

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest
Corporation for Arbitration with Eschelon
Telecom, Inc. Pursuant to 47 U.S.C. Section
252 of the Federal Telecommunications Act of
1996**

Docket No. UT-063061

EXHIBIT DD-2 TO

**DIRECT TESTIMONY OF DOUGLAS DENNEY
ON BEHALF OF ESCHELON TELECOM, INC.**

SEPTEMBER 29, 2006

http://www.qwest.com/wholesale/downloads/2005/050926/Escalation_Eschelon_092605_1E35.doc

From: Johnson, Bonnie J.
Sent: Monday, September 26, 2005 10:19 AM
To: 'cmpesc[CONTACT INFORMATION REDACTED]
Cc: Johnson, Bonnie J.
Subject: Eschelon Escalation PROS.09.01.05.F.03204.Design_Chgs_Unbundld_Loop

- **Description of item being escalated:** Qwest is attempting to implement new rates via a process change through CMP. Qwest cannot implement new charges to CLEC or change the application of rates through a process change notice.
- **History of item:** CMP Notice PROS.09.01.05.f.03204.Design_Chgs_Unbundled_Loop identified:

"Qwest will commence billing CLECs non-recurring charges for design changes to Unbundled Loop circuits. Among the charges for the design change that will be billed, the following activities will generate a non-recurring design change charge per occurrence:

- *Connecting Facility Assignments (CFA) change*
- *Circuit Reference (CKR) change*
- *CKL 2 end user address change on a pending LSR*
- *Service Name (SN) change*
- *NC/NCI Code change on a pending LSR*

Charges for the design change will be billed via Qwest's Customer Records Information System (CRIS) beginning October 1, 2005 and may appear as early as your October billing statement. These charges will be displayed as a separate line item with charges for other ancillary services that you are already being billed for by Qwest.

Design changes will be billed for non-recurring charges at the rate found in the miscellaneous elements of Exhibit A or the specific rate sheet in your Interconnection agreement."

The design change charge was not designed for loops. Qwest's own language in its FCC tariff describes this charge as applicable to transport facilities. The cost studies, upon which the rates in Exhibit A are based, were also designed with unbundled transport facilities in mind. These cost studies refer to ASR's, EXACT and IAB's, which are systems used for transport facilities, not unbundled loops. Therefore, the cost Qwest wishes to apply for design changes on loops are based on a that was performed for a different product, process and systems. [See cost dockets: AZ: T-00000A-00-0194, Phase II; CO: 99A-577T; UT: 00-049-105; and WA: UT-003013, Part D; The rate in Exhibit A for OR comes from a cost study in docket UM 1025, which was also designed for transport facilities, but has not been approved by the Commission for either transport or unbundled loops.] It is inappropriate for Qwest to attempt to apply this charge for Loops, LSR's and CRIS billing. In addition, Qwest is attempting to apply this to activity which does not cause Qwest to reengineer or redesign the circuit. Qwest's application of the rate is more broad than for which the design change charge was intended.

- **Reason for Escalation:**

Qwest is attempting to implement new rates outside of a CLECs ICA, through a process change in CMP. Qwest is attempting to apply a rate designed for a specific product to products, processes, systems and activities the rate was not meant for.

- **Business need and impact:**

See above.

- **Desired CLEC resolution:**

Qwest should withdraw this notice. Qwest should obtain Commission approved rates for design change charges on Loops. When Qwest obtains Commission approved rates, CLEC's ICA's dictate the action Qwest can take to implement those Commission approved rates.

- **CLEC contact information including Name, Title, Phone Number, and e-mail**

address: Bonnie Johnson, Director of Carrier Relations [CONTACT INFORMATION REDACTED],
[\[CONTACT INFORMATION REDACTED\]](#)

- **CLEC may request that impacted activities be stopped, continued or an interim solution be established:**

Eschelon requests Qwest stop the activities that will impact CLEC's billing.

Bonnie J. Johnson
Director Carrier Relations
Eschelon Telecom, Inc.
[CONTACT INFORMATION REDACTED]

http://www.qwest.com/wholesale/downloads/2005/050926/092605_1E35_Escalation_acknowledgment_and_response.doc

From: Harlan, Cynthia [CONTACT INFORMATION REDACTED]
Sent: Monday, September 26, 2005 5:58 PM
To: Johnson, Bonnie J.
Cc: Harlan, Cynthia; Cmp, Escalation; Huff, Loretta; Lorence, Susan; Martain, Jill
Subject: Escalation Acknowledgment and Response: Eschelon Escalation 092605-1E35

Bonnie,

This is to acknowledge receipt of your escalation 092605-1E35 submitted Monday, September 26, 2005 received 9:19 a.m.

This acknowledgement is being sent at approximately 5:00 p.m. MT September 26, 2005.

In addition, Qwest has included our response to this escalation in this email.

Qwest's Response:

Qwest received an Escalation from Eschelon on September 26, 2005 at 9:19 a.m.

Qwest has reviewed the escalation and determined that this item is outside the scope of CMP. The notice that is in question (PROS.09.01.05.F.03204.Design_Chgs_Unbunbld_Loop) is a non CMP notice as it relates to charges contained in your Interconnect Agreement. Please contact your Service Manager for additional information or follow the appropriate contract dispute procedures.

Thank you,
Cindy Harlan

Cindy Harlan
Wholesale Change Management
Qwest
[CONTACT INFORMATION REDACTED]