

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Six-Month Review)
of Qwest Corporation's Performance) DOCKET NO. UT-033020
Assurance Plan)
) MOTION FOR LEAVE TO REPLY
) OF QWEST CORPORATION
)
)
)
.....)

COMES NOW Qwest Corporation ("Qwest") and moves for leave to reply to the responses to its Petition for Clarification with the information in this motion. This motion is based in part on the request by the ALJ in her Notice of Opportunity to Comment, that parties address the issue of authority for Qwest's statement that changes in PIDs are effective sixty days after filing. The motion is in part based on Eschelon's response concerning the time required to implement the required reports on EELs. Staff's response indicated uncertainty about the former issue, but appeared to concur with Qwest's concerns about proration of partial months' data for individual products on the latter.

Qwest did not mean to be obscure in its discussion of the reason why it has based its implementation planning on an assumed interval between the compliance filing and the effectiveness of the changes to PIDs of sixty days. Eschelon's response correctly identified the source of the authority for Qwest's statement that changes in PIDs become effective sixty

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days after filing as §252(f)(3)(B) of the Telecommunications Act of 1996.¹ Qwest understands that this statute contemplates sixty days as the longest period within which the Commission may act or permit changes to become effective under that section. Past Washington SGAT changes have been permitted to become effective at varying intervals, with the longest being sixty days.²

Eschelon argues that Qwest incorrectly stated that EELs represent new product disaggregations for Washington, citing a report available on Qwest's website that provides a single item for EELs. Eschelon's argument fails to recognize that this Commission ordered Qwest to implement the disaggregation of EELs for reporting at DS0, DS1 and DS3 levels, which has not previously been done in Washington. Eschelon also claims that Qwest erred in stating that it had no process by individual product to add new products or disaggregate existing products for payment and reporting on other than a calendar month basis. Eschelon's evidence in support of this claim has nothing to do with this issue, but relates to collectively all the products purchased by a CLEC.

With regard to the issue of the effectiveness of changes to PIDs of an interval of sixty days, Eschelon mentions §252(f)(3)(B) of the Act but does not analyze the issue in its response, and claims that the statute is irrelevant because QPAP changes under Section 16 of

¹ Eschelon Response at p. 3.

² See, e.g. *In the Matter of the Petition of Qwest Corp. to Modify its Statement of Generally Available Terms and Conditions*, Docket No. UT-033041, Order No. 1, November 26, 2003, in which Qwest had asked for a change to OP-5 to be effective on twenty-nine days notice, again to coincide with the beginning of a calendar month. The order made the change effective approximately fifty-seven days after filing. Qwest did not mean to imply that sixty days after the filing date of February 17, 2004 was the earliest possible date for Qwest to begin reporting on the EELs standards. Qwest started work to comply when it received Order No. 5, and it scaled the implementation schedule, lacking specific direction in Order No. 5, based on the statutory sixty-day limit. Qwest believes that it could, if so directed, complete implementation so that it could report results beginning April 1, 2004 and make payments based on those results.

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Exhibit K to the QPAP supposedly may be treated differently.³ Eschelon did not support its claim, and Washington history is to the contrary, as cited in the preceding footnote. Clearly changes to Exhibit B are not covered by any part of Exhibit K.

Eschelon implies that because Qwest erroneously reported on two of the nine standards for EELs in October, 2003, there are no implementation issues for all of the nine EELs standards. This is obviously flawed reasoning. Qwest does have implementation issues which it must address. To the extent that there are implementation issues for reporting on EELs performance standards as to which parties have different perceptions of the time required, Qwest would be willing to participate in a clarification conference pursuant to WAC 480-07-840 to provide additional information.

Respectfully submitted this 30th day of January, 2004

QWEST CORPORATION

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³ In *In the Matter of the Petition of Qwest Corporation to Modify its Statement of Generally Available Terms and Conditions*, Docket No. UT-033051, Order No. 1, Nov. 26, 2003, Finding 3, Page 3, the Commission considered a request to modify the QPAP under §252(f)(3) of the Act, subject to the “no longer than 60 days” standard.

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