

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

IN THE MATTER OF THE INVESTIGATION
INTO U S WEST COMMUNICATIONS, INC.'S
COMPLIANCE WITH SECTION 271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. UT-970300

**U S WEST'S MOTION FOR SUMMARY
JUDGMENT**

**SUMMARY BRIEF OF U S WEST COMMUNICATIONS, INC. ON
INITIAL CHECKLIST ITEMS**

INTRODUCTION

U S WEST Communications, Inc. ("U S WEST") submits this brief to assist the Washington Utilities and Transportation Commission ("Commission") with its review of U S WEST's compliance with the following checklist items of Section 271(c)(2)(B) of the Telecommunications Act of 1996 ("the Act"): 3 (poles, ducts, conduits and rights-of-way), 7 (911/E911, directory assistance and operator call completion services), 8 (white pages directory listings), 9 (numbering administration), 10 (access to databases and associated signaling), 12 (dialing parity) and 13 (reciprocal compensation). U S WEST welcomes this opportunity to demonstrate its significant efforts in opening the Washington local telecommunications market to competition and that U S WEST fully meets the requirements of these checklist items.

In this brief, U S WEST summarizes the evidence demonstrating that it meets each of the checklist items at issue. First, U S WEST proves that it furnishes each item to CLECs upon

request. Second, U S WEST either currently furnishes, or stands ready to furnish, each checklist item in the quantities that Washington competitors may reasonably demand. Finally, U S WEST is furnishing checklist items in a nondiscriminatory manner and at an acceptable level of quality.¹

As set forth in more detail below, U S WEST's Statement of Generally Available Terms and Conditions For Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services ("SGAT") as well as its Commission-approved interconnection agreements legally obligate U S WEST to provide each of the checklist items at issue in a nondiscriminatory manner and at prices that are either Commission-approved or otherwise fully consistent with the Act's pricing requirements. The testimony of three U S WEST witnesses -- Margaret S. Bumgarner (checklist items 7(I), 9, 10 and 12), Lori A. Simpson (checklist items 7(II), 7(III) and 8), and Thomas R. Freeberg (checklist items 3 and 13) -- demonstrate that U S WEST has commitments to provide each checklist item in quantities that competitive local exchange carriers ("CLECs") in Washington may reasonably demand, and at a level of quality that is nondiscriminatory. Indeed, based upon similar commitments, testimony and data, the Nebraska commission found that U S WEST meets the checklist requirements for each of these items, with the exception of item 13 which it deferred for further consideration,² and the Arizona Commission recently confirmed that U S WEST meets the requirements in that state for checklist items 8, 9 and 12.³

¹ Application of BellSouth Corp. BellSouth Telecomm., Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, interLATA Services in Louisiana, CC Docket No. 98-121, Memorandum Opinion and Order ¶ 54 (rel. Oct. 13 1998) ("Second BellSouth Louisiana Order").

² In the Matter of U S WEST Communications, Inc., Denver, Colorado, Filing its Notice of Intention to File Section 271(c) Application with the FCC and Request for Commission to Verify U S WEST Compliance with Section 271(c), Application No. C-1830, Factual Findings and Partial Verification (April 9, 1999).

³ In the Matter of U S WEST Communications, Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996, Docket No. T-00000A-97-0238, Order (Mar. 2000). The Arizona commission's approval of items 8 and 9 is subject to review of performance data relating

Upon review of U S WEST's SGAT, testimony and documentary evidence, this Commission should reach a similar conclusion and find that U S WEST satisfies the requirements of the Section 271(c)(2)(B) for checklist items 3, 7, 8, 9, 10, 12 and 13.

SUMMARY OF CHECKLIST COMPLIANCE

Checklist Item 3 -- Poles, Ducts, Conduits, and Rights-of-Way

Section 271(c)(2)(B)(iii) of the 1996 Act requires U S WEST to demonstrate that it provides "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates . . ."4 Through its SGAT and Commission-approved interconnection agreements, U S WEST commits to provide access to poles, ducts, conduits and rights-of-way consistent with the Act and FCC rules. For example, in Sections 10.8.2 and 10.8.2.10 of its SGAT, U S WEST must provide nondiscriminatory access to poles, ducts, conduits and rights-of way and take reasonable steps to accommodate CLEC access. Consistent with these obligations, U S WEST does not reserve space on its poles or ducts for itself. As detailed in Sections 10.8.4 of the SGAT and as discussed by Mr. Freeberg, U S WEST has developed detailed processes and procedures to evaluate requests for access and to ensure that it addresses those requests in a timely manner. U S WEST also commits to provide information and respond to CLEC requests for access within reasonable time frames.

