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July 3, 2000

## VIA FEDEX

Ms. Carole J. Washburn  
Carole J. Washburn, Executive Secretary  
Washington Utilities & Transportation Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia WA 98504-7250

Re: Generic Cost and Pricing Proceeding Phase III, Docket Nos. UT-960369, *et al.*

Dear Ms. Washburn:

Pursuant to the Commission's 25<sup>th</sup> Supplemental Order in the above-referenced proceeding, NEXTLINK Washington, Inc., Electric Lightwave, Inc., and Advanced TelCom Group, Inc. (collectively "CLECs"), provide the following responsive comments on the filings made by U S WEST Communications, Inc. ("U S WEST") and GTE Northwest Incorporated ("GTE") on June 9, 2000, in ostensible compliance with the Commission's orders.

Both U S WEST's and GTE's filings generally reflect Commission decisions that one or more parties have requested the Commission to clarify or reconsider, including OSS cost recovery, interim local number portability, and U S WEST geographically deaveraged rate levels for unbundled loops and corresponding central office zone assignments. The Joint CLECs assume that the Commission will address these issues in a subsequent order and thus will not repeat their positions in these comments.

U S WEST's filing nevertheless is inconsistent with the Commission's prior orders in at least two respects. First, U S WEST's proposed tariff includes terms, conditions, and definitions governing interconnection. Proposed WN U-34 sections 2.1.1, 2.2 & 2.3. None of these terms, conditions, or definitions were established or approved by the Commission in this proceeding. Even with respect to the rates U S WEST includes, the Commission did not establish any rates for reciprocal compensation for the transport and termination of local traffic or authorize individual case basis ("ICB") rates. U S WEST should not be permitted to include terms, conditions, and definitions in this tariff on which U S WEST could purport to rely to nullify or amend terms, conditions, and definitions in individual carrier interconnection agreements. Accordingly, the Commission should require U S WEST to delete everything in Section 2 General Terms and Conditions except for the first two sentences in section 2.1.

The second deficiency in U S WEST's filing is the lack of any description of the mechanism U S WEST

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will use to track the revenues it collects through interim OSS rates so that U S WEST can implement a true-up to the "permanent" charges and level of cost recovery authorized in Docket No. UT-003013. 25<sup>th</sup> Supp. Order para. 87. U S WEST acknowledges that the Commission adopted this requirement but states that U S WEST will comply once the Commission resolves other OSS issues. U S WEST Filing at 7. U S WEST, however, makes no attempt to explain why a description of its tracking mechanism is dependent on the precise amount of the interim OSS charges, or otherwise to justify its refusal to comply with the Commission's order. The Commission should refuse to authorize U S WEST to impose or collect any interim OSS cost recovery charge until U S WEST has demonstrated the ability to track the revenues collected and implement a true-up on an individual CLEC basis, as GTE has described.

GTE's filing fails to implement the Commission's requirements in two respects. First, GTE's filing does not include the geographically deaveraged loop rates or central office zone assignments as ordered in the 24<sup>th</sup> Supplemental Order. Second, GTE has removed the fencing costs from its Building Modification charge but has not developed a rate that initially spreads the costs of that collocation element among all collocators, rather than making the first collocator responsible for the entire charge. GTE, however, has raised this issue in its request for reconsideration and clarification to which the Joint CLECs have previously provided a response. The Joint CLECs note, however, that they do not oppose GTE's request if it seeks only the continuation of GTE's current interim collocation rates, as the Commission ordered for U S WEST, as opposed to seeking that the Commission adopt GTE's latest proposed collocation charges as new interim rates without the opportunity for Commission and party review.

Very truly yours,

Davis Wright Tremaine LLP

Gregory J. Kopta

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