

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

In the Matter of the Petition of)	DOCKET NO. UT-033044
)	
QWEST CORPORATION)	ORDER NO. 04
)	
To Initiate a Mass-Market)	ORDER REQUIRING DISCLOSURE
Switching and Dedicated Transport)	OF INFORMATION FROM
Case Pursuant to the Triennial)	CERTAIN CLECS
Review Order)	
.....)	

SYNOPSIS

1 *In this Order, the Commission requests information from 17 competitive local exchange companies (CLECs) that were not served with Order No. 03, Order Requesting Disclosure of Information, on October 23, 2003. Attached to this Order is a list of the CLECs to which this order is addressed.*

I. BACKGROUND

2 On August 21, 2003, the Federal Communications Commission (FCC) released its Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, also known as the Triennial Review Order, in CC Docket Nos. 01-338, 96-98, and 98-147. This Order adopts new rules concerning unbundled network elements. The Order also imposes certain requirements on state commissions to make determinations concerning whether incumbent local exchange carriers (ILECs) must provide on an unbundled basis certain network elements requested by competitive local exchange carriers (CLECs) pursuant to 47 U.S.C. § 251(c)(3).

3 Among other findings in the Order, FCC makes a national finding that competitors are impaired on a route-by-route basis without access to unbundled DS1, DS3, and dark fiber dedicated transport. The FCC delegates to state commissions the authority to consider evidence on a more granular basis, *i.e.*, by route, to determine whether competitors are not impaired without unbundled access.

4 The FCC also makes a national finding that competitors are impaired without access to unbundled local circuit switching when serving mass-market customers. Similar to the issue of unbundled dedicated transport, the FCC delegates to state commissions the authority to rebut the FCC's finding by conducting a granular market-by-market analysis concerning impairment for mass-market switching.¹

5 States must conduct a review of the FCC's findings concerning unbundled access to dedicated transport and mass-market switching within nine months of the October 2, 2003, effective date of the Order.

6 By notice issued on September 30, 2003, the Washington Utilities and Transportation (Commission) required any person requesting that the Commission review the FCC's national impairment findings file a petition with the Commission by October 10, 2003. Qwest filed a petition initiating this proceeding, Docket No. UT-033044, and requesting Commission review of the FCC's findings concerning dedicated transport and mass-market switching.

II. COMMISSION DISCUSSION AND DECISION

7 Pursuant to RCW 80.36.610, the Commission is authorized to "take actions, conduct proceedings, and enter orders as permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)." Section 251(d)(3) of the 1996 Act provides that:

In prescribing and enforcing regulations to implement the requirements of this section, the [FCC] shall not preclude the enforcement of any regulation, order, or policy of a State commission that—

- (A) establishes access and interconnection obligations of local exchange carriers;
- (B) is consistent with the requirements of this section; and
- (C) does not substantially prevent implementation of the requirements of this section and the purposes of this part.

¹ The Order also appears to require state commissions to approve and implement within nine months of the effective date of the Order a "batch hot-cut process" for ILECs operating in the state. An ILEC could efficiently transfer large volumes of mass-market customers to a competitor using such a batch hot cut process. See, *Triennial Review Order at ¶ 423*.

