that the ILECs' legacy copper networks could be used to pass signals at relatively high speeds for short distances -- and that technology has come to be known as "Digital Subscriber Line" ("DSL").[10] ILECs have deployed this technology in their networks to varying degrees over the past few years. Where the ILEC uses copper in the feeder plant, DSL-based services can be offered to customers who are located (roughly) within three miles of the wire center. Beyond that distance, high-speed signals becomes highly problematic. However, where fiber facilities are used in the feeder portion of the loop plant, the customer's distance from the wire center is no longer a factor: rather, it is the distance between the customer's premises and the RT where the copper portion of the loop terminates that is the

[10] This term is a bit of a misnomer because copper can only transmit analog signals.

determining factor as to whether DSL-based services can be offered. Thus, by deploying fiber optic transmission facilities in their loop feeder, ILECs are now able to offer DSL-based services to a larger portion of their customer base.

A less obvious result of deploying fiber in the feeder plant was described by the FCC in the *UNE Remand Order* as follows:

> Competitors seeking to offer services using xDSL technology need to access the copper wire portion of the loop. In cases where the incumbent multiplexes its copper loops at a remote terminal to transport the traffic to the central office over fiber DLC facilities, a requesting carrier's ability to offer xDSL service to customers served over those facilities will be precluded, unless the competitor can gain access to the customer's copper loop before the traffic on that loop is multiplexed. Thus, we note that the remote terminal has, to a substantial degree, assumed the role and significance traditionally associated with the central office. (Footnotes omitted.)[11]

This discussion highlights the critical competitive implications of the increasing deployment of fiber in the ILECs' loop plant. Where customers are on "home run" copper loops,[12] a CLEC can offer competing DSL-based services by collocating certain equipment in the ILEC's wire center. From the CLEC's viewpoint, this means the CLEC can use its investment to market its services to all of the buildings and residences connected to that wire center. The introduction of fiber-based DLC systems alters the situation because, in such

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[11] *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98; Third Report and Order, FCC Order 99-238, released November 5, 1999 ("*UNE Remand Order*"), ¶ 218.

[12] That is, a loop which is copper the entire distance between the customer's premises and the wire center.

instances, the CLEC can no longer utilize its investment in the wire center-based collocation to market services to all premises served by that wire center.[13]

Q. Please explain the importance of that fact.

A. To offer DSL-based services, the provider must locate its equipment where the copper portion of the subscriber's loop terminates. In the fiber-based NGDLC situation, that termination occurs at the RT. And there can be numerous remote terminals for each central office. For example, documents obtained from SBC suggest that the number of RTs per wire center averages between 16 and 24.[14] So, the CLEC can no longer compete by making one collocation investment in the wire center, but faces the prospect of having to make multiple investments to serve the same potential base of customers.

Because this Commission has grappled with some of the many complex issues associated with collocation, it should easily recognize that these issues (and problems) are likely to increase many times when manifested at numerous remote terminals. For example, although the physical appearance of remote terminals can vary, they are typically much smaller than central offices. It is by no means clear that sufficient room in the remote terminal will be available for

[13] Potentially, work-arounds may permit CLECs to continue to compete from their wire center-based equipment, but it requires that the ILEC "swing" the customer over to a copper loop, bypassing the fiber feeder. Such a scenario may not be possible if no spare copper is available. And even if spare copper is available, the CLEC may not be able to compete for many customers because of the significantly longer copper loop distance in the CLEC's configuration versus the ILEC.

[14] This figure is an average across all of the SBC operating territory, and can be generalized to other ILECs' operations.

CLEC collocation.[15] In fact, paragraphs 9.3.1.4.3 and 9.3.4.2 of Qwest's proposed SGAT in Washington expressly address the likelihood of space exhaustion at the RT. Space considerations and limitations – which often are an issue when collocating at central offices – take on even greater importance for collocation at the remote terminals. To the extent space in Qwest's RT is unavailable, access to the copper subloops at the RT will require the CLEC to construct its own site at or near Qwest's RT, with the accompanying additional cost and delay to the CLEC.[16] This is the situation depicted on Attachment 2, page 1.

Further, the Commission should consider there are other additional costs imposed on CLECs by a requirement to place equipment at or near the RT. For example, even if a CLEC has secured transmission capacity to link its network to the each of the ILEC's central offices, it is virtually certain that the CLEC will not have such transmission capacity to link its network with even one remote terminal. (Recall that numerous remote terminals are used to serve each central office area, meaning that the additional transmission capacity will be necessary along perhaps as many as 20 different routes from a given wire center.) Thus,

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15 See Attachment 2 to my testimony, page 2, for an example of CLEC collocation in the RT.

