

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Review of:)	DOCKET NO. UT-023003
Unbundled Loop and Switching)	
Rates; the Deaveraged Zone)	TWENTY-FIFTH SUPPLEMENTAL
Rate Structure; and Unbundled)	ORDER
Network Elements, Transport,)	
and Termination (Recurring)	ORDER GRANTING IN PART
Costs))	VERIZON'S MOTION FOR AN
)	EXTENSION OF TIME TO FILE A
)	PETITION FOR CLARIFICATION
)	AND TO MAKE COMPLIANCE
)	FILING
.....)	

1 **Synopsis:** *The Commission grants, in part, an extension of the time for filing a petition for clarification of the 24th Supplemental Order for making a compliance filing.*

2 **Background.** On February 9, 2005, the Commission entered its 24th Supplemental Order rejecting Verizon’s proposed recurring rates and establishing new rates for unbundled network elements, switching, transport, and termination. The order directs Verizon to make a compliance filing ten days from the date of the order, providing the Commission with a single rate for each network element at issue. The network element rates are to be a combination of the rates derived from the Verizon and Hatfield cost models, but reflecting a 60% weighting of the Verizon model results and a 40% weighting of the Hatfield model results.

3 On February 10, 2005, Verizon submitted electronically a motion to extend the time for filing a petition for clarification of the 24th Supplemental Order and to extend the time for making a compliance filing pursuant to the order. Verizon states that it intends to file a petition for reconsideration within the ten-day statutory time limit provided for such petitions.

- 4 **Motion to Extend Time.** Verizon requests until March 10, 2005, to file a petition for clarification of the 24th Supplemental Order and until 45 days after the Commission rules on both the petition for clarification and the petition for reconsideration. Verizon states that AT&T and Staff have no objection to Verizon's requests.
- 5 Verizon gives as reasons for its request to extend the date for a petition for clarification that the 24th Supplemental Order is voluminous—179 pages long and addressing numerous complex issues. In order to determine which issues require clarification, Verizon indicates it must consult with more than a dozen subject matter experts and support staff. Then, Verizon must perform the actual drafting of the petition. Verizon further states that it might require clarification of some issues based on information from the Commission's experts who performed model runs for purposes of developing final rates in the order.
- 6 As to the extension of time for making a compliance filing, Verizon contends that it makes little sense to make such a filing before the Commission has both clarified the order and ruled on Verizon's petition for reconsideration, since both rulings will effect the compliance model runs required.
- 7 The provisions of WAC 480-07-835 allow a party ten days to file a petition for clarification of a final Commission order. This ten-day period is established by Commission rule, but is not required by statute. Furthermore, WAC 480-07-130 states that: "the commission may modify the time limits stated in a commission rule, subject to other requirements of law."

8 Given the length of the 24th Supplemental Order and the number and complexity of the issues it addresses, it is a reasonable assumption that Verizon might require more than ten days to prepare and file a petition for clarification and might need more time to make a compliance filing. However, there are certain network element rates on which it is important that the Commission rule before March 11, 2005. These network elements are the subject of the Federal Communications Commission's (FCC's) order adopting new unbundling rules pursuant to the Washington D.C. Circuit Court of Appeals remand of the Triennial Review Order.¹ The new unbundling rules address the appropriate impairment standard and whether requesting carriers are impaired without access to DS1, DS3 and dark fiber dedicated transport (dedicated transport); DS1, DS3 and dark fiber (high capacity) loops; and mass-market switching (UNE-P).²

9 As part of the order establishing the new unbundling rules, the FCC finds that under certain conditions, requesting carriers are not impaired with regard to mass market switching, dedicated transport and high capacity loops. For these elements the FCC establishes a rates to be charged during a transition period, after which the elements need not be unbundled. During the transition period, the FCC directs that for dedicated transport and high capacity loops, the element may be priced "at the higher of (1) 115 percent of the rate the requesting carrier paid for the ... element on June 15, 2004, or (2) 115 percent of the rate the state commission has established or establishes, if any, between June 16, 2004 and the effective date of this Order [March 11, 2005], for that...element." *Order* at ¶¶ 145, 198.

¹ *In the Matter of Unbundled Access to Network Elements Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338, released February 4, 2005.

² *Id.*, ¶5.

10 Similarly, for local circuit switching, the FCC establishes a transition period price of: “the higher of (1) the rate at which the requesting carrier leased UNE-P on June 15, 2004, plus one dollar, or (2) the rate the state public utility commission establishes, if any between June 16, 2004, and the effective date of this Order, for UNE-P plus one dollar.” *Id.*, ¶228.

11 In light of the FCC’s March 11, 2005, termination date for state commission action on rates for mass market switching, dedicated transport and high capacity loops, it is necessary that the Commission enter an order on compliance before that date. Therefore, for mass market switching, dedicated transport and high capacity loop elements for which the FCC established transition period pricing in its new unbundling rules, Verizon must file a petition for clarification by February 22, 2005, and must also make a compliance filing on February 22, 2005. This deadline will provide the Commission sufficient time to review the filings and enter an order before March 11, 2005.

12 With regard to all other elements and issues addressed in the recurring cost order, we grant Verizon’s request to extend the time for filing a petition for clarification until March 10, 2005. We will take under consideration Verizon’s request to extend the time for a compliance filing for the remaining elements and establish a new compliance filing date in our rulings on Verizon’s soon-to-be-filed petitions.

ORDER

13 THE COMMISSION ORDERS That Verizon’s motion for an extension of time until March 10, 2005, to file a petition for clarification is granted except for issues related to mass market switching, dedicated transport and high capacity loops, for which a petition for clarification must be filed by February 22, 2005. Likewise, the Commission orders that and that the February 22, 2005, deadline

for making a compliance filing is vacated, except for compliance rates for mass market witching, dedicated transport and high capacity loops.

DATED at Olympia, Washington, and effective this 17th day of February, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner