

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

In the Matter of the Petition of)	
)	Docket No. UT-033044
QWEST CORPORATION)	
)	
To Initiate a Mass-Market Switching)	AT&T'S COMMENTS
and Dedicated Transport Case)	IN RESPONSE TO COMMISSION
Pursuant to the Triennial Review)	NOTICE
Order)	
_____)	

Pursuant to the Notice of Opportunity to Submit Comments (“Notice”), dated May 6, 2004, AT&T Communications of the Pacific Northwest, Inc., TCG Seattle and TCG Oregon (collectively “AT&T”) hereby briefly respond to the Washington Utilities and Transportation Commission’s (“Commission’s”) request for comments.

First, the Commission seeks comments regarding whether a status conference is necessary at this time. Given the ongoing business-to business negotiations/mediation that is occurring between CLECs and Qwest Corporation (“Qwest”), AT&T believes that a status conference in this proceeding is not necessary at this time. However, the Commission may want to consider scheduling a status conference after the June 15 *USTA II* stay deadline passes to determine how to proceed at that point.¹

Second, the Commission invited comments regarding the Commission’s options and obligations in light of *USTA II*. As the Commission noted in its Notice, AT&T has filed comments in response to a similar request by the Colorado Commission. AT&T incorporates those comments herein. The Commission requested supplemental

¹ Recently, the Solicitor General, on behalf of the Federal Communications Commission and the United States, sought and obtained an extension until June 30 to file a petition for writ certiorari with the United States Supreme Court. It is not clear whether the Solicitor General will seek a like extension of the issuance of the *USTA II* mandate from the D.C. Circuit Court of Appeals.

comments from companies like AT&T who had already put forth comments in Colorado, not a repeat of the comments filed in Colorado. Accordingly, AT&T provides the following supplement to the comments it previously filed in Colorado. In addition, AT&T would note that some of the questions identified in the Notice may also be addressed in parties' forthcoming responses to the Joint CLEC Motion for an Order Requiring Qwest to Maintain Status Quo Pending Resolution of Legal Issues, filed with this Commission on May 10, 2004.

As AT&T stated in its filing in Colorado, AT&T welcomed the opportunity to negotiate fair, economically viable, long-term agreements to lease access to the facilities the RBOCs control. As AT&T indicated in its filing in Colorado, AT&T invited Qwest to engage in business-to-business negotiations and these negotiations are continuing. In addition, as the Commission is likely aware, CLECs, including AT&T, and Qwest have been collectively engaged in a mediation relating to the TRO-related issues. To further the various negotiations/mediations, AT&T proposed a plan to transition itself away from the Bell facilities – a proposal that was summarily rejected by the Bell companies. Further, thirty one CLECs, including AT&T, submitted a united, compromise plan concerning rates charged by Qwest to its competitors for the use of unbundled network elements (“UNEs”), like switches and local loops, as part of the mediated Qwest negotiations described above. Further, in view of the looming expiration of the *USTA II* stay deadline, AT&T recently proposed the use of binding arbitration as an option to resolve the deadlock in the UNE negotiations with the RBOCs. *See* Attachment A, hereto.

AT&T continues to believe that these business-to-business negotiations, mediations and, if used, binding arbitrations should proceed. However, as the deadline for the expiration of the *USTA II* stay looms, the Commission should take whatever steps it deems necessary to protect competition and consumer choice by ensuring that Qwest does not attempt to unilaterally alter its existing interconnection agreements by engaging in actions that would either discontinue the availability of existing UNEs, including UNE-P, or by increasing the price of specific UNEs.

Respectfully submitted this 21st day of May, 2004.

**AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC., AND AT&T
LOCAL SERVICES ON BEHALF OF TCG
SEATTLE AND TCG OREGON**

By: _____

Rebecca B. DeCook
Mary B. Tribby
AT&T Law Department
1875 Lawrence Street, Suite 1575
Denver, CO 80202
(303) 298-6357 (Tel)
(303) 298-6301 (Fax)
decook@att.com

James K. Tarpey
Thomas R. O'Donnell
Holland & Hart, LLP
8390 East Crescent Parkway, Suite 400
Greenwood Village, CO 80111
(303) 290-1634
jtarpay@hollandhart.com