16 This delay is not merely hypothetical, as paragraph 9.3.4.3.1 of Qwest's SGAT places a burden on the CLEC to "obtain any necessary authorizations or rights of way required…." Furthermore, paragraph 9.3.4.3.2 establishes a "mutual obligation" to determine the "optimum point and method to access Subloop elements," a process that would require dispute resolution if agreement on those issues are not reached. (See, paragraph 9.3.4.3.5.) While WorldCom recognizes the Commission's commitment to resolution of such disputes in a timely manner, it cannot be ignored that such delays would impair the CLEC's ability to provide services to customers served by that RT.

even if a CLEC is successful in getting equipment to the several RTs, the CLEC still needs a means to get traffic from the remote terminal to the CLEC's network, adding delay associated with obtaining rights-of-way, etc., on top of the additional cost required for the additional transmission capacity.[17] The conclusion that should be drawn from this discussion is that the growing role of the RT in ILECs' networks can exponentially drive up CLECs' costs of providing competing services, thus creating an impairment (as the FCC defined that term in its *UNE Remand Order*) relative to the ILEC when competing for advanced services.

Q. Please explain WorldCom's position on the testimony of Qwest witness Kennedy as it relates to your previous discussion.

A. The purpose of my testimony on the remote terminal issues is not to take issue with the recommendations in Mr. Kennedy's testimony at pp. 8-9. Rather, my testimony is intended to highlight the effect of Qwest's proposed rates. For example, a collocator wishing to serve an area comparable to what Qwest serves from a given a central office would face a nonrecurring cost of $154,722.88.

Qwest's proposed nonrecurring charge per standard mounting unit ("SMU") is $867.19 and the nonrecurring charge for "feeder distribution interface" ("FDI")

[17] And this ignores the one-time costs to secure the space in or adjacent to the RTs (discussed below), the cost of the equipment to be placed by the CLEC, and the additional labor cost to the CLEC to place and configure its equipment.

terminations per 25 pairs is $558.38.[18] Assume that each central office is served by 16 remote terminals and each remote terminal is connected to 4 FDIs. Each FDI serves approximately 200 to 400 dwelling units, so assuming a CLEC hopes to capture 12.5% to 25% of the addressable market, it would place 50 lines between the FDI and the remote cabinet. Assuming the CLEC would place a PairGain Avidia 3000, which is 10.5 inches high, it would require 6 SMUs. These assumptions result in the following:

FDI cost = ($558.38 for 25 lines * 2) * 4 FDIs/RT * 16 RTs = $71,472.64

Space cost = ($867.19/SMU * 6 SMUs) * 16 RTs = $83,250.24

Total nonrecurring costs[19] is $154,722.88.

This ignores the cost of the CLEC's equipment which, for remote collocation means 16 different pieces rather than the use of fewer pieces of equipment, located close together in a central office.

Q. You stated above that you would use the above background discussion to discuss Qwest's packet switching offering and explain its importance. Please do so.

A. Qwest's SGAT language pertaining to packet switching read literally makes clear that Qwest's packet switching offering is available to CLECs only under very

[18] See Exhibit TKM-28 at page 1.

[19] This figure excluding Qwest's proposed ICB charge for a Quote Preparation Fee that Mr. Lathrop has recommended be credited against the Space charge, if it is permitted at all.

limited conditions.[20] My expectation of Qwest's position is that no CLEC will ever meet those conditions, and thus packet switching essentially is not available to CLECs. This is an undesirable public policy outcome. For the reasons discussed above, denying CLECs the use of that offering will serve to sharply limit the extent of competition in the market for DSL-based services. This Commission can avoid such an outcome by exercising its right to analyze Qwest's packet switching offering in the context of the test for unbundling packet switching set out by the FCC at ¶ 313 of the *UNE Remand Order*, which states:

> When an incumbent has deployed DLC systems, requesting carriers must install DSLAMs at the remote terminal instead of at the central office in order to provide advanced services. We agree that, if a requesting carrier is unable to install its DSLAM at the remote terminal or obtain spare copper loops necessary to offer the same level of quality for advanced services, the incumbent LEC can effectively deny competitors entry into the packet switching market. We find that in this limited situation, requesting carriers are impaired without access to unbundled packet switching.

Applying this test, Qwest must provide unbundled packet switching for the following reasons: (a) the inability of CLECs to reasonably install DSLAMs at remote terminals; (b) the inability of CLECs to reasonably access subloops at remote terminals; and (c) line sharing over DLC meets the necessary and impair standard.

Q. Do CLECs face an inability to reasonably install DSLAMs at remote terminals?

[20] See § 9.20 of Qwest's SGAT.

A. Yes. As I noted above, it is likely that Qwest's remote terminals frequently will lack sufficient space to allow for collocation of DSLAMs. Indeed, it is my understanding that Qwest's cost studies are based on such an assumption. That is not surprising, because Qwest designed many of the remote terminal configurations to fit only its equipment and did not take into account the collocation needs of CLECs.

Taking into account my analysis above, Qwest can effectively prevent collocation at remote terminals by charging an unreasonable price for the so-called ICB quote preparation fee -- which is added to the other up-front costs described above.