- 8 In the Triennial Review Order, which implements provisions of the 1996 Act, the FCC delegates to the states its authority under Section 251(d)(2) of the Act concerning ILEC unbundling requirements for certain network elements, including dedicated transport and mass-market switching. *See Triennial Review Order, ¶¶ 187-90.* The FCC limits this delegation of authority to specific areas and network elements and establishes federal guidelines for states to follow in implementing their delegated authority. *Id., ¶ 189.*
- 9 In order to conduct the granular, fact-finding analysis required by the Triennial Review Order and RCW 80.36.610, the Commission requires information from parties to this proceeding as well as all CLECs providing telecommunications services in Washington state. The Commission has issued a number of bench requests to the parties to this proceeding, and issued an Order Requesting Disclosure of Information on October 23, 2003, to a list of all CLECs operating in the state. The Commission has since learned that seventeen CLECs were inadvertently omitted from that list.
- 10 The requests for information set forth below are the same as those sent to all CLECs on October 23, 2003, and the same as many of the bench requests sent to the parties. For ease of reference, the bench request number is repeated adjacent to the question for CLECs.
- 11 The nature of the Commission's inquiry in this proceeding precludes masking and aggregating data, methods that the Commission has used in the past when collecting data from CLECs. The provisions of the Triennial Review Order require that the Commission collect and analyze detailed information about companies providing telecommunications services in the state of Washington. In order for parties to this proceeding to effectively and adequately evaluate the evidence before the Commission and present testimony and evidence to the Commission, they also must have access to the information from CLECs in the state.
- 12 To prevent disclosure or dissemination of the information in a manner that would be to your competitive disadvantage, the information you provide in response to this Order will be covered by a protective order entered in this docket, Order No. 02, which includes provisions for confidential and highly confidential information. The protective order provides an opportunity for you

to object to the disclosure of information to certain persons. The protective order is posted for public review on the Commission's web site at www.wutc.wa.gov/033044.

- 13 Where confidentiality of proprietary information is claimed, please stamp each page of the response "**Confidential (or Highly Confidential) Pursuant to Protective Order in Docket No. UT-033044**" and submit the confidential portions of the response in a separate sealed envelope with a cover letter stating that the attached material is confidential or highly confidential. *See WAC 480-09-015.*

III. ORDER

- 14 THE COMMISSION ORDERS That all CLECs providing telecommunications service in the state of Washington file with the Commission the information listed below. **Please provide complete responses by Monday, December 8, 2003.**

CLEC QUESTION NO. 1: (Bench Request No. 32)

Describe the hot cut process currently used to transfer lines from Qwest switches to your facilities.

CLEC QUESTION NO. 2: (Bench Request No. 33)

Please list each task that is part of Qwest's current hot cut process. For each task, please provide the following information:

- (a) the average time it takes to complete the task;
- (b) the typical occurrence of the task during the process;
- (c) the labor rate for the task; and
- (d) the common overhead loading associated with the labor rate.

Please identify the sources of the data supporting your answers, including, but not limited to, time/motion studies and SME analysis.

CLEC QUESTION NO. 3: (Bench Request No. 34)

Describe a batch hot cut process that you would implement to meet the FCC's requirement to establish a batch hot cut process. Please include an estimate of the maximum number of lines that should be processed in each batch.

CLEC QUESTION NO. 4: (Bench Request No. 35)

Please list each task that is part of the batch cut process described in your response to CLEC Question No. 3, above. For each task, please provide the following information:

- (a) the average time it takes to complete the task;
- (b) the typical occurrence of the task during the process;
- (c) the labor rate for the task; and
- (d) the common overhead loading associated with the labor rate.

Please identify the sources of the data supporting your answers, including, but not limited to, time/motion studies and SME analysis.

CLEC QUESTION NO. 5: (Bench Request No. 36)

Beginning on January 1, 2003, please provide the average total cost per line that you incurred to manage and participate in Qwest's hot cut process, including, but not limited to, Qwest's non-recurring charges, for lines used to service residential and business mass-market customers in Qwest's service territory within Washington State. If the average total cost per line discussed above is different for residential and business mass-market customers, please identify the average total costs separately.

CLEC QUESTION NO. 6: (Bench Request No. 37)

If the Commission determines that competitive carriers are not impaired without access to switching in the mass-market, please identify, by Qwest wire center in Washington State, what monthly volumes of hot cuts would be required within the first 12 months after the effective date of the decision: (a) to migrate existing UNE-P customers to UNE-L or another form of service, and (b) to connect new

customers in the ordinary course of business. Please provide supporting documentation for these volume estimates.

CLEC QUESTION NO. 7: (Bench Request No. 38)

Please describe any circumstances in which you believe Qwest has performed deficiently in providing you with hot cuts in Washington State since January 1, 2003. Please provide a complete description of all facts that you rely upon as well as documents that support your assertion.

