

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the
Implementation of the
Federal Communications Commission's
Triennial Review Order

DOCKET NO. UT-033025

COMMENTS OF
COMMISSION STAFF ON
OBLIGATIONS OF ILECS TO
INITIATE DEVELOPMENT OF
A BATCH CUT PROCESS

1 Staff submits the following comments in response to the Commission's notice of October 14, 2003 inviting comments concerning the obligations of ILECs other than Qwest to initiate development of a batch cut migration process within the state of Washington.

2 The FCC appears to have contemplated the development of an incumbent LEC batch cut process as an integral—and probably inextricable—part of the 47 C.F.R. Sec. 51.319(d)(2) mass market local circuit switching impairment determinations that it delegated to the states. This is apparent from the following:

- The requirement that states develop a batch cut process is included as a subpart of the paragraph of its rules, Sec. 51.319(d)(2), that sets out the state commission process for rebutting the national presumption that CLECs are impaired without access to DS0 capacity local switching.

- More specifically, the FCC requires state commissions to use those markets they define for mass market impairment determinations for the purpose of developing the batch hot cut process. 47 C.F.R. Sec. 51.319(d)(2)(ii)(A).
- Sec. 51.319(d)(5), which sets out the timing for completion of state commission proceedings regarding unbundled access to mass market and enterprise switching, simply states: “A state commission shall complete any initial review applying the triggers and criteria in paragraph (d)(2) of with section within nine months from the effective date of the Commission’s Triennial Review Order. . . . A state commission shall complete any subsequent review applying these triggers and criteria within six months of the filing of a petition or other pleading to conduct such review.” The important point here is that the requirement to develop a batch cut migration process is not referred to as a matter to be resolved within nine months separate and apart from the “initial review applying the triggers and criteria in paragraph (d)(2).”

This Commission gave notice on September 30, 2003 that “any person requesting that the Commission review the FCC’s national findings of impairment for . . . mass market switching must file a petition with the Commission by 5 p.m. PST, Friday, October 10, 2003.”

3 Staff submits that the Commission should give similar notice of an opportunity for any person requesting that the Commission establish an ILEC batch cut process to file a petition by a particular date within the next week or two. In that notice, the Commission should instruct any potential petitioner that they must be ready, after an opportunity for discovery, to address the appropriate market definition for a mass

market switching impairment proceeding and to propose a batch cut process for consideration by the Commission.

DATED this 21st day of October, 2003.

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