

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation into	)	
U S WEST COMMUNICATIONS, INC.'s	)	Docket No. UT-003022
Compliance with Section 271 of the	)	
Telecommunications Act of 1996	)	
_____	)	
	)	
In the Matter of U S WEST	)	
COMMUNICATIONS, INC.'s Statement of	)	Docket No. UT-003040
Generally Available Terms Pursuant to	)	
Section 252(f) of the Telecommunications	)	
Act of 1996	)	
_____	)	

WORKSHOP 2 RESPONSE TESTIMONY

OF

NIGEL BATES

On Behalf of

Electric Lightwave, Inc.

October 10, 2000



1           **Q.     PLEASE STATE YOUR NAME, EMPLOYER, AND BUSINESS ADDRESS.**

2           A.     My name is Nigel Bates. I am the Director of Regulatory and Industry Affairs for Electric  
3           Lightwave, Inc., 4400 NE 77th Avenue, Vancouver, WA 98662-0959.

4           **Q.     PLEASE IDENTIFY AND DESCRIBE THE PARTY ON WHOSE BEHALF YOU**  
5           **ARE TESTIFYING.**

6           A.     I am testifying on behalf of Electric Lightwave, Inc. (“ELI”), a competitive local  
7           exchange company (“CLEC”) that provides facilities-based local and long-distance  
8           telecommunications service in competition with Qwest Communications, Inc., f/k/a U S  
9           WEST Communications, Inc. (“Qwest”) in Washington.

10          **Q.     WHAT ARE YOUR RESPONSIBILITIES WITH ELI?**

11          A.     My responsibilities include monitoring and actively participating in regulatory and  
12          legislative matters relating to telecommunications policy and regulation including all  
13          interconnection activities in California, Arizona, Utah, Washington, Idaho, Oregon, and  
14          Nevada. I am also in charge of contractual negotiations with incumbent local exchange  
15          carriers (“ILECs”), CLECs, and other entities on behalf of ELI in these States.

16          **Q.     WHAT IS YOUR PROFESSIONAL AND EDUCATIONAL BACKGROUND?**

17          A.     I have more than 20 years experience in the telecommunications industry. Prior to  
18          joining ELI in February 2000, I worked for a number of major telecommunications  
19          companies, including Bell Canada, Pacific Bell Communications, SBC Long Distance,

1 and SBC Telecom. During this period, I held a number of management positions in  
2 Operations, Engineering, Vendor Relations, Product Development, Customer Care, and  
3 other internal organizations. More recently, I held the position of Corporate Manager,  
4 Vendor Relations, with SBC Long Distance, where I was responsible for supporting key  
5 product and project initiatives across the business in preparation for launching in-region  
6 long distance in Oklahoma, Texas, and California. Prior to joining ELI, I worked for  
7 SBC Telecom as Senior Regional Manager, ILEC and Affiliate Relations, in the  
8 Customer Care organization. In this position, I was responsible for supporting the  
9 development of the new Customer Care functional organization, the National Contact  
10 Center, and the various ILEC interconnection agreements.

11  
12 I hold an M.B.A. from California Coast University, a B.A. and a B.Ed. from York  
13 University, Canada,, where I graduated with honors, and an O.T.C. from the Ontario  
14 Ministry of Education, Canada.

15 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

16 A. The purpose of my testimony is to address the checklist items scheduled for review in the  
17 second workshop in this proceeding. ELI understands that to the extent that performance  
18 standards and measures are being developed as part of the Regional Oversight Committee

1 (“ROC”) collaborative process, and anti-backsliding remedies are being developed as part  
2 of the Multi-State Post-271 process, those issues as they relate to the checklist items in  
3 the second workshop will be more fully addressed at a later date. However, ELI  
4 addresses issues related to Qwest’s legal obligations to perform under the terms of the  
5 SGAT; and ELI’s interest in the second workshop is in Qwest’s legal obligation  
6 regarding interconnection and collocation.

7 **Q. WHAT IS ELI’S POSITION ON THE CHECKLIST ITEMS TO BE ADDRESSED**  
8 **IN THE FIRST WORKSHOPS?**

9 A. The Workshop 2 Response Testimony of Kaylene Anderson, filed on behalf of XO  
10 Washington, Inc., f/k/a NEXTLINK Washington, Inc. (“XO”) raises and addresses most  
11 of the issues ELI has with these checklist items. To avoid duplication and cluttering the  
12 record in this proceeding, ELI simply concurs in Ms. Anderson’s testimony and the  
13 positions of XO she summarizes in that testimony

14 **Q. ARE THERE ANY ISSUES ELI WISHES TO ADDRESS THAT ARE NOT SET**  
15 **FORTH IN MS. ANDERSON’S TESTIMONY?**

16 A. Yes, there are two additional issues: the first relates to both interconnection and  
17 collocation; and the second relates only to collocation.

18  
19 The first issue regarding interconnection and collocation relates to the need for self-

1           executing remedies and penalties that are distinct from the anti-backsliding remedies  
2           being contemplated in the ROC process. I have been involved in representing ELI's  
3           interests in the proceeding under section 271 presently under way in the state of Arizona.  
4           In that proceeding, Qwest has committed to ensure that facilities are available for  
5           interconnection with CLECs so long as the CLEC has previously forecast a need for the  
6           requested facilities. This commitment is of critical importance to ELI. Nevertheless,  
7           Qwest has thus far refused to agree to any form of penalties or other enforcement  
8           mechanisms to guarantee that Qwest will live up to its commitment. Without  
9           performance guarantees, Qwest's "commitment" is meaningless. In addition, Qwest has  
10          also committed to providing collocation facilities, including virtual, caged, cageless, and  
11          adjacent collocation, within specific timeframes, but again, these commitments remain  
12          meaningless without contractual remedies for non-compliance.

13  
14          ELI proposes that the Commission require Qwest to agree to appropriate and significant  
15          self-executing penalties to enforce these obligations. Such penalties could take the form  
16          of a reduction and/or cancellation of non-recurring installation and recurring monthly  
17          charges. Only if Qwest faces immediate and significant negative consequences for its  
18          failure to perform will Qwest have the necessary incentives to comply with its SGAT

1 obligations to provide interconnection and collocation on nondiscriminatory terms.

2  
3 With respect to the second issue, Qwest has committed in the Arizona Section 271  
4 proceedings to ensure that collocation facilities are available within 90 days. The FCC  
5 recently modified that interval to 90 days from the date the CLEC requests collocation, as  
6 opposed to 90 days after the CLEC accepts Qwest's price quote, subject to different  
7 intervals adopted by state commissions. Rules promulgated by the Utah Public Service  
8 Commission require provisioning of collocation facilities within 45 days of the CLEC's  
9 acceptance of the quote, as does the collocation rule this Commission has proposed. ELI  
10 supports this interval, which is comparable to, if somewhat shorter than, the 90 day  
11 interval the FCC adopted. ELI, therefore, recommends that Qwest be obligated to  
12 provide collocation facilities in Washington within 45 days of the CLEC's acceptance of  
13 Qwest's price quote.

14 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

15 **A.** Yes, it does.