CLEC QUESTION NO. 8: (Bench Request No. 39)

Please provide a list of all switches that you currently use, or those that you have used, or that you could use to provide a qualifying service (as defined in 47 C.F.R. § 51.5, as that section will be amended by the Final Rules issued by the FCC pursuant to the Triennial Review Order) anywhere in Washington state, regardless of whether the switch itself is located in the state. For each switch listed in response to this bench request, please provide the:

- (a) Physical location of each switch (*i.e.*, the street address);
- (b) The 11-digit Common Language Location Identifier (CLLI) code of the switch as it appears in the Local Exchange Routing Guide (LERG) for Washington state; and
- (c) The LATA served by each switch.

CLEC QUESTION NO. 9: (Bench Request No. 40)

For each of the switches identified in your response to CLEC Question No. 8, please state whether you own the switch, lease the switching capacity, use the switch on an unbundled or resale basis, or otherwise have obtained the right to use the switch on some non-ownership basis. If you do not own the facility, please identify (a) the entity owning the switch and, if different than the owner of the switch, the entity with which you have entered into the lease or other arrangement, (b) the nature of the arrangement, and (c) whether the entity or entities are affiliates of yours, in the sense defined in paragraph 408, footnote 1263, of the Triennial Review Order.

CLEC QUESTION NO. 10: (Bench Request No. 41)

Please identify whether the information in the Local Exchange Routing Guide (LERG) for Washington state is current and accurate for the switches that you listed in response to CLEC Question No. 8. If any of the information is not accurate, please identify the inaccurate information and provide corrected information, including any additions, deletions or changes. As part of your review of the information in the LERG, please state whether the CLLI code is accurate for each switch that you identified in response to CLEC Question No. 8. In addition, please state whether the LERG definition of the function of each switch (*i.e.*, tandem, end office, etc.) is accurate.

CLEC QUESTION NO. 11: (Bench Request No. 42)

For each switch listed in response to CLEC Question No. 8, **excluding Qwest switches that you use on an unbundled basis in Qwest's service territory in Washington state or through the resale of Qwest's services at wholesale rates**, please provide:

- (a) The vertical and horizontal ("V&H") coordinates of the switch from the LERG;
- (b) The switch type (*e.g.*, Lucent 5ESS),
- (c) The function of the switch (*e.g.*, stand-alone, host, or remote);
- (d) The switch capacity (*i.e.*, the maximum number of voice-grade equivalent lines it is capable of serving);
- (e) The geographic area over which you provide qualifying service to end-user customers with the switch;
- (f) The initial cost of the switch, including installation and engineering costs; and
- (g) The number of initially equipped lines.

CLEC QUESTION NO. 12: (Bench Request No. 43)

For each switch identified in your response to CLEC Question No. 11, please provide a list of all the Qwest wire centers in Washington state, identified by name, address, and CLLI code, for which you are currently using that switch to provide qualifying service to any end user customers.

CLEC QUESTION NO. 13: (Bench Request No. 44)

For each Qwest wire center identified in response to CLEC Question No. 12, please identify the total number of voice-grade equivalent lines that you are providing to customers in that wire center from each switch identified in response to CLEC Question No. 11. For purposes of this question, "voice-grade equivalent lines" should be defined consistently with the FCC's use of the term. *See, e.g., FCC Form 477, Instructions for the Local Competition and Broadband Reporting Form.*

CLEC QUESTION NO. 14: (Bench Request No. 45)

With respect to the voice-grade equivalent lines identified in your response to CLEC Question No. 13, please separately indicate the number being provided to (a) residential customers; (b) business customers to whom you provide between 1-3 voice-grade equivalent lines at one location; (c) business customers to whom you provide between 4-24 voice-grade equivalent lines at one location; and (d) business customers to whom you provide 25 or more voice-grade equivalent lines (in one location).