Further, paragraph 8.4.6.2 of Qwest's SGAT provides no assurance that Qwest will provide remote terminal collocation at remote terminals. The referenced language would permit Qwest to force the CLEC into an even more expensive "adjacent collocation" arrangement and places Qwest in the position of unilaterally rejecting remote collocation requests without any showing as to the basis of that rejection.

Q. Do CLECs face an inability to reasonably access subloops at RTs?

A. Yes. It is my understanding of the manner Qwest performed its cost studies that the interconnection would never be at the RT, but rather at an even more

granular point in the network, the FDI, as depicted in Attachment 2. This has the effect of driving up the CLECs cost to an even greater extent than if the CLEC had access to all subloops subtending the RT. Providing access only at the FDI is not providing access to subloops in a non-discriminatory manner.

Q. Do Qwest's proposed rates -- and its SGAT terms and conditions for access to subloops -- pass the impair standard established by the FCC?

A. No. Because all elements of Qwest's packet switching offering are non-proprietary elements, the impair standard applies to this issue.[21] The FCC established the following test for the impair standard:

> We conclude that the failure to provide access to a network element would "impair" the ability of a requesting carrier to provide the services it seeks to offer if, taking into consideration the availability of alternative elements outside the incumbent's network, including self-provisioning by a requesting carrier or acquiring an alternative from a third-party supplier, lack of access to that element materially diminishes a requesting carrier's ability to provide the services it seeks to offer. We find that a materiality component, although it cannot be quantified precisely, requires that there be substantive differences between the alternative outside the incumbent LEC's network and the incumbent LEC's network element that, collectively, "impair" a competitive LEC's ability to provide service within the meaning of section 251(d)(2).[22]

As discussed above, CLECs are impaired without access to Qwest's packet switching offering. Without reasonable access to the network elements that comprise the ILECs' NGDLC systems, a CLEC's "ability to provide the services it

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21 *See UNE Remand Order* ¶ 36 ("Our definition [of "proprietary in nature"] excludes elements that are based on widely accepted industry documents or on standards commonly used by a standards-setting body (*e.g.* ITU, ANSI, IEEE) or by vendors.")

22 *Id*. at 51.

seeks to offer" will be "materially diminishe[d]" because the CLEC will not be able to provide a comparable DSL service to the customers that can only be reached by Qwest's or Verizon's NGDLC system.

Moreover, as discussed above, CLECs are impaired by lack of access to packet switching as a UNE when Qwest utilizes fiber-fed NGDLC because CLECs face "substantive differences" in the ability to collocate and access subloops at remote terminals. Specifically, Qwest (and any data affiliate) has much more favorable access to subloops in NGDLC configurations than CLECs that try to collocate at the remote terminals. The same will apply to Verizon or its data affiliate, because Verizon or its affiliate will be able to access subloops at the remote terminal through the integrated NGDLC system while CLECs will be forced to access the subloops at the SAI/FDI.

Q. Do you have any concluding comments before turning to the next issue in your testimony?

A. Yes. Summarizing the above discussion, this Commission should find that CLECs are impaired without access to Qwest's packet switching offering where Qwest has deployed NGDLC for its own use in its network.[23] Also, I would add a brief point about Qwest witness Craig's use of the term "packet networks." While I do not in general disagree with Mr. Craig's description, it could be interpreted in a way that leads to confusion. For example, a packet "network" can include as

[23] The same holds true for Verizon as well, although I have not researched whether Verizon offers has an offering comparable to Qwest's.

one component a single "trunk" configured on a fiber that is used for multiple other purposes. Perhaps another way of saying this is that it is not necessary to use an entire fiber (e.g., OC-12) to create a component of a "packet network." Rather, such a network can be pieced together using capacity on other transmission facilities for at least a portion of the "packet network."

ENHANCED EXTENDED LINKS ("EELS")

Q. Do you have testimony in response to Qwest witness Kennedy's testimony regarding EELs?

A. Yes. It is not the purpose of my testimony to criticize the cost studies underlying the EELs transport proposals made by Mr. Kennedy. However, it should be pointed out that transport capacity is transport capacity no matter what sort of label is attached to the particular use of that transport. That is, a given quantity of transport capacity should have the same underlying cost whether it is referred to by Qwest as EEL transport, "direct trunked transport," "unbundled dedicated interoffice transport," or some other name. The use of such different names to describe the same element in Qwest's network simply raises the possibility of confusion and/or discriminatory treatment in its application of either the rates or the terms and conditions. For that reason, I would recommend collapsing the

various categories noted above into a single category called "dedicated transport" with rates that vary only by the amount of capacity over the transport.[24]

