

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Pricing Proceeding)
for Interconnection, Unbundled Elements)
Transport and Termination, and Resale)
_____)

DOCKET NO. UT-960369

In the Matter of the Pricing Proceeding)
for Interconnection, Unbundled Elements)
Transport and Termination, and Resale)
for U S WEST COMMUNICATIONS, INC))
_____)

DOCKET NO. UT-960370

In the Matter of the Pricing Proceeding)
for Interconnection, Unbundled Elements)
Transport and Termination, and Resale)
for GTE NORTHWEST INCORPORATED))
_____)

DOCKET NO. UT-960371

JOINT RESPONSE TO
GTE MOTION FOR
RECONSIDERATION AND
CLARIFICATION OF 25TH
SUPP. ORDER

NEXTLINK Washington, Inc., Electric Lightwave, Inc., and Advanced TelCom Group, Inc. (collectively "Joint CLECs") provide the following response to the Motion of GTE Northwest Incorporated ("GTE") for Reconsideration and Clarification of the Commission's Twenty-Fifth Supplemental Order ("GTE Motion").

DISCUSSION

A. Interim Collocation Rates

1. The Commission established interim rates for collocation provided by GTE at the rates GTE proposed in this proceeding, subject to certain modifications. GTE now asks the Commission to establish wholly different interim rates that are not part of the record and which the Commission has never reviewed. The Commission should deny GTE's request.

2. GTE, as well as other interested parties, requested that GTE's proposed rates be adopted on an interim basis pending the outcome of the new cost docket. The Commission adopted those interim *rates*, not the concept that whatever GTE had filed with the FCC would automatically apply in Washington. GTE is not entitled unilaterally to revise interim rates adopted by this Commission through FCC filings. If an "arbitrage opportunity" exists, as GTE claims, that opportunity is of GTE's making and cannot justify adoption of interim rates that the Commission has neither reviewed nor approved.

3. The Commission included collocation in Part A of Docket No. UT-003013 to facilitate rapid resolution of those costing issues. Accordingly, the Commission should not reconsider its decision to adopt the interim rates that GTE originally proposed, but should ensure expeditious adoption of final collocation rates in Docket No. UT-003013, as currently scheduled.

B. Modifications to the Compliance Collocation Building Modification Charge

4. The Commission prohibited GTE from charging its Building Modification Charge to the first collocating carrier and ordered GTE to develop a rate that proportionately distributes appropriate costs according to the total space available for collocation. FCC Rules require just such a result, and the Commission should deny GTE's request to reconsider it.

5. The sole basis for GTE's reconsideration request is that the Commission's order "would require a physical inventory of each central office, which is not practical and would be a substantial waste of resources." GTE Motion at 2. Nothing in the Commission's order requires such a result. GTE need only develop a rate based on a reasonable, forward-looking estimate of the total space available for collocation in a GTE central office in Washington. Indeed, GTE should already have made such a calculation in order to develop the costs it presented to the

Commission, as well as to develop GTE's new proposed monthly recurring charge for this element which ostensibly are in compliance with FCC requirements. In the alternative, GTE could survey central offices in which at least one CLEC has requested collocation or that serve loops that are in geographically deaveraged zones 1-3, rather than all central offices, to estimate collocation space availability.

6. GTE, however, proposes that the Commission simply adopt the revised rates that GTE is proposing in Docket No. UT-003013. Again, the Commission has not reviewed or approved these rates or the underlying methodology used to develop them, and the Commission should not adopt any such rates, even on an interim basis. Accordingly, the Commission should deny GTE's request for reconsideration of this issue.

C. Clarification of Interim Local Number Portability Receiving Rate

7. The Commission established the amounts that GTE is authorized to recover for providing interim local number portability ("INP") per number ported and adopted the New York method of recovering those costs. GTE contends that the \$1.73 the Commission authorized per number ported represents the rate GTE may charge, but GTE apparently misunderstands the New York method for recovering INP costs. The New York method requires that the total costs of INP be spread evenly over all working telephone numbers (or similar representation of relative market share). GTE, therefore, should calculate the *rate* as follows: (1) multiply the number of telephone numbers that GTE has ported using INP by the recurring and nonrecurring INP costs (TELRIC plus common) that the Commission established in the Seventeenth Supplemental Order; and (2) divide that total by the number of telephone numbers in service in GTE's service territory in Washington. The result is an INP rate per working telephone number. Each CLEC

would then multiply that rate by the number of working telephone numbers the CLEC serves and remit that amount to GTE. Both the calculations and the remittance would be done on a semi-annual or other periodic basis.

8. The Commission's orders contemplate just such a calculation. To clarify their position on this issue, the Joint CLECs are (and have been) willing to cooperate in making the necessary calculations, consistent with their proposal to adopt the New York method, but the ILEC compliance filings should reflect the *rates* the CLECs will be required to pay, not the *costs* used to calculate those rates. Indeed, GTE's request for clarification illustrates the Joint CLECs' concerns that the ILECs were misinterpreting the Commission's order. The Joint CLECs' objection, therefore, was that the ILEC compliance filings did not reflect the Commission's decision, not that the ILEC were not entitled to *any* rate for INP.

CONCLUSION

9. The Commission should deny GTE's request to reconsider the interim collocation rates the Commission has established. To avoid further confusion, however, the Commission should clarify that the INP costs it approved in the Seventeenth Supplemental Order are not the "rates" to be charged to CLECs but are to be used to calculate the appropriate INP rates pursuant to the New York method for INP cost recovery.

RESPECTFULLY SUBMITTED this 5th day of June, 2000.

DAVIS WRIGHT TREMAINE LLP
Attorneys for NEXTLINK Washington, Inc.,
Electric Lightwave, Inc., and Advanced TelCom
Group, Inc.

By _____

Gregory J. Kopta