CLEC QUESTION NO. 15: (Bench Request No. 46)

With respect to the lines identified in your response to CLEC Question No. 13, please provide, beginning with January 1, 2003, the average total monthly revenues earned per line served in Washington state by LATA, MSA, and wire center, and specify the source of those revenues by service type. The average total monthly revenue per line should include revenues associated with the basic retail price charged to the customer, vertical features, universal service payments, interstate access charges, intrastate access charges, subscriber line charges, toll, long distance, local number portability, data, service to Internet service providers, and line revenues derived from any other sources. Please provide any available breakdowns of each revenue component that is part of the average total revenue per line, identifying the type and amount of the revenue. Please identify any differences between types of customers served.

CLEC QUESTION NO. 16: (Bench Request No. 47)

With respect to the lines identified in your response to CLEC Question No. 13, please provide, beginning with January 1, 2003, the average total monthly cost incurred per line served in Washington State by LATA, MSA, and wire center, and specify the source of those costs by service type. These costs should include costs associated with switching; loops; collocation; transport; hot cuts; OSS; signaling; customer acquisitions; backhauling traffic to your switches; maintenance, operations, and other administrative activities; and capital costs. Please provide any available breakdowns of each cost component that is part of the average total cost per line, identifying the type and amount of each cost. Please identify any cost differences between types of customers served.

CLEC QUESTION NO. 17: (Bench Request No. 48)

Please state whether you are providing, or have plans to provide, through a wholesale, lease, or resale arrangement, capacity on any switches you own or operate in Washington state, or that you own or operate in another state and that you use to provide a qualifying service in Washington state, to another carrier for use in providing qualifying services anywhere in Washington state. For each switch you identify in response to this bench request, please identify:

- (a) The CLLI code for the switch;
- (b) The make, model, age, and current software upgrades of the switch;
- (c) The geographic location of the switch;
- (d) The geographic area served by the switch; including a list of all exchanges served by the switch;
- (e) The features and functions (including software upgrades) available in the switch;
- (f) The capacity of the switch, including:
 - (i) Percentage of switch capacity in use;
 - (ii) Percentage of switch capacity reserved for your own use and future use; and
 - (iii) Percentage of current and future capacity of the switch that will be made available for CLEC use.
- (g) For each switch identified, please state in detail:

- (iv) The anticipated service life of each switch;
- (v) Whether you intend to use the switch for the full anticipated service life.
- (h) The rates, terms, and conditions under which you are making the switch capacity available;
- (i) The identity of the other carrier, whether you are affiliated with the other carrier, and if you are affiliated, the nature of the affiliation.

CLEC QUESTION NO. 18: (Bench Request No. 49)

For each month beginning with January 1, 2003, please identify the monthly churn rate you have experienced in providing qualifying services to end user customers in Washington state. In answering this bench request, you should calculate the churn rate as the number of voice grade equivalent lines lost each month divided by the average number of voice grade equivalent lines in service each month. In calculating the churn rate, do not include customers who move but remain your customer.

CLEC QUESTION NO. 19: (Bench Request No. 50)

Please provide a list of all transport facilities (*i.e.*, trunks) in Washington state between any two Qwest central offices, or between a Qwest central office and non-Qwest facilities, that you own, control, or lease or have obtained use of from an entity other than Qwest. For each such facility, please identify:

- (a) The A (beginning) location, the Z (ending) location, and any other premises through which the facility is routed;
- (b) The wire center in which the facility is located, by CLLI code (if wire center data is unavailable, please report the data by city);
- (c) The type of transport facility (*i.e.*, DS0, DS1, DS3, dark fiber);
- (d) The transport technology used (*e.g.*, fiber optic (dark or lit), microwave, radio, or coaxial cable);
- (e) The level of capacity the facility is capable of supporting;
- (f) Whether you own the facility, lease or purchase transmission capacity on the facility, use the facility on an unbundled basis, or have obtained the use of the switch on some other non-ownership basis, and if you do not own the facility, please identify the nature

- of the arrangement and the name of the entity owning the facility;
and
- (g) The number of facilities you own, control, lease, or have use of along the same A to Z route you identify in section (a) above.