Q. Do you have other information to present to the Commission on this issue?

A. Yes. Without question, CLECs lack ubiquitous facilities-based access to local customers in Washington, unlike the incumbent provider, Qwest.[25] Access services are monopoly bottlenecks, controlled to an overwhelming degree by the ILECs. Qwest is the dominant ILEC in all major markets in Washington. I have seen internal analyses showing that even in the most "competitive" metropolitan markets, CLECs (and IXCs) rely heavily on the ILECs for transport facilities. For example, in Dallas, Texas 89 percent of the buildings that WorldCom accesses through special access circuits are only served by SWBT, and the numbers for the St. Louis and Kansas City Missouri markets are in that same range. Information provided to the FCC by SBC corroborates WorldCom's analysis. In the Los Angeles area -- surely one of the largest and most competitive markets -- the data provided by SBC shows that competitive carriers ***in the aggregate*** have constructed transport facilities to only slightly more than 1/5th of the ILECs' wire centers in the Los Angeles MSA. This number is even more striking when one considers the massive capital outlays by competitive carriers over the past

[24] Another example is represented by Qwest Kennedy's discussion of the alleged differences between its "EUDIT" and "UDIT" offerings. The distinction is not at all relevant, as Qwest has plainly conducted its cost studies for the EUDIT product in violation of § 319(d)(1)(A) of the FCC's rules, which do not limit unbundled transport to transmission only between ILEC wire centers.

decade.[26] Although not specific to markets in the State of Washington, these examples of the extent to which carriers must rely on the ILEC's ubiquitous transport facilities strongly suggests that in its territory, Qwest is likewise the only provider of special access services (or the functional equivalent) in the overwhelming majority of instances. As discussed in more detail below in my discussion of switching vertical features, the fact that carriers such as WorldCom rely so heavily on Qwest's facilities makes it imperative that Qwest be required to provide nondiscriminatory access to loop and transport combinations at cost based rates.

CUSTOMER TRANSFER CHARGE

Q. Would you briefly describe the "Customer Transfer Charge" as you understand it?

A. Yes. As discussed in Ms. Malone's testimony at p. 3, Qwest's proposal is that the Customer Transfer Charge only applies in situations where the CLEC resells certain of Qwest's retail service offerings.

Q. Is the purpose of your testimony to challenge the Customer Transfer Charge proposed by Qwest in this proceeding?

[25] See, *In the Matter of the Investigation into U S WEST COMMUNICATIONS, INC.'S Compliance with Section 271 of the Telecommunications Act of 1996*, DOCKET NO. UT-003022, prefiled direct testimony of Don Price, June 7, 2001 at pp. 27-34.

A. No, I am not challenging Qwest's proposed Customer Transfer Charge. The purpose of this passage of my testimony is simply to establish for the record that this charge is only applicable in resale situations, and that it has no applicability to UNE combinations such as the loop/switch port combination often referred to as "UNE-P." So long as there is no dispute that this charge only applies to resale, WorldCom is not challenging the level of the rate proposed by Qwest.[27]

SWITCHING VERTICAL FEATURES CHARGES

Q. What is the purpose of your testimony regarding Qwest's proposed switching vertical features charges?

A. This portion of my testimony is comprised of two distinct issues. One is to respond briefly to Ms. Malone's discussion at pp. 7-8 of her testimony. The second purpose is to explain why the Commission should reject the switching vertical feature rates in Section 9.12.2 of Attachment A to the Qwest SGAT.

Q. Please explain your position regarding the discussion at pp. 7-8 of Qwest witness Malone's testimony.

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[26] In testimony recently provided in a Texas PUC proceeding, one of Southwestern Bell Telephone's witnesses estimated that CLECs spent roughly $25 Billion in capital outlays in 2000 alone to deploy local telecommunications facilities.

[27] I should note that WorldCom is challenging certain of the non-recurring charges proposed by Qwest for application to the loop/switch port combination, as discussed more fully below and in the testimony of WorldCom witness Sid Morrison.

A. Ms. Malone's testimony notes that Qwest is proposing "a list of vertical features that are available to CLECs that purchase a line side port." Her testimony does not make clear, however, which of the rates in the pricing attachment(s) are being referenced. If she is referencing the features that are included in § 9.11.1.3 of the attachment(s), it appears that all of those features relate only to centrex services and would not be applicable to basic loop/switch port combinations. We have posed discovery to Qwest in an attempt to gain a better understanding of its proposal, and I may be able to modify my testimony once the responses to that discovery have been provided by Qwest.

Q. You mentioned above that the second purpose of your testimony on switching vertical features is to recommend that the Commission reject certain of Qwest's proposed rates. Please explain.

A. In § 9.12.2 of Qwest's SGAT Attachment A, it proposes numerous "market based" prices for local switching. Although there is no discussion of this aspect of Qwest's pricing proposal in any of the testimonies presented in this proceeding, Qwest's SGAT at ¶ 9.11.2.5 states:

> Unbundled local switching does not constitute a UNE, and is therefore not available at UNE rates, when CLECs end user customer to be served with Unbundled Local Switching has four (4) access lines or more in a given location, and the lines are located in density zone 1 in specified Metropolitan Statistical Areas (MSAs). Unbundled local switching is available at market-based rates when CLECs end user customer to be served with Unbundled Local Switching has four (4) or more access lines in a given location, and the lines are located in density zone 1 in specified MSAs. This exception applies to density zone 1 as it was defined by Qwest on January 1, 1999.

