

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Investigation Into)
)
U S WEST COMMUNICATIONS, INC.'s) DOCKET NO. UT-003022
)
Compliance with Section 271 of the)
Telecommunications Act of 1996.)

In the Matter of)
)
U S WEST COMMUNICATIONS, INC.'s) DOCKET NO. UT-003040
)
Statement of Generally Available Terms)
Pursuant to Section 252(f) of the)
Telecommunications Act of 1996.)

AT&T'S COMMENTS ON THE INITIAL ORDER REGARDING LOOPS

AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle and Oregon (collectively, "AT&T") file these comments on the Twentieth Supplemental Order ("Workshop Four Initial Order") regarding Loop Issue 14(a), Access to Loop Information.

1. Qwest Must Provide CLECs With Access to Qwest Databases that Contain Loop Information, Including LFACs (Loop-14(a)).

As AT&T established in its initial brief, Qwest is required to provide access to its LFACs database and any other database or source that contains information regarding Qwest's loop plant, in the same manner that it provides such access to its employees.

Access to such information must be on an unfiltered and undigested basis. Qwest refuses to provide such access.

In the Workshop Four Initial Order, the ALJ concludes:

With the addition of spare facility information, Qwest's RLDT provides competitors with loop qualification information that is as complete and timely as the information that Qwest makes available to its own employees. The FCC orders cited by AT&T and other CLECs require access to loop qualification information, but the RLDT appears to meet that requirement without raising the concerns that would flow from unmediated access to LFACs.

The ALJ's conclusion is contrary to clear and unequivocal legal obligations established by the FCC in the *UNE Remand Order* and recent Section 271 orders and should be revised.

The FCC has made clear that CLECs must have access to the same loop and loop plant information that Qwest employees have to and such information may not be filtered by Qwest. Specifically, in the *UNE Remand Order*, the FCC stated:

We clarify that pursuant to our existing rules, an incumbent LEC must provide the requesting carrier with nondiscriminatory access to the same detailed information about the loop that is available to the incumbent, so that the requesting carrier can make an independent judgment about whether the loop is capable of supporting the advanced services equipment the requesting carrier intends to install. Based on these existing obligations, we conclude that, at a minimum, incumbent LECs must provide requesting carriers the same underlying information that the incumbent LEC has in any of its own databases or other internal records.¹

Similarly, in its *Kansas/Oklahoma 271 Order*, the FCC explained how the RBOCs must satisfy this requirement to provide carriers with the same underlying information that they have in any of their own databases or internal records for pre-ordering, loop qualification purposes:

In this proceeding, we require a BOC to demonstrate for the first time that it provides access to loop qualification information in a manner consistent with the

¹ *UNE Remand Order*, ¶ 427.

requirements of the *UNE Remand Order*. In particular, we require SWBT to provide access to loop qualification information as part of the pre-ordering functionality of OSS. **In the *UNE Remand Order*, we required incumbent carriers to provide competitors with access to all of the same detailed information about the loop that is available to themselves, and in the same time frame, so that a requesting carrier could make an independent judgment at the pre-ordering stage about whether a requested end user loop is capable of supporting the advanced services equipment the requesting carrier intends to install.** At a minimum, SWBT must provide carriers with the same underlying information that it has in any of its own databases or internal records. We explained that the relevant inquiry is not whether SWBT's retail arm has access to such underlying information but whether such information exists anywhere in SWBT's back office and can be accessed by any of SWBT's personnel. **Moreover, SWBT may not "filter or digest" the underlying information and may not provide only information that is useful in the provision of a particular type of xDSL that SWBT offers.** SWBT must provide loop qualification information based, for example, on an individual address or zip code of the end users in a particular wire center, NXX code or on any other basis that SWBT provides such information to itself. Moreover, SWBT must also provide access for competing carriers to the loop qualifying information that SWBT can itself access manually or electronically.²

Thus, the FCC has established that the parity standard is any loop or loop plant information that any Qwest employee has access to, not what is accessible to Qwest's retail operations, and that information may not be filtered or digested. The ALJ's resolution inappropriately permits Qwest to filter and/or digest the loop and loop plant information that is at issue. Qwest has the discretion to selectively place information into the Raw Loop Data Tool. CLECs have no way to ensure this information is complete. Qwest has argued that the ROC test will provides this check. That is not true. While the ROC test will measure the accuracy and parity of Loop qualification information on the

² *In the Matter of Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, Memorandum Opinion and Order, CC Docket No. 00-217, FCC 01-29, ¶ 121 (released January 22, 2001) ("*BellSouth Kansas/Oklahoma 271 Order*") (Citations omitted).. See also *UNE Remand Order*, ¶ 430; *In the Matter of Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) And Verizon Global Networks Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Memorandum Opinion and Order, CC Docket No. 01-8, FCC 01-130, ¶ 54 (released April 16, 2001) ("*Massachusetts Verizon 271 Order*") (Emphasis added).

wholesale versus retail basis, it does not measure the completeness and accuracy of the loop provisioning information that is loaded into the tool, particularly for spare facilities. The only meaningful check is to allow the CLECs to access the same back office systems that Qwest has access, just as the FCC has ordered.

