

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest
Corporation to Initiate a Mass-Market
Switching and Dedicated Transport Case
Pursuant to the Triennial Review Order**

Docket No. UT-033044

REBUTTAL TESTIMONY OF

ROBERT J. HUBBARD

ON BEHALF OF

QWEST CORPORATION

February 20, 2004

1

INTRODUCTION

2 **Q. PLEASE STATE YOUR NAME, EMPLOYER AND BUSINESS ADDRESS.**

3 A. My name is Robert J. Hubbard. I am employed by Qwest Corporation as a
4 Director within the Technical and Regulatory Group of the Local Network
5 Organization. My business address is 700 West Mineral Avenue, Littleton,
6 Colorado, 80120.

7 **Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS CASE?**

8 A. Yes. I filed testimony (Exhibit RJH-1T) in response to several interveners in this
9 case, adopting the Direct Testimony of Dennis Pappas.

10 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

11 A. The purpose of my rebuttal testimony is to address the issues raised by Mark L.
12 Stacy, on behalf of WorldCom, Inc. (MCI), that he filed in his Responsive
13 Testimony on February 2, 2004. Specifically, I will address Mr. Stacy's issues
14 around collocation, CLEC to CLEC cross connects, and concentrated Enhanced
15 Extended Loops (EEL).

16 **Q. MR. STACY STATED THAT QWEST HAS FAILED TO PROVE THAT**
17 **COLLOCATION WILL NOT RESULT IN IMPAIRMENT ABSENT CLEC**
18 **ACCESS TO UNE-P.¹ WILL YOU RESPOND TO THIS ALLEGATION?**

19 A. Yes. Qwest has provided the Commission with information regarding the current
20 availability of collocation and historical data regarding Qwest's performance. In

¹ Rebuttal Testimony of Mark L. Stacy dated February 2, 2004 (Exhibit No. MLS-3T) ("Stacy") at page 4 lines 64 to 65.

1 previous testimony, I have explained that Qwest consistently provisions 100% of
2 collocations on time. Any arguments that Qwest will not continue to perform
3 well in this area are simply speculation about the unforeseen future and should not
4 be cause for concern. Moreover, if Qwest does not provision collocation to
5 CLECs in accordance with the performance standards in the SGAT, Qwest must
6 pay automatic credits under the QPAP.

7 **Q. MR. STACY ALSO STATED THAT QWEST HAS FAILED TO**
8 **DEMONSTRATE THAT IT CAN PROVIDE CLEC TO CLEC CROSS**
9 **CONNECTS IN A SEAMLESS AND TRANSPARENT MANNER.² WILL**
10 **YOU RESPOND TO THIS STATEMENT?**

11 A. Yes. As shown in previous testimony (Exhibit Nos. RJH- 1T and DP- 1T), CLECs
12 have the ability to make their own cross connects without any Qwest
13 involvement; therefore, Mr. Stacy's argument simply does not make sense.
14 CLECs have a choice on how they want CLEC to CLEC cross connects to be
15 provisioned. That is, they can request Qwest to perform the cross connect or they
16 can do the cross connect themselves, thus facilitating a seamless and transparent
17 cross connect.

18 **Q. WOULD YOU RESPOND TO MR. STACY'S STATEMENT REGARDING**
19 **QWEST'S OBLIGATION TO PROVISION CLEC TO CLEC CROSS**
20 **CONNECTS?**

21 A. Mr. Stacy argues that Qwest's obligation to provide CLEC to CLEC cross
22 connections is not diminished by the fact that CLECs can perform the work

² Stacy, at page 4 lines 70 to 75.

1 themselves. He alleges that “any cross connect between two carriers requires
2 coordination and planning, including allowing one carrier’s technicians to have
3 access to another carrier’s facilities. These issues are difficult to resolve.”³ His
4 suggestion that CLECs will not cooperate with each other is difficult to accept.
5 For a CLEC to do a cross connect, all that is required is to have a technician go to
6 the ICDF and place a cross connect from one terminal block to the other
7 company’s terminal block. This should not be an issue between two CLECs who
8 are trying to do business together.