There are two aspects of this proposal that are troubling. First, the paragraph cited above is not faithful to the "exception" language contained in the FCC's UNE Remand Order for local circuit switching. That language states in pertinent part:

> We find that, where incumbent LECs have provided nondiscriminatory, cost-based access to combinations of loop and transport unbundled network elements, known as the enhanced extended link (EEL), requesting carriers are not impaired without access to unbundled switching for end users with four or more lines within density zone 1 in the top 50 metropolitan statistical areas (MSAs).[28]

There exists an unverified fact question -- namely, whether Qwest is providing "nondiscriminatory cost-based access to combinations of loop and transport unbundled network elements." Unless and until Qwest has demonstrated that it is providing such nondiscriminatory, cost-based access to such elements -- which it is not -- Qwest is not entitled to the local circuit switching exception under the FCC's rules.

Q. What is the basis for your statement that Qwest is not providing nondiscriminatory cost-based access to combinations of loop and transport UNEs?

A. In March of this year, WorldCom submitted detailed information to Qwest in support of our request to have a number of special access circuits converted to EELs. After numerous correspondences between the companies since the initial

[28] *UNE Remand Order* at ¶ 253.

request, we are no closer to having our circuits converted than we were at the outset. The delay tactics exhibited by Qwest -- while perhaps understandable given its desire to continue billing the higher special access rates -- are not at all consistent with the guidelines on such conversions established by the FCC.

The FCC's *Supplemental Order Clarification* makes clear that Qwest should have begun actions to convert the requested circuits upon receipt of WorldCom's request. Specifically, the FCC stated:

> We agree with MCI WorldCom that upon receiving a conversion request that indicates that the circuits involved meet one of the three thresholds for significant local usage that the incumbent LEC should immediately process the conversion. We emphasize that incumbent LECs may not require a requesting carrier to submit to an audit prior to provisioning combinations of unbundled loop and transport network elements.[29]

Qwest clearly did not "immediately process" WorldCom's conversion request, notwithstanding this clear directive, given that as recently as September it stated it was still analyzing the information provided by WorldCom. For these reasons, Qwest is not providing nondiscriminatory access to EELs in keeping with the guidelines established by the FCC.

Q. What is the significance of Qwest's failure to provide nondiscriminatory access to EELs?

[29] *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Supplemental Order Clarification released June 2, 200, FCC Order 00-183, at ¶ 31.

A. Quite simply, Qwest has not met the minimum requirements under which it could be eligible for the exception to the otherwise general obligation to provide local circuit switching as a UNE to WorldCom without exception. The FCC concluded "that, as a general matter, unbundled local circuit switching meets the "impair" standard set forth in section 251(d)(2)."[30] The FCC further stated:

> Based on the record, we find that, in general, lack of access to unbundled local switching materially raises entry costs, delays broad-based entry, and limits the scope and quality of the new entrant's service offerings. As discussed in detail below, out unbundling analysis focuses upon the ability of a requesting carrier to self-supply switching because the record does not support a finding that requesting carriers, as a general matter, can obtain switching from carriers other than the incumbent LEC.[31]

In that same paragraph, the FCC set out an exception to its general finding:

> We find, however, that an exception to this rule is required under certain market circumstances. We find that, where incumbent LECs have provided nondiscriminatory, cost-based access to combinations of loop and transport unbundled network elements, known as the enhanced extended link (EEL), requesting carriers are not impaired without access to unbundled switching for end users with four or more lines within density zone 1 in the top 50 metropolitan statistical areas (MSAs).[32]

Q. What are the implications of this FCC finding in local competition in the State of Washington?

A. First, the above-noted exception to this general rule does not apply unless the Commission concludes that Qwest is providing "nondiscriminatory cost-based

30 Id., at ¶ 253.

31 Id.

32 Id.

access to" EELs (which as discussed above, it is not) and is thus entitled to take advantage of the FCC's exception. Second, this Commission can determine based on its own analysis that it should require Qwest to provide UNE switching without exception.

I explained above that Qwest has not yet processed WorldCom's requested conversion of certain circuits from special access to EELs. As noted, WorldCom is no closer to obtaining EELs than when it first made the request to Qwest some months ago. That history is telling in light of Chairman Powell's Statement in the *UNE Remand*, where he noted that CLECs could "obtain the same functionality as the EEL … by simply converting special access services to network elements."[33] It should be clear from my previous discussion of Qwest's foot dragging that there is nothing "simple" about a conversion process that has stretched out for almost a year -- with no end yet in sight.

