

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

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| 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 |) | |
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| In the Matter of U S WEST Communications, |) | Docket No. UT-003040 |
| Inc.'s Statement of Generally Available |) | |
| Terms Pursuant to Section 252(f) of the |) | ELI COMMENTS ON |
| Telecommunications Act of 1996 |) | QWEST COMPLIANCE WITH |
| _____ |) | COMMISSION ORDERS |

Electric Lightwave, Inc. (“ELI”), provides the following comments on whether Qwest Corporation’s (“Qwest’s”) Statement of Generally Available Terms (“SGAT”) complies with the Commission’s orders to date in this proceeding. As discussed more fully below, several SGAT provisions are not in compliance with those orders, and the Commission should require Qwest to amend those provisions before the Commission approves the SGAT.

DISCUSSION

A. Interconnection Facilities

SGAT section 7.3.1.1.2 governs the applicable rates for entrance facilities used for both local interconnection and private line or special access services. The Commission required Qwest to apply TELRIC rates to the portion of the facility used for local interconnection and special access rates for the portion used for private line or special access service. *E.g.*, 26th Supp. Order at 66. Qwest’s proposed compliance SGAT language fails to comply with the Commission’s order in at least two respects:

- (1) Qwest proposes to price all spare capacity on a facility at the tariff rate. Such spare

capacity should be priced in proportion to the relative use so that if 30% of the facility is used for local interconnection, for example, 30% of the spare capacity should be priced at TELRIC rates.

(2) Qwest has added language that would make proportionate pricing applicable only for facilities obtained from Qwest's *intrastate* tariff. The Commission's order contains no such limitation. If the CLEC obtains the DS3 out of Qwest's FCC Tariff, those tariff rates – not the rates in Qwest's intrastate tariff – should apply.

Attached to these comments is revised proposed language that modifies Section 7.3.1.1.2 in Qwest's April 5, 2002 SGAT to comply with the Commission's orders. The Commission should adopt this language, rather than the nonconforming language that Qwest has proposed.

B. Obligation to Build

ELI concurs in the discussion and proposed revisions to SGAT language in AT&T's comments on Qwest's failure to comply with the Commission's orders on Qwest's obligation to build facilities for CLECs.

CONCLUSION

Qwest is not in compliance with Commission orders to date in this proceeding with respect to the issues discussed above. The Commission, therefore, should not approve the SGAT until Qwest makes the revisions that ELI (and other parties) have proposed.

DATED this 16th day of April, 2002.

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