9 Furthermore, the TRO paragraph cited by Mr. Stacy (TRO ¶478) in support of his
10 contention that Qwest is obligated to provide cross connects simply says that a
11 lack of *timely* cross connects by the ILEC might constitute impairment. This is a
12 far cry from Mr. Stacy’s interpretation, and there is no evidence in this case that
13 Qwest is performing requested cross connections in an untimely way. As
14 described in Mr. Pappas’ direct testimony (Exhibit No. DP-1T, which I have
15 adopted), no party has ever complained to Qwest about the manner in which
16 Qwest performs such connections.

17 **Q. MR. STACY STATES THAT MCI WILL HAVE TO ADD A NUMBER OF**
18 **ADDITIONAL COLLOCATION SITES TO ITS NETWORK IF UNE-P IS**
19 **ELIMINATED.⁴ WILL YOU PLEASE RESPOND TO THIS**
20 **STATEMENT?**

³ Stacy, at page 22, lines 427 to 433.

⁴ Stacy, at page 15, lines 295 to 304.

1 A. MCI, like every other company, has business choices to make. One of those
2 choices is where to place collocations sites. Qwest has many different types of
3 collocation for a company like MCI to choose from. Not all of these choices
4 involve physical collocation, and many of them are quick and inexpensive to
5 implement. MCI simply needs to make the best business choice for itself. I have
6 explained the product offerings for this Commission in my prior testimony.
7 Additionally, the FCC recognized and accepted that additional collocations would
8 be required if UNE-P were eliminated, and that requirement does not necessarily
9 mean that the CLEC is impaired.

10 **Q. IN HIS TESTIMONY, MR. STACY DISCUSSES THE ADVANTAGES OF**
11 **CONCENTRATED DS0 EELS.⁵ PLEASE RESPOND TO HIS**
12 **STATEMENTS.**

13 A. At this point in time, concentrated EEL is not a product that Qwest offers nor is
14 Qwest under any obligation to do so in the state of Washington. EELs are
15 currently being offered using dedicated transport and will continue to be offered
16 following the outcome of this proceeding. The only issue at hand is whether the
17 transport element is offered at TELRIC, in the absence of competition in a route,
18 or at market based rates once the commission makes a finding of non-impairment.
19 Finally, the TRO explicitly rejected a similar request by MCI for “concentrated
20 EELs at a DSO level.”⁶ The FCC declined to issue rules requiring concentrated
21 DS0 EELs because the “record demonstrates that DS0 EELs could increase loop

⁵ Stacy, at page 17 lines 325 to 332.

⁶ TRO at ¶492.

1 costs and may raise several additional operational issues. Accordingly [the FCC
2 is] not convinced . . . that [it] should require incumbent LECs to include
3 concentration when they provide UNEs to requesting carriers.”

4 **Q. DO THE COLLOCATIONS AND CLEC TO CLEC CROSS CONNECT**
5 **CONCERNS RAISED BY MR. STACY CREATE ANY ARGUABLE**
6 **OPERATIONAL IMPAIRMENT ISSUES IN THE STATE OF**
7 **WASHINGTON?**

8 A. No. As I have demonstrated, Qwest has made many different collocation
9 arrangements available to CLECs. These collocation options ensure that CLECs’
10 business needs are met and available on time. Finally, Qwest’s current
11 performance in providing collocation coupled with the QPAP’s assurance of
12 future performance should allay any of the CLEC’s concerns. Therefore,
13 collocation concerns do not create any arguable operational impairment for
14 CLECs in the state of Washington. With CLECs having the ability to perform
15 their own cross connects, this issue is a moot point and should not be of concern
16 to the Commission. In addition, the TRO at paragraph 503, states that the State
17 cannot just adopt a standing order to make Qwest provide UNE-P in the event of a
18 collocation problem. Instead, the Commission has to petition the FCC for a
19 specific waiver.

20 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

21 A. Yes, it does.