Q. If Qwest were to modify its procedures and implement a process to immediately process WorldCom's requested conversions, would you then agree that Qwest is entitled to the exception adopted by the FCC?

A. No. As I will discuss, CLECs are impaired absent unconditional access to local circuit switching as a UNE.

Because the switching element is a non-proprietary element, the impair standard

33 *UNE Remand Orde*r, Powell Statement, at 2.

applies to this issue.[34] The FCC established the following test for the impair standard:

> We conclude that the failure to provide access to a network element would "impair" the ability of a requesting carrier to provide the services it seeks to offer if, taking into consideration the availability of alternative elements outside the incumbent's network, including self-provisioning by a requesting carrier or acquiring an alternative from a third-party supplier, lack of access to that element materially diminishes a requesting carrier's ability to provide the services it seeks to offer. We find that a materiality component, although it cannot be quantified precisely, requires that there be substantive differences between the alternative outside the incumbent LEC's network and the incumbent LEC's network element that, collectively, "impair" a competitive LEC's ability to provide service within the meaning of section 251(d)(2).[35]

Consequently, CLECs are impaired by lack of access to the switching element if the lack of access "materially diminishes" their ability to provide the services they seek to offer. Furthermore, CLECs are impaired if there are "substantive differences between the alternatives outside of the [ILEC's] network" and the switching element. As I will show below, CLECs can meet this test in Washington.

As a preliminary matter, the remedy adopted by the FCC in the *UNE Remand* decision for local circuit switching is inconsistent with the FCC's discussion of the evidence it reviewed and its own findings. In the portions of the local circuit switching UNE discussion, there are numerous findings that CLECs would be

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34 See, *UNE Remand Order* ¶ 36 ("Our definition [of "proprietary in nature"] excludes elements that are based on widely accepted industry documents or on standards commonly used by a standards-setting body (*e.g.* ITU, ANSI, IEEE) or by vendors.")

35 Id., at 51.

impaired without access to local circuit switching. Those findings go to various of the factors examined in the FCC's analysis, including cost, quality, ubiquity, and timeliness factors.

Regarding the cost factor, the FCC's analysis of the findings determined:

> … we find that as a general matter, requesting carriers have not gained sufficient market share to generate switch utilization rates and economies of scale comparable to the incumbent LEC, particularly to serve the mass market.[36]

The FCC further stated in regards to the cost factor:

> In addition to the costs of establishing collocation arrangements with the incumbent LEC, ***requesting carriers incur additional costs to extend unbundled loops to their collocation cage***. The manual work of extending a loop to a requesting carrier's collocation cage is known as a coordinated loop cutover. A coordinated loop cutover requires incumbent LEC technicians to disconnect the subscriber's loop from the incumbent LEC's main distribution frame and rapidly cross-connect it to the competitor's facilities. From the time the technician disconnects the subscriber's loop until the competitor re-establishes service, the subscriber is without service. Simultaneously, incumbent LEC and competitor technicians must coordinate to ensure that the subscriber's telephone number is "ported" to the competitor's switch so that inbound calls are properly routed to the requesting carrier's switch.[37]

This coordinated cutover process "imposes a non-recurring cost on competitive carriers that connect their own switches to unbundled loops."[38]

Turning to the factors of ubiquity and timeliness, the FCC concluded that such factors "… [impose] a material delay on competitive LECs that offer services

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36 Id., at ¶ 260.

37 Id., at ¶ 265. (Emphasis added.)

using self-provisioned switches, and materially limits the scope of customers a requesting carrier may serve quickly."[39]

Q. In what way is the remedy adopted by the FCC at odds with its findings?

A. The remedy -- i.e., the exception set out in ¶ 253 of the *UNE Remand Order* -- creates an administratively unworkable bright line that is inconsistent with the FCC's conclusion that CLECs are impaired without access to local circuit switching. In particular, the bright line fails to recognize the realities of the market as pertains to the need for coordinated cutovers for customers that could have four or more lines but are not sophisticated telecommunications users.

WorldCom's certificated entities have significant experience providing business customers with switched services -- both local and long distance. With regards to those business customers to whom we provide local services using our own switches,[40] in virtually every instance a DS-1 circuit is the smallest capacity circuit used. There are good reasons for this. First, a DS-1 circuit can be utilized in a number of ways. For example, the entirety of the bandwidth can be channelized into 24 voice grade (or DS-0) equivalent circuits. Alternatively, a portion of the DS-1 bandwidth can be dedicated to local switched service, while

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38 Id., at ¶ 266.