CLEC QUESTION NO. 20: (Bench Request No. 51)

Please provide a list of all the Qwest wire centers in Washington state, identified by name, address, and CLLI code, to which you provide or offer transport facilities (*i.e.*, any facilities that, directly or indirectly, provide connections to wire centers) to other carriers. For each such facility, please identify:

- (a) The type of transport facility (*i.e.*, DS0, DS1, DS3, dark fiber);
- (b) The transport technology used (*e.g.*, fiber optic (dark or lit), microwave, radio, or coaxial cable);
- (c) The level of capacity the facility is capable of supporting; and
- (d) The names of the other carriers.

CLEC QUESTION NO. 21: (Bench Request No. 52)

For each transport facility identified in your response to CLEC Question No. 19 that you have deployed yourself or have obtained from a supplier other than Qwest, please identify the cost of the facility, including the installation cost for any facilities that you have deployed yourself, and the rates, terms, and conditions of any transport facilities that you obtain through a wholesale, lease, or resale arrangement from any entity other than Qwest.

CLEC QUESTION NO. 22: (Bench Request No. 53)

Please identify the points within Washington state and the location (by street address and/or V & H coordinates) at which you connect your local network facilities to the networks of carriers other than Qwest, including interconnection with other CLECs, interexchange carriers, or internet service providers at any point of presence (POP), network access point (NAP), collocation hotel, data center, or similar facility.

CLEC QUESTION NO. 23: (Bench Request No. 54)

Please provide a list of all fiber rings in Washington state that you own or control and identify the location (by street address and/or V&H coordinates) of each add-drop multiplexer or comparable facility for connecting other transport facilities (*e.g.*, wire centers, loops, other fiber rings) to the fiber ring.

CLEC QUESTION NO. 24: (Bench Request No. 55)

Please identify whether you are affiliated with Qwest in any way or with any other carrier (including intermodal providers) that serves the transport routes or connection points identified in response to CLEC Questions No. 19 and 22. If so, please describe the affiliation.

CLEC QUESTION NO. 25: (Bench Request No. 56)

Please identify whether you have any long-term (10 or more years) dark fiber Indefeasible Rights of Use (IRUs) between any two Qwest wire centers or other facilities in the same LATA in Washington state, in which you maintain an active physical collocation arrangement.

CLEC QUESTION NO. 26: (Bench Request No. 57)

If you have identified any long-term dark fiber IRUs in your answer to CLEC Question No. 25, please identify for each pair of wire centers or other locations:

- (a) The common name, address and CLLI code for each pair of wire centers or other locations;
- (b) The number of dark fiber pairs terminating at each of the physical collocation facilities;
- (c) Whether you have attached optronics to the dark fiber, and if so, the transmission level of each such lit circuit; and
- (d) The term of the IRU.

CLEC QUESTION NO. 27: (Bench Request No. 58)

Please provide a list of all recurring and non-recurring rate elements and rates that apply when a CLEC purchases UNE-L and special access, EEL, DS1, DS3, or dark fiber transport from a Qwest rate center to a CLEC rate center.

CLEC QUESTION NO. 28: (Bench Request No. 59)

For each Qwest wire center in which you have a collocation arrangement, please identify:

- (a) The name, address, and CLLI code of the wire center;
- (b) The number of collocation arrangements for each wire center identified;
- (c) The type of collocation (*e.g.*, caged, cageless, shared or virtual);
- (d) The type of equipment and the number of equivalent DS0 channels for all services in each collocation space (*e.g.*, DLC, remote switches, multiplexers, transmission terminals, etc.);
- (e) The types of services provided using such an arrangement (*e.g.*, qualifying services, broadband, internet access);
- (f) The cost and capacity of each item of equipment identified above;
- (g) The transmission facilities and the number of equivalent DS0 channels for all services used to connect the wire center to your switch or non-Qwest switching provider;
- (h) The type of termination equipment used in the collocation arrangement;
- (i) The amount of unused or excess space in each collocation space; and
- (j) The approximate number of days between the date the collocation space was turned over to you and the date equipment in the collocation space was first used to provide local service. If the collocation space has not been used to provide local service, or was so used in the past but is not now, so state and provide the date, if any, on which you intend to use the space to provide local service.