U S WEST facilitates access to its poles and ducts by permitting CLECs to choose their own workers to attach facilities so long as their workers have qualifications similar to those of U S WEST's own workers. U S WEST's rates for access to poles, ducts and conduits are contained in its SGAT and are consistent Section 224 of the Act, FCC rules and are

⁴ to those checklist items.
47 U.S.C. § 271 (c)(2)(B)(iii).

Commission-approved.

U S WEST provides access to poles, ducts, conduits and rights-of-way across its Washington territory. U S WEST has entered into joint use agreements with other carriers for years and has vast experience providing access to poles, ducts, conduits and rights-of-way consistent with Section 224 of the Act. For example, U S WEST currently leases space to other carriers on 102,751 poles and in 348,293 feet of duct in Washington. Through January 2000, seven CLECs have initiated 11 inquiries for pole space in Washington. Nine pole inquiries proceeded to the request/verification stage. Of these nine inquiries, seven request/verifications for pole space were fulfilled on or before the due date. Through January of 2000, twelve CLECs initiated thirty inquiries for duct space. U S WEST provided documentation to the CLECs regarding 27 of the 30 duct inquiries within the 10-day period. Four CLECs proceeded to the request/verification stage regarding duct space, to which U S WEST responded within the 35-day period each time. As this performance data demonstrates, U S WEST is meeting its obligations to respond to CLEC access requests in a timely manner.

U S WEST is currently providing numerous CLECs nondiscriminatory access to poles, ducts, conduits and rights-of-way and has committed to do so for any CLECs that request such access in the future. The Commission should verify that U S WEST satisfies the requirements for checklist item 3.

Checklist Item 7 -- Access to 911/E911, Directory Assistance and Operator Services

To meet the requirements of checklist item 7, U S WEST must demonstrate that it provides nondiscriminatory access to (I) 911 and E911 services; (II) directory assistance services

and (III) operator call completion services.⁵

Item 7(I) -- Access to 911 and E911 Services

The Act and FCC rules require U S WEST to provide CLECs with nondiscriminatory access to Basic 911 and Enhanced 911 ("E911") services, including access to the various components of a 911/E911 system such as 911/E911 trunking, 911/E911 routing, the E911 database, and the associated database updates. U S WEST provides nondiscriminatory access to its 911/E911 network pursuant to Section 10.3 of its SGAT.

U S WEST currently provides 911/E911 access in Washington to both resellers and facilities-based CLECs and has in place procedures to provide access to CLECs that purchase unbundled switching from U S WEST in the event any Washington CLEC requests such access. Following industry guidelines, U S WEST has documented processes and procedures for providing access to 911/E911 services that it distributes and updates regularly for CLECs. U S WEST also assists facilities-based CLECs with establishing 911/E911 service with various government agencies as well as the E911 database provider.

As Ms. Bumgarner discusses in her testimony, facilities-based CLECs providing end office switching are connected to the 911/E911 network over their own trunks. Nonetheless, upon request, U S WEST will provide trunks between the CLEC switch and the E911 selective router or the Public Safety Answering Point ("PSAP"). Similarly, facilities-based CLECs with their own switch can obtain direct connections between its frames and the 911 network; U S WEST does not require facilities-based CLECs to use intermediate frames to connect with U S WEST's 911/E911 network. CLECs purchasing unbundled switching would, like the resellers, use the same facilities as U S WEST's end user customers to access 911/E911 services.

⁵ 47 U.S.C. § 271 (c)(2)(B)(vii).

Regardless of the type of carrier, E911 call routing is the same for both CLEC and U S WEST end users.

Recognizing the vital importance of 911/E911 service to end users, U S WEST has gone to great lengths to ensure that end user information is accurately entered and protected in the 911/E911 network, no matter who provides service. For example, to ensure proper protection of 911/E911 trunk circuits, U S WEST clearly marks all 911/E911 circuits in an identical manner. U S WEST uses the same procedures it applies to itself to ensure that facilities-based CLEC 911/E911 trunks are not deactivated without adequate notice. For example, U S WEST's database administrator, SCC, has developed procedures to ensure that customer records are not removed from the 911/E911 database when changing carriers. Both U S WEST and SCC also have developed procedures to (i) regularly update the E911 database, (ii) minimize E911 database errors, and (iii) correct any errors. Importantly, even if there are errors in the accuracy of the 911 database, an end user is able to make calls to the 911 system.

