

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

**IN THE MATTER OF THE INVESTIGATION)
INTO QWEST CORPORATION'S)
COMPLIANCE WITH §271(C) OF THE) DOCKET NO. UT-003022
TELECOMMUNICATIONS ACT OF 1996.)**

SUPPLEMENTAL DIRECT TESTIMONY

OF

JUDITH L. BRUNSTING

ON BEHALF OF

QWEST LONG DISTANCE, INC.

August 29, 2000

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1 **I. INTRODUCTION, QUALIFICATIONS AND PURPOSE OF TESTIMONY**

2 **Q. PLEASE STATE YOUR NAME.**

3 A. My name is Judith L. Brunsting. I am employed by Qwest LD as Director, Regulatory and
4 Network Optimization. I submitted Direct Testimony in this docket on August 7, 2000.

5 **Q. WHAT IS THE PURPOSE OF YOUR SUPPLEMENTAL TESTIMONY?**

6 A. The purpose of my supplemental testimony is to provide the Commission with specific
7 information regarding Section 272 requirements as requested in the Supplemental
8 Interpretive and Policy Statement issued in Docket No. UT-970300 and adopted by Order
9 dated March 21, 2000.

10 **II. COMMISSION QUESTIONS**

11 **Q. DOES YOUR DIRECT TESTIMONY DATED AUGUST 7, 2000 PROVIDE ANSWERS TO THE**
12 **QUESTIONS THE COMMISSION ASKED IN THE SUPPLEMENTAL AND INTERPRETIVE POLICY**
13 **STATEMENT?**

14 A. Yes. In Appendix A, Section VII, the Commission asked eight questions regarding the requirements
15 of Section 272 of the Act. My Direct Testimony addressed Questions 1 through 7. I have prepared
16 Exhibit JLB-14 which is a matrix of the questions and the location in my direct testimony and the
17 exhibits attached thereto where the answers to those questions can be located.

1 **Q. IN YOUR DIRECT TESTIMONY AT PAGE 16, LINES 10 AND 11, YOU STATE THAT QWEST LONG**
2 **DISTANCE WILL ABIDE BY THE PROVISION FOR JOINT MARKETING AS STATED IN SECTION**
3 **272(g) OF THE ACT. WHAT ARE THOSE PROVISIONS?**

4 A. There are three general provisions contained within Section 272(g) of the Act. They are:

5 If the Long Distance Affiliate markets the BOCs telephone exchange service it must do so in a non-
6 discriminatory manner;

7 The BOC may not market the Long Distance Affiliate's interLATA services until the BOC receives
8 authority to offer interLATA services pursuant to Section 271 of the Act; and

9 Once the BOC has received authority to offer interLATA long distance service in a particular state, it
10 may jointly market such services with its Long Distance Affiliate.

11 **HOW WILL QWEST LONG DISTANCE COMPLY WITH THE REQUIREMENT TO OFFER THE BOC'S**
12 **TELEPHONE EXCHANGE SERVICE IN A NON-DISCRIMINATORY MANNER?**

13 The specific requirements of Section 272(g)(1) of the Telecommunications Act of 1996 ("Act") state:

14 "Affiliate Sales of Telephone Exchange Services – A Bell operating company affiliate required by this
15 section may not market or sell telephone exchange services provided by the Bell operating company
16 unless that company permits other entities offering the same or similar service to market and sell its
17 telephone exchange services."

1 Qwest LD will not market or sell BOC services except through agreement on an arm's length basis,
2 reduced to writing and made publicly available as required by section 272(b)(5).

3 **HOW WILL QWEST LONG DISTANCE COMPLY WITH THE REQUIREMENT TO DELAY OFFERING**
4 **INTERLATA LONG DISTANCE SERVICE UNTIL QWEST HAS RECEIVED INTERLATA**
5 **AUTHORITY IN WASHINGTON?**

6 The specific requirements of Section 272(g)(2) of the Act state:

7 "Bell Operating Company Sales of Affiliate Services – A Bell operating company may not market or
8 sell interLATA service provided by an affiliate required by this section within any of its in-region States
9 until such company is authorized to provide interLATA services in such State under section 271(d)."

10 Qwest LD will not market or sell interLATA services with Qwest Corporation until Qwest LD is authorized
11 to provide interLATA service in Washington by the FCC.

12 **HOW DOES QWEST INTERPRET THE THIRD "REQUIREMENT" OF SECTION 272(G)?**

13 The specific requirements of Section 272 (g)(3) states that "the joint marketing and sale of services
14 permitted under this subsection shall not be considered to violate the nondiscrimination provisions of
15 subsection 272(c)."

16 Qwest LD understands marketing activities that fall within the scope of Section 272(g)(3) will not be
17 subject to the nondiscrimination requirements in Section 272(c). Qwest LD and Qwest Corp. may
18 provide marketing for each other, provided that such services are conducted pursuant to an arm's-

1 length transaction, consistent with the requirements of section 272(b)(5).

2 **III. CONCLUSION**

3 **Q. WOULD YOU PLEASE SUMMARIZE YOUR TESTIMONY.**

4 A. My supplemental testimony addresses the questions raised by the Commission in the Supplemental
5 Interpretive and Policy Statement.

6 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

7 A. Yes, this concludes my testimony.

8

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**EXHIBITS OF
JUDITH L. BRUNSTING
ON BEHALF OF
QWEST LONG DISTANCE, INC.**

REGARDING SECTION 272

August 29, 2000

INDEX OF EXHIBITS

DESCRIPTION

EXHIBIT

Checklist Issue 272 Matrix of Testimony and Exhibit References JLB-14

**CHECKLIST ISSUE 272
SEPARATE AFFILIATE OPERATIONS**

QUESTION	TESTIMONY AND/OR EXHIBIT REFERENCE
1. Does the affiliate operate independently from Qwest?	Exhibit JLB-1T Page 5, line 3 to Page 6, line 2 Exhibit JLB-2 Exhibit JLB-3
2. Does the affiliate maintain separate books, accounts, and records as prescribed by this Commission and section 272?	Exhibit JLB-1T Page 7, line 5 to Page 8, line 16 Exhibit JLB-4C Exhibit JLB-5C Exhibit JLB-6C Exhibit JLB-7C Exhibit JLB-8C
3. Does the affiliate employ separate officers, directors, and employees from Qwest?	Exhibit JLB-1T Page 8, line 17 to Page 12, line 12 Exhibit JLB-9 Exhibit JLB-10C
4. Has the affiliate obtained credit under any arrangement that would permit a creditor, upon the affiliate's default, to have recourse of Qwest assets?	Exhibit JLB-1T Page 12, line 13 to Page 13, line 14
5. Does the affiliate conduct transactions with Qwest on an arm's-length basis, with any transactions being reduced to writing and available for public inspection?	Exhibit JLB-1T Page 14, line 1 to Page 15, line 7 Exhibit JLB-11C
6. How will Qwest and its affiliates comply with the audit requirements of section 272(d)?	See Testimony of Marie Schwartz
7. How will Qwest provide services on a non-discriminatory basis, in order to meet the requirements of section 272(e)?	See Testimony of Marie Schwartz
8. How will Qwest and its affiliates comply with the joint marketing provisions of section 272(g)?	Exhibit JLB-1T Page 15, line 9 to Page 16, line 11 Exhibit JLB-13T Page 2, line 3 to Page 4, line 12