CLEC QUESTION NO. 29: (Bench Request No. 60)

For each shared or non-Qwest location (*e.g.*, collocation hotels) in which you are located, please state:

- (a) The name address, or CLLI code (if applicable) of the shared or non-Qwest location;
- (b) The type of collocation or sharing/leasing of space for placement of equipment (*e.g.*, caged, cageless, shared or virtual);
- (c) The type of equipment and the number of equivalent DS0 channels for all services in the collocation space (*e.g.*, DLC, remote switches, multiplexers, transmission terminals, etc.);
- (d) The types of services provided using such an arrangement (*e.g.*, qualifying services, broadband, internet access);
- (e) The cost and capacity of each item of equipment identified above; and
- (f) The transmission facilities and the number of equivalent DS0 channels for all services used to connect the office to your switch or non-Qwest switching provider.

CLEC QUESTION NO. 30: (Bench Request No. 61)

Please provide a list of all Qwest wire centers in Washington state, identified by name, address, and CLLI code, at which you connect a collocation arrangement to a facility or collocation arrangement belonging to another carrier, and for each connection, identify the carrier and the capacity or type of connection.

CLEC QUESTION NO. 31: (Bench Request No. 62)

Please provide a list of all Qwest wire centers in Washington state, identified by name, address and CLLI code, at which you were denied the ability to connect a collocation arrangement to a collocation arrangement or facility belonging to another carrier.

15 **Please provide all responses on December 8, 2003.** The responses should include a certification that all data provided are true and accurate (please see the attached declaration form). Please send your responses via U.S. Mail to: **Carole Washburn, Executive Secretary, Washington Utilities and Transportation**

Commission, P.O. Box 47250, Olympia, WA 98504-7250, and send electronic responses to the Records Center at records@wutc.wa.gov. Questions should be directed to Administrative Law Judge Ann E. Rendahl, telephone (360) 664-1144, e-mail arendahl@wutc.wa.gov.

DATED at Olympia, Washington, and effective this 12th day of November, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK OSHIE, Commissioner

APPENDIX A
CLECs Inadvertently Not Served with Order No. 03

Advanced TelCom Inc.**
Affinity Network, Inc.
Allegiance Telecom of Washington, Inc.**
Comtel Network, LLC
DialTek, LLC
Excel Telecommunications, Inc.
Fox Communications Corp.
Intermedia Communications, Inc.
Legent Communications Corporation
Metromedia Fiber Network Services, Inc.
Northwest Telephone, Inc.
Pac-West Telecomm, Inc.**
Talk America, Inc.
TCG Oregon**
TCG Seattle**
Western CLEC Corporation
World Communications, Inc.

** These CLECs are also parties to Docket No. UT-033044, and were served on October 21 and October 23, 2003, with copies of Bench Request Nos. 1-38 and 39-70.

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Petition of,

QWEST CORPORATION

To Initiate a Mass-Market Switching and
Dedicated Transport Case Pursuant to
the Triennial Review Order

DOCKET NO. UT-033044

DECLARATION OF

I, _____, declare under penalty of perjury under the laws
of the State of Washington that the following is true and correct:

1. I am the _____, of
_____(company name), a competitive local exchange carrier
operating in Washington.

2. I submit this declaration on personal knowledge of the facts
declared herein.

3. The data provided by _____(company
name) to the Washington Utilities and Transportation Commission pursuant to
the Commission's Order Requiring Disclosure of Information is true and correct.

DATED and SIGNED at _____, Washington, on _____, 2003.

Signature