As of January 31, 2000, U S WEST has provided E911 service to 21 facility-based CLECs in Washington by providing 204 E911 trunks between the CLECs' switches and the U S WEST selective router. Facilities-based CLECs have 200,967 records in the E911 database as of January 31, 2000. U S WEST has provided 911/E911 services to 25 resellers in Washington, who access 911/E911 services using the same facilities as U S WEST's end user customers.

As Ms. Bumgarner's testimony demonstrates, U S WEST has developed and is continuing to implement performance indicators developed by the Regional Oversight Committee to demonstrate that it is providing nondiscriminatory access to 911/E911 trunking and E911 database updates. For U S WEST's current measure, Ms. Bumgarner provides performance data

demonstrating that since January 1999, U S WEST has consistently completed 100% of its ALI database updates for resellers within 24 hours. Furthermore, U S WEST has requested that SCC provide reports demonstrating that it updates U S WEST and CLEC records in the same time frame and with the same level of accuracy.

U S WEST is currently providing nondiscriminatory access to 911/E911 service in Washington. The Commission should find that it satisfies this checklist item.

Checklist Item 7(II) and (III) -- Directory Assistance Services and Operator Call Completion Services

Section 271(c)(2)(B)(vii)(II) and (III) requires U S WEST to provide CLECs nondiscriminatory access to directory assistance services to allow CLEC customers to obtain telephone numbers and operator call completion services.⁶ U S WEST satisfies this checklist item through its proposed SGAT as well as its 64 Commission-approved interconnection/resale and 25 Commission-approved resale-only agreements.

Under SGAT Section 10.5.1.1, U S WEST offers to provide CLECs with nondiscriminatory access to U S WEST's directory assistance service. SGAT Section 10.5.2.4 obligates U S WEST to provide directory assistance services to CLECs according to the same methods, practices and standards U S WEST uses to provide service to its end users. SGAT Section 10.7.1.1 binds U S WEST to provide CLECs nondiscriminatory access to U S WEST's operator services.

As Ms. Simpson discusses, pursuant to U S WEST's SGAT, Washington CLECs may: (1) purchase directory assistance and operator services from U S WEST; (2) provide their own services; or (3) purchase the services from a third party. U S WEST currently provides directory

⁶ 47 U.S.C. § 271 (c)(2)(B)(vii)(II) & (III).

assistance and operator services to 25 reseller CLECs. Additionally, U S WEST provides directory assistance service to eleven facility-based CLECs, and provides operator services to eleven facility-based CLECs in Washington. U S WEST has developed extensive documentation and support mechanisms to assist CLECs with accessing U S WEST's directory assistance and operator services systems. U S WEST also provides dialing parity for directory assistance and operator services.

U S WEST's directory assistance and operator services systems are designed to handle calls on the basis of when they are received. As a result of its platform design, U S WEST cannot discriminate in favor of itself. As calls from any caller to U S WEST's directory assistance and operator services platforms are delivered to the platform, they are delivered to a queue, and then delivered to an operator. Calls are delivered to the queue based on the order in which the calls reached the directory assistance or operator services platforms, and calls are distributed to the operators based on the order in which they entered the queue. Thus, U S WEST simply cannot discriminate against CLECs in the provision of this checklist item.

The results of U S WEST's performance data from December 1999, through February 2000, proves that U S WEST is providing high quality service to both U S WEST and CLEC end users: U S WEST's average speed of answer for directory assistance calls was consistently less than 10 seconds, and U S WEST's directory assistance operators answered calls within 10 seconds more than 90% of the time. For operator services, the results are similarly impressive, showing that U S WEST answered more than 90% of all calls in less than 10 seconds.

U S WEST provides access to its directory assistance and operator services platforms on a nondiscriminatory basis as between U S WEST and CLECs, and as between CLECs. Accordingly, the Commission should find that U S WEST meets the requirements of checklist

items 7(II) and 7(III).