During the workshops, Qwest conceded that at least some loop plant information was in LEIS and LEAD, which are subsets of LFACs and that its engineers have access to this information.³ In addition, Exhibit 5 Qwest 15, JML-9 demonstrates that Qwest itself uses systems other than the RLDT to locate loop provisioning information. For example, Exhibit 5 spells out the process that Qwest employed during the FOC trial for filling a CLEC loop order. Therein, Qwest states that once Qwest receives an accurate LSR, it will access LFACS to attempt to assign pairs not in need of conditioning and create a design of the loop.⁴ As Exhibit 5 Qwest 15, JML-9 reveals, Qwest takes this step for CLECs

because LFACS may reveal information not available through the RLDT, especially with regard to loops not already connected to a switch. The RLDT provides information from the Loop Qualification Database (LQDB), which in turn is derived from LFACS and other sources. But the LQDB covers only loops connected to a switch. LFACS, on the other hand, contains information for all facilities, even those not connected to a switch, but does not contain some of the information available through the RLDT, such as the results of the MLT.⁵

That is precisely why CLECs need access to LFACs or whatever database has loop plant and spare facilities information. They need the ability to determine if they can provision the service they seek to provide, just as Qwest's engineers do. They need the ability to search for alternative facilities that could be used to provision local service to

³ *Id.*; WA Transcript, pp. 4319-20 (Attachment C); OR Transcript, p. 95 (Attachment D).

⁴ 5 Qwest 15, JML-9, p. 3.

⁵ *Id.*, footnote 2.a

their customers, just as Qwest's engineers do for Qwest's customers and as Qwest did during the FOC trial.

Because of the uncertainty Qwest has injected into the record regarding what systems its engineers access and where, in fact, this loop information resides, the Commission should include a provision in the SGAT stating Qwest's obligation to afford CLECs access to all loop and loop plant information that Qwest employees have access to. In addition, in order to determine where this information resides, the Commission should permit the CLECs to audit, on an ongoing basis, Qwest's records, back office systems and databases in each state, to assure that Qwest is providing nondiscriminatory access. This is what SBC agreed to do in Texas and what the Texas Commission has ordered SWBT to do because of the uncertainty surrounding where this information resides.⁶

Moreover, while AT&T believes Qwest's concern about unmediated access to LFACs is a red herring, since, after all, Qwest, the monopoly provider, has access to all of its competitors' information, AT&T has proposed language below that would limit the CLECs' use of any information obtained or accessed from LFACs or any other loop information source within Qwest.

By denying competing CLECs access to loop qualification information as required by the *UNE Remand Order*, Qwest fails to meet its obligation to provide nondiscriminatory access to unbundled loops and Qwest fails to afford its competitors a meaningful opportunity to compete. Accordingly, AT&T urges the Commission to revise

⁶ See Attachment E, *Petition of IP Communications Corporation to Establish Expedited Public Utility Commission of Texas Oversight Concerning Line Sharing Issues*, Public Utility Commission of Texas, Arbitration Award, Docket Nos, 22168 and 22469, pp. 105-07 (dated July 13, 2001).

the ALJ's Initial Order regarding Loop Issue 14(a) and direct Qwest to revise its SGAT to include the following provision that would afford CLECs the access to Qwest's loop and loop plant information in the manner required under the Act as interpreted by the FCC:

Qwest shall provide to CLEC on a non-discriminatory basis access to all company's records, back office systems and databases where loop or loop plant information, including information relating to spare facilities, resides that is accessible to any Qwest employee or any affiliate of Qwest. CLECs shall have the ability to audit Qwest's company records, back office systems and databases in each state to determine that Qwest is providing the same access to loop and loop plant information to CLECs that any Qwest employee has access. Such audit will be in addition to the audit rights contemplated by Section 18 of this Agreement, but the processes for such audit shall be consistent with the processes set forth in Section 18. CLEC agrees the access afforded to CLEC to Qwest's records, back office systems and databases and the use by the CLEC of any information obtained under this section shall be limited to performing loop qualification and spare facilities checks.

Respectfully submitted this 14th day of December 2001.

**AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC. AND
AT&T LOCAL SERVICES ON
BEHALF OF TCG SEATTLE AND TCG
OREGON**

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