39 Id., at ¶ 267.

40 MCIm and its affiliates have local switches in the Seattle market -- which is included in the top 50 MSAs -- that are used to provide switched local services to business customers.

another portion can be dedicated to data (e.g., ATM, frame relay, or IP), with the relative quantities of bandwidth configured to accommodate that customer's telecommunications needs. Second, it is typically at the DS-1 level that customers utilize PBXs as their CPE interface to the world. When this type customer needs to coordinate a cut-over -- e.g., from the ILEC's services to those provided by a CLEC -- the customer's PBX vendor is often on site during the cutover to ensure that things go smoothly. It is much less likely that a customer with four lines terminating into a key telephone system would have such support -- meaning that such a customer has less support in the event something goes wrong during the cutover. Third, as noted above, the FCC itself was cognizant of the additional cost associated with the process where the UNE loop is "swung" over from the ILEC's switch to the CLEC's collocation cage. When these factors are taken into account, the bright line established by the FCC of four or more lines means that MCIm would simply not be able to serve a certain segment of the business market absent availability of SWBT's local circuit switching.

Going back to the FCC's tests of "material diminishment" and "substantive differences," switching for businesses with four or more lines in the top 50 MSAs meets the tests. As I explain above, WorldCom's ability to provide local service to smaller businesses with four or more lines is materially diminished by lack of access to the switching element because of the costs and operational difficulties associated with extending a single voice grade loop to its switches on a repeated

but sporadic basis. CLECs have encountered problems utilizing coordinated cutovers of large business customers with multiple lines because of the manual activities involved and the necessity that every aspect of the cutover -- at the customer's premises, the ILEC's central office, and the CLEC's switch -- go smoothly. And the volume of cutovers handled by Qwest in a given week probably amounts to dozens or perhaps scores. Compared to such volumes, however, the number of cutovers necessary to allow CLECs to compete for small business customers using their own switching facilities is greater by an order of magnitude. Problems that can be resolved when volumes are at low levels would easily create a recipe for operational disaster when multiplied many times over (not to mention the increased costs that CLECs will incur trying to oversee the process with Qwest). Similarly, CLECs face substantive differences between single voice grade loops that a CLEC may try to connect to its switch and the switching element – i.e., the cost and operational issues associated with a high volume of sporadic coordinated cutovers that I discussed above.

UNE COMBINATIONS

Q. Please summarize your testimony on the issue of UNE combinations.

A. My testimony on this issue is intended to supplement the testimony of WorldCom witness Sid Morrison, who addresses certain errors and misstatements in Qwest's cost development for its proposed "UNE-P New Connection" non-recurring rates for UNE-P POTS combinations. The purpose of my testimony is

to explain the importance of UNE combinations to rapid local competition on a broad geographic basis.

Q. What is the importance of UNE combinations to a geographically broad and rapid introduction of local competition to residential and small business customers?

A. Quite simply, absent availability of UNE combinations at reasonable, cost-based rates, it will be a very long time indeed before residential and small business customers will reap the benefits of competition. As the FCC noted in the UNE Remand Order:

> We continue to believe that one important purpose of the unbundling provisions of the Act is to permit competitive LECs to compete with the same economies as the incumbents, especially in the early stages of local competition, when their networks are limited in their reach, and their customer bases are necessarily small. ***The incumbent LECs still enjoy cost advantages and superiority of economies of scale, scope, and ubiquity as a result of their historic, government-sanctioned monopolies. These economies are now critical competitive attributes and would belong unquestionably to the incumbent LECs if they had "earned" them by superior competitive skills. These advantages of economies, however, were obtained by the incumbents by virtue of their status as government-sanctioned and protected monopolies. We believe that these government-sanctioned advantages remain barriers to the requesting carriers' ability to provide a range of services to a wide array of customers, and that their existence justifies placing a duty on the incumbent carriers to share their network facilities.*** Indeed, Congress, in section 259 of the Act, recognized expressly the benefits that the incumbent LECs have as a result of their economies of scale and scope. Section 259 requires the Commission to ensure that incumbent LECs make their infrastructure available to qualifying carriers on terms and conditions that permit the qualifying carriers to "fully benefit from the economies of scale and scope of such [incumbent] local exchange carrier." Although section 259 of the Act is different from section 251 in that qualifying carriers obtaining infrastructure from the incumbent LEC pursuant to a section 259 agreement may not use such infrastructure to compete with the

> incumbent LEC in its service territory, both sections make the incumbent LECs' broad economies of scale and scope available to other carriers by requiring them to grant other carriers access to their networks.[41]

In other words, the extensive and ubiquitous networks of Qwest and Verizon were constructed at the expense of their historic monopoly ratepayers, and with the advantage of having a government-sanctioned monopoly protecting them from competition. Those networks are on the ILECs books with valuations in the area of Billions of dollars, and cannot possibly be replicated by competitors in any reasonable time frame.