Checklist Item 8 -- White Pages

Section 271(c)(2)(B)(viii) of the Act requires BOCs to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service."⁷ U S WEST provides nondiscriminatory access to white pages listings through the terms and conditions in Section 10.4 of its SGAT as well as Commission approved resale and interconnection agreements. For example, Section 10.4.2.8 of the SGAT obligates U S WEST to provide nondiscriminatory appearance and integration of all white page listings for CLECs and U S WEST end users. Section 10.4.2.5 of the SGAT ensures that U S WEST processes CLEC white page listings with the same accuracy and reliability as it processes its own end user listings.

Under its SGAT, U S WEST offers several types of white pages directory listings to CLECs, including primary, premium, and privacy listings, which are exactly the same listings options provided to its retail end users. Furthermore, U S WEST provides access to its listing information to those CLECs that wish to publish their own directories. U S WEST also provides for delivery of directories to CLEC end users on identical terms and conditions as directories are delivered to U S WEST end users.

U S WEST has entered more than 25,700 listings for 31 Washington facility-based and reseller CLECs into its listings database. U S WEST submits daily files containing all new or modified, nonprivate, CLEC, independent company, and U S WEST listings to its directory publishers for inclusion in white pages directories.

To ensure that CLECs can submit accurate and complete listings to U S WEST, U S WEST provides extensive listings training for CLECs at no charge. Detailed training

⁷ 47 U.S.C. § 271 (c)(2)(B)(viii).

materials are also provided to CLECs at no charge. In addition to these resources, U S WEST provides monthly listings reports to CLECs so they may review their own listings for accuracy as they appear in U S WEST's listings database. CLECs also may request "on-demand" listings reports of their Washington listings at any time, or they may check individual listings at any time.

As described by Ms. Simpson, U S WEST's processes and procedures for white pages directory listings ensure that listings provided for CLECs are as accurate and reliable as listings provided for U S WEST's retail end users. To ensure nondiscriminatory treatment of CLEC listings, the same personnel, systems, databases, and methods and procedures are used for U S WEST and CLEC listings. U S WEST personnel apply manual edits to CLEC and U S WEST end user listings; U S WEST's systems apply mechanical edits to CLEC and U S WEST listings when they are entered into U S WEST's service order processor and listings database. CLEC and U S WEST end user listings are commingled in the U S WEST listings database.

As the testimony of Ms. Simpson demonstrates, U S WEST meets the requirements of item 8. The Commission should verify its compliance.

Checklist Item 9 -- Numbering Administration

Section 271(c)(2)(B)(ix) of the 1996 Act requires a Section 271 applicant to provide nondiscriminatory access to telephone numbers for assignment to competing carriers' telephone exchange service customers, "[u]ntil the date by which telecommunications numbering administration guidelines, plan, or rules are established." After that date, the BOC is required to comply with such guidelines plan or rules.⁸

⁸ 47 U.S.C. § 271 (c)(2)(B)(ix).

The testimony of Margaret Bumgarner demonstrates that U S WEST meets the requirements of checklist item 9 – nondiscriminatory access to telephone numbers.⁹ U S WEST is no longer responsible for assignment of central office codes (NXX assignments), as those duties were transferred, pursuant to FCC regulations, on September 1, 1998, to an independent third-party administrator, the North American Numbering Plan Administrator, NeuStar (formerly Lockheed Martin IMS). Prior to this changeover, U S WEST met the FCC's requirements to provide nondiscriminatory access to telephone numbers by assigning telephone numbers at no charge, and using the Central Office Code Assignments Guidelines to process NXX code requests. U S WEST assigned codes in substantially the same amount of time as it assigned codes to itself and did not refuse any CLEC requests for NXX assignments. Prior to the transition of number administration to NeuStar, U S WEST did not receive any complaints from Washington CLECs regarding numbering administration. Although U S WEST is no longer the number administrator, in Section 13.2 of its proposed SGAT, U S WEST has agreed that it will to continue to comply with industry guidelines and any FCC regulations relating to this checklist item.

In conformance with industry guidelines, U S WEST has implemented processes and procedures to activate NXX codes in a nondiscriminatory manner. U S WEST is also implementing a recently developed performance measure to track NXX activation performance.

Based upon the testimony of Ms. Bumgarner, the Commission should find that U S WEST meets checklist item 9.

⁹ See 47 U.S.C. § 271 (c)(2)(B)(ix).

