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STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

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

VERIZON NORTHWEST INC.'S
COMMENTS REGARDING BATCH
HOT CUT PROCESS

October 21, 2003

Verizon Northwest Inc. ("Verizon") hereby responds to the "Notice of Opportunity to File Comments" issued October 14, 2003. There, the Commission asked if it is required by the FCC's Triennial Review Order ("TRO") to implement a batch hot cut process ("batch process") for Verizon.

The TRO is clear: state commissions are *not* required to establish batch processes for incumbent local exchange carriers ("ILECs") that are not challenging the impairment presumption for mass market local switching. A batch process is one of the "specific actions designed to *alleviate* impairment," TRO ¶ 460, and therefore it is only relevant if the ILEC is challenging the impairment finding in any of its geographic markets. Where, as here, the ILEC (Verizon) will continue to provide the unbundled network element at this time, there is no

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VERIZON NORTHWEST INC.'S COMMENTS - 1

1 “impairment” that the Commission needs to evaluate in Verizon’s territory. Accordingly, the
2 batch process is moot.

3 This common-sense principle is reflected in the FCC’s rules. Specifically, Rule
4 319(d)(2) states that an ILEC shall provide unbundled switching for serving mass-market
5 customers unless the state commission determines no impairment exists. If an ILEC seeks to
6 challenge the impairment presumption, the state commission must do two things. First, the
7 commission must define the markets in which it will evaluate impairment by determining the
8 relevant geographic areas to be include in each market. Once it defines the markets, the state
9 commission must then establish an ILEC-specific batch process for each market or explain why
10 no such process is necessary. (This two-step analysis is set forth in Rule 319(d)(2), subsections
11 (i) and (ii)). Thus, under the FCC’s rules, a batch process review takes place only *after* (1) an
12 ILEC challenges the impairment presumption and (2) the state commission has defined the
13 relevant markets. If an ILEC is not challenging the impairment presumption, then the state
14 commission never defines the markets and the batch process review is never triggered.
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17 In sum, under the FCC’s rules, a batch process review arises only where an ILEC is
18 challenging the impairment presumption, and therefore this Commission need not (and cannot)
19 impose one upon Verizon.
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21 Furthermore, the FCC’s rules make clear that any batch process established for one ILEC
22 (e.g., Qwest) cannot apply to a different ILEC (e.g., Verizon) for the obvious reason that
23 different ILECs have different types of systems and processes. The batch process must be ILEC-
24 specific, and state commissions must “tak[e] into account the incumbent LEC’s particular
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1 network design and cut over practices.” 47 C.F.R. § 51.319(d)(2)(ii)(A)(2). Accordingly, a state
2 commission cannot adopt a single process for all ILECs.

3 Finally, the Commission asked the parties to comment on whether Verizon and other
4 ILECs should have separate proceedings to address the batch processes or should instead be
5 included in a Qwest docket. For the reasons discussed above, the Commission need not have *any*
6 batch process proceeding for ILECs (such as Verizon) that are not contesting the mass market
7 switching impairment presumption. Indeed, if the Commission opened such a proceeding, it
8 would have to determine, among other things, the relevant *markets* in which to address the
9 economic and operational impairment issue, and it would have to consider *each* ILEC’s specific
10 processes and network design and thereafter approve ILEC-specific batch processes. The
11 Commission could do so in one docket that includes all ILECs or in separate, ILEC-specific
12 dockets. Again, though, these proceedings are not required (and cannot be imposed) where
13 ILECs are not challenging the impairment presumption.
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16 RESPECTFULLY SUBMITTED this 21st day of October, 2003.
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