Thus, the policy question facing this Commission is relatively simple. Does it want to favor one particular provider in a given area (i.e., Qwest in its certificated area and Verizon in its) without regard to the fact that the provider possesses such a huge competitive advantage by virtue of its monopoly heritage? Or, does the Commission want to favor the competitive ***process***, whereby neither Qwest nor Verizon is allowed to use its monopoly heritage in such a manner as to frustrate broad-based competition for residential and small business customers? Those are the questions the Commission must keep in mind in deciding what non-recurring charges Qwest will be permitted to charge in certain instances -- i.e., where it claims that there is not "existing combination" of elements for use by

41 *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98; Third Report and Order, FCC Order 99-238, released November 5, 1999 ("UNE Remand Order") at ¶ 86. (Emphasis added, footnotes in original omitted.)

CLECs. It is within this context that I ask the Commission to consider the testimony of Mr. Morrison on the issue of UNE combinations.

SS7 CHARGES

Q. What is the dispute over the SS7 charges proposed in the testimony of Qwest witness Malone?

A. As I noted above in my criticism of Qwest's presentation in this proceeding, it is not at all clear what Ms. Malone is proposing. Not only is her testimony on these rate elements opaque, but a review of Qwest's SGAT failed to turn up any corresponding language on which I could rely to interpret her testimony. Because Qwest has failed to provide any sort of meaningful discussion of what is being proposed in this regard, Ms. Malone's recommended SS7 charges should be rejected.

LOCAL TANDEM SWITCHING

Q. What is your recommendation as to Qwest's proposed local tandem switching rates?

A. This is another situation where Qwest's testimony fails to provide any sort of meaningful discussion as to what it is proposing.[42] This is another issue on

[42] See Malone at pp. 3-4.

which WorldCom is awaiting responses to discovery before it can finalize its recommendations to the Commission.

BRANDING

Q. Does WorldCom take issue with Qwest's proposed rates for call branding?

A. Yes. As is more fully discussed in the testimony of WorldCom witness Caputo, WorldCom desires to offer its own operator services and directory assistance services ("OS/DA"). As Mr. Caputo states, however, our ability to do that hinges on whether Qwest complies with its customized routing obligations that will enable traffic to get from an unbundled switch port on Qwest's switch to the trunks WorldCom has deployed to that end office for its use.[43]

The purpose of my testimony on this issue, in conjunction with the testimony of WorldCom witness Tim Gates, is to highlight for the Commission the costing implications of a failure by Qwest to provide customized routing in the manner prescribed by the FCC. At its essence, the dispute becomes whether Qwest is relieved of its obligation to offer OS and DA as UNEs to CLECs. As the FCC concluded in its UNE Remand Order, that obligation only goes away to the extent Qwest is providing customized routing. Again, that issue is being addressed by Mr. Caputo. To the extent Qwest is not providing customized routing, however, it

[43] The issue of customized routing only applies where WorldCom utilizes the loop/switch port combination (often referred to as UNE-P) to provide local and interexchange services to

is obliged to offer OS and DA as UNEs, because in such instances CLECs do not have the practical ability to utilize an alternative to the OS and DA offerings of the ILEC.

In considering this issue in a recent proceeding before the California PUC, it concluded that until the ILEC demonstrates that it is providing customized routing, it would not be permitted to levy a charge on call branding, because the costs of branding are recovered via the charges to the CLEC for OS and DA services. The Final Arbitrator's Report stated:

> As Pacific acknowledges, call branding is part of OS and DA. MCIm's proposed price [$0.00] is adopted, until Pacific provides the custom routing MCIm is requesting.[44]

Likewise, until this Commission determines that Qwest is providing customized routing and thus meeting its obligation under the FCC's UNE Remand Order, Qwest should not be allowed to recover any charge for branding above its otherwise applicable OS/DA charges. The remainder of WorldCom's testimony on this issue is presented by Mr. Tim Gates.

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customers. Where WorldCom's customers are served via our own switches, we have no need for customized routing.

[44] Application by Pacific Bell Telephone Company (U 1001 C) for Arbitration of an Interconnection Agreement with MCImetro Access Transmission Services, L.L.C. (U 5253 C) Pursuant to Section 252(b) of the Telecommunications Act of 1996, Final Arbitrator's Report, issued July 16, 2001. (Affirmed in pertinent part by the *Final Opinion* issued by CPUC on September 20, 2001.)

INDIVIDUAL CASE BASIS ("ICB") PRICING

Q. Do you have any comments on the testimony presented by Qwest witness Kennedy on the matter of ICB pricing?

A. Yes, I do have a few brief comments. The purpose of this discussion is simply to highlight the potential effect of relying on ICB pricing. Quite simply Qwest has an incentive and ability to manipulate the ICB process in a way that would create for itself an undeserved and artificial competitive advantage -- an advantage that has nothing to do with its being a more capable or efficient competitor. That ability arises because, unlike the cost analyses that are being reviewed in this proceeding, there is no open process or opportunity to review associated with the ICB process. The absence of an open process with participation by the Commission and its Staff creates a circumstance where Qwest could manipulate the results and create the sort of undeserved advantage noted above.

CONCLUSION

Q. Does this end your testimony?

A. Yes it does.