Checklist Item 10 -- Databases and Associated Signaling

Section 271(c)(2)(B)(x) of the competitive checklist requires a BOC to offer "[n]ondiscriminatory access to databases and associated signaling necessary for call routing and completion."¹⁰ U S WEST's testimony and proposed SGAT prove that U S WEST provides nondiscriminatory access to databases and associated signaling for call routing and completion.¹¹ In Section 9.13.1.1 of its SGAT, U S WEST commits to provide nondiscriminatory access to its signaling network, and U S WEST is in fact providing 21 Washington CLECs nondiscriminatory access to its signaling network. U S WEST's signaling network available to CLECs includes signaling links, signal transfer points, and call-related databases. U S WEST has established extensive procedures and manuals based on industry guidelines and standards to both document its commitment to provide access to signaling and to assist CLECs with connecting to U S WEST's signaling network. Consistent with FCC rules, U S WEST permits facilities-based CLECs to directly access U S WEST's frames, either through a direct connection from the CLEC's switch or from the CLEC's collocated equipment, to obtain access to U S WEST's signaling network. CLECs are not required to use an intermediate frame.

Pursuant to Section 9.13.1.1 of its SGAT and consistent with FCC rules, U S WEST provides CLECs nondiscriminatory access to its Local Number Portability ("LNP"), Line Information Database ("LIDB"), Toll Free Calling ("8XX"), InterNetwork Calling Name ("ICNAM"), Advanced Intelligent Network ("AIN"), and E911 databases. In addition, U S WEST provides access to its Service Management Systems to permit CLECs to create, modify or update information in U S WEST's call-related databases. In Washington, two CLECs

¹⁰ 47 U.S.C. § 271 (c)(2)(B)(x).

¹¹ 47 U.S.C. § 271 (c)(2)(B)(x).

are using U S WEST's 8XX database, 1 CLEC is using LIDB, and 1 CLEC is using LNP. No Washington CLEC has requested access to U S WEST's AIN and ICNAM databases, though U S WEST stands ready to fill any future requests. No Washington CLEC has been denied access to any requested database, and U S WEST has received no CLEC complaints regarding this checklist item.

U S WEST has a legally binding obligation to provide access to its signaling network and call-related databases and is providing nondiscriminatory access to several Washington CLECs. Furthermore, U S WEST has established processes and procedures to ensure that it can meet the reasonably foreseeable future demand for this checklist item. Accordingly, the Commission should find that U S WEST meets the requirements of checklist item 10.

Checklist Item 12 -- Dialing Parity

Sections 251(b)(3) and 271(c)(2)(B)(xii) of the Act require U S WEST to provide local dialing parity; that is, to permit CLECs to provide telecommunications services without requiring their customers to dial extra digits. In Section 14.1 of its Washington SGAT, U S WEST commits to provide local dialing parity consistent with the Act's requirements. As Ms. Bumgarner explains in her testimony, all of U S WEST's Washington switches provide dialing parity to CLECs and their customers for local calls. U S WEST imposes no requirements or technical constraints that require CLEC customers to dial extra digits to complete local calls or that cause dialing delays. Because U S WEST's switches cannot distinguish between calls from CLEC or U S WEST end users, its switches use the same translations and routing tables to route CLEC and U S WEST customer calls. Pursuant to Section 9.12 of its SGAT, U S WEST also provides dialing parity for customized routing of CLEC customer calls when using U S WEST switches either on a resale or unbundled basis. Thus, CLEC customer calls can be routed to the

directory assistance or operator service provider of the CLEC's choosing, without the dialing of extra digits or access codes.

In accordance with a Commission-approved implementation plan, in February 1999, U S WEST implemented toll dialing parity for intraLATA toll calls in Washington. U S WEST does not charge CLECs for dialing parity, and it has received no complaints regarding its compliance with this checklist item.

U S WEST meets its obligation to permit all Washington customers to originate local and intraLATA toll telephone calls without dialing extra digits or access codes, regardless of which carrier provides service. Accordingly, the Commission should find that U S WEST meets the requirements of checklist item 12.

Checklist Item 13 -- Reciprocal Compensation

Section 271(c)(2)(B)(xiii) of the Act requires a BOC to establish "[r]eciprocal compensation arrangements in accordance with the requirements of Section 252(d)(2).¹² In turn, Section 252(d)(2)(A) states that "a State commission shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."¹³

U S WEST's obligations to provide reciprocal compensation are stated in Section 7.3.1 of the SGAT, which applies to the exchange of Exchange Service (EAS/local) traffic between

¹² 47 U.S.C. § 271 (c)(2)(B)(xiii).

¹³ 47 U.S.C. § 252 (d)(2)(A).

a CLEC's network and U S WEST's network. As Mr. Freeberg explains, the reciprocal compensation rates in the SGAT and U S WEST's existing interconnection agreements are symmetrical. Thus, U S WEST pays a CLECs the same rate for transport and termination of traffic as U S WEST charges to transport and terminate traffic originated by the CLEC.

U S WEST provides CLECs with both direct trunked transport and tandem switched transport. Most of the CLEC/U S WEST trunking is two-way. Carriers may purchase transport services from each other, a third party, or from a third party that has leased a private line transport service facility from U S WEST. Call transit is available for two CLECs who wish to exchange calls, but are not directly interconnected. U S WEST accepts traffic originated by one CLEC and terminates it to another CLEC or incumbent local exchange carrier.

U S WEST has procedures in place for providing reciprocal compensation in conformance with the requirements of the Act and the FCC's rules. These procedures allow U S WEST to track the minutes of use on trunks and, when appropriate, to pay reciprocal compensation to CLECs. A CLEC or U S WEST may request an audit of reciprocal compensation billing. Section 18.0 of the SGAT defines the terms and conditions of the audit process and permits the requesting party to review the non-requesting party's records, books, and documents relating to reciprocal compensation.

As of January 31, 2000, U S WEST established 103,625 interconnection trunks with 21 CLECs in Washington. Call volumes on these trunks are increasing every month. For example, in November 1999, over 580 million minutes of calls were exchanged over those trunks. In December 1999, that volume increased to 719 million minutes. The volume increased again in January 2000 to over 800 million minutes of calls exchanged over U S WEST interconnection trunks. In 1999, U S WEST paid \$32,490,370 in reciprocal compensation to CLECs in

Washington, and U S WEST has billed all CLECs \$678,676.

Because the Commission has determined that traffic bound for Internet Service Providers ("ISPs") remains subject to reciprocal compensation, U S WEST has paid CLECs reciprocal compensation for ISP traffic in Washington. However, the FCC stated in its Bell Atlantic New York Order, that reciprocal compensation for ISP traffic is not reciprocal compensation under Section 251(b)(5) or checklist item 13 compliance issue; rather, it is an "inter-carrier compensation" issue.¹⁴ Because the FCC has determined that ISP traffic is not included within the Section 251(b)(5) "reciprocal compensation" obligations, and U S WEST's SGAT must be compliant with Section 251, U S WEST has expressly excluded ISP traffic from the reciprocal compensation provisions of its SGAT.

U S WEST will continue to pay reciprocal compensation for ISP traffic where the Commission has ordered it to do so, but it is not required to include such traffic in the reciprocal compensation provisions of the SGAT. As the FCC determined in its Bell Atlantic New York Order, because ISP traffic does not implicate "reciprocal compensation," the exclusion of this traffic from U S WEST's SGAT has no bearing on U S WEST's compliance with this checklist item.

U S WEST satisfies checklist item 13 through its SGAT and Washington interconnection agreements. Accordingly, the Commission should find that U S WEST meets the requirements of this checklist item.

CONCLUSION

U S WEST's SGAT and Commission-approved interconnection agreements, its witness

¹⁴ Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, CC Docket No. 99-295, FCC 99-404 ¶ 377 (Dec. 22, 1999).

testimony, performance data, and other documentary evidence conclusively demonstrate that U S WEST establishes a *prima facie* case of compliance with the checklist items at issue: U S WEST has legally binding obligations to provide the checklist items under its SGAT and approved agreements, U S WEST is currently providing many of the checklist items to Washington CLECs and stands ready to provide those items not yet requested in quantities that CLECs may reasonably demand, and U S WEST's performance data demonstrates that U S WEST provides each the relevant checklist item in a nondiscriminatory manner and at an acceptable level of quality. Accordingly, the Commission should find that U S WEST has satisfied the Act's requirements for checklist items 3, 7, 8, 9, 10, 12 and 13.

Dated March 22, 2000.

Respectfully submitted,

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