Much of the pricing for subloop elements remains to be initially determined by Qwest. Qwest should complete the design of its pricing in accord with these requirements.

The timing issue remains to be resolved. AT&T made a valid argument that determining ownership should take only a nominal time period after the issue has already been raised by another CLEC at the same MTE. Moreover, where a CLEC can provide Qwest with a written statement setting forth a reasonably clear, supported, and complete basis for a claim that the MTE owner also owns the on-premises wiring, the period should be reduced. The provision of such information will provide Qwest with information that should help it to narrow the activities necessary to make a reasonable investigation of ownership.

Therefore, SGAT Section 9.3.5.4.1 should be revised to include at its end the following sentence:

> *In the event that there has been a previous determination of on-premises wiring ownership at the same MTE, Qwest shall provide such notification within two (2) business days. In the event that CLEC provides Qwest with a written claim by an authorized representative of the MTE owner that such owner owns the facilities on the customer side of the terminal, the preceding ten (10) day period shall be reduced to five (5) calendar days from Qwest's receipt of such claim.*

5. Intervals

In the event of non-acceptance of its previous arguments about the FCP process, AT&T asked that, for the determination of on-premises wire ownership and the inventorying of circuit terminations, the longest interval for determining ownership and inventorying be not greater than 15 days. AT&T noted that Qwest discussed intervals of up to 30 days for open building terminals and 45 days for closed building terminals.[77]

Qwest began its response on the interval question with a defense of the 10 calendar-day period for determining ownership, which Qwest said was less than the 10 business days to which it was entitled to have under the *MTE Order*.[78] Qwest said that it would, upon completion of the ownership determination, take up to five days for performing an inventory (but only if it were for the first LSR for subloop access at an MTE). Qwest argued that this one-time per-MTE interval for basic infrastructure reasons, which could take up to 15 days, was reasonable and unlikely to delay CLECs, who have their own work (e.g., placing the CLEC terminal and running conduit to the Qwest terminal) to do in any case.[79]

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[77] AT&T Brief at page 48.

[78] Qwest Brief at page 48, citing First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98, and Fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88-57, *In the Matter of Promotion of Competitive Networks in Local Telecommunications Markets, Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed to Provide Fixed Wireless Services, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network*, CC Docket No. 96-98 & 88-57, FCC 00-366 (Rel. October 25, 2000) ("*MTE Order*") ¶ 56.

[79] Qwest Brief at pages 49 and 50.

Qwest also noted that AT&T did not specifically criticize the standard collocation interval of 90 days where the SGAT required FCPs. Qwest noted that it had eliminated the FCP requirement for building MTE terminals, limiting it to detached terminals.[80]

Proposed Issue Resolution: FCP requirements have been eliminated for on-premises wiring access in a number of MTE situations; the LSR requirements have been eased; the need for a facility inventory is no longer a prerequisite to LSR issuance; and much of AT&T's argument regarding facility inventorying has been accepted. There is therefore no reason to consider added relief on the issue of intervals.

6. Requirement for Qwest-Performed Jumpering at MTEs

The pre-filed testimony and comments of the parties addressed jumpering generally; i.e., not specifically in the context of MTEs. AT&T argued that the SGAT Section 9.3.6.4 requirement that Qwest run the jumpers from subloop elements or disconnect Qwest equipment allows for abuse by Qwest.[81] Qwest objected to changing the provision, which it said was consistent with the practice of other RBOCs, and which it said was consistent with legal precedent addressing the ability of ILECs to segregate their equipment in collocation contexts.[82] Qwest said that, because segregation was not realistic at FDIs, allowing only Qwest technicians' access to the FDIs for jumpering constituted a reasonable substitute.

The subject of making connections at MTEs occasioned much testimony at the workshop. Qwest agreed to eliminate a distinction that it had been making between enclosed and open terminals that were located in MTE buildings. Qwest agreed to allow CLECs to make connections and to eliminate the requirement of an FCP in either type of terminal.

Qwest also agreed to eliminate requirements that CLECs establish at MTE terminals the separate cross connect field that Qwest earlier required, in order to avoid technician uncertainty about facility ownership.[83] Qwest noted that it had already exceeded requirements by allowing CLECs to run the jumpers at in-building MTE terminals. Qwest was not willing to extend this approach to other MTE terminals; its systems would not support it there.[84]

Proposed Issue Resolution: The recommended solution to the first unresolved subloop issue, *Subloop Access at MTE Terminals*, provided for a case-by-case analysis of the needs and circumstances associated with unique and varying outside plant configurations and conditions. That recommended solution included issues associated with jumpering. The record here does not support allowing CLECs to perform such work outside the context of in- or on-building MTE terminals. However, CLECs can request such authority as described under the first issue and it should be granted to them where its propriety can be supported by showings made in the context of specific requests.

[80] Qwest Brief at page 50.
[81] AT&T Comments at page 24.
[82] Stewart Rebuttal at page 29, citing *GTE v. FCC*, 205 F.3d 416 (D.C. Circuit 2000).
[83] Qwest Brief at page 37.
[84] Qwest Brief at page 52.

7. Expanding Explicitly Available Subloop Elements

AT&T argued that the SGAT fails to provide the depth and scope of treatment that is required to reflect the FCC's treatment of subloop unbundling. AT&T began by noting the definition adopted by the FCC:

> *We define subloops as portions of the loop that can be accessed at terminals in the incumbent's outside plant. An accessible terminal is a point on the loop where technicians can access the wire or fiber within the cable without removing a splice case to reach the wire or fiber within.*[85]

Therefore, AT&T argued, the SGAT must address the full range of subloop elements and access points contemplated by the FCC, which AT&T listed as including the following, along with any other technically feasible subloop element or access point:

Distribution Facilities	Feeder Facilities
Feeder/Distribution Interface (FDI)	Minimum Point Of Entry (MPOE)
Network Interface Device (NID)	Riser Cable In Multistory Buildings
Inside Wire	Peripheral Distribution Facilities
Wire Closets	Digital Loop Carrier Cabinets
Single Point of Interface (SPOI)	Central Office Terminal, COSMIC or MDF
Pole or Pedestal	

The following comment summarizes AT&T's overall view of the required SGAT content in the area of subloops: [86]

> *Qwest uses a wide variety of equipment types, configurations, and media in its local network. To adequately address all configurations that a CLEC may need to access, Qwest must present both general and specific obligations to cover the CLEC's range of subloop needs.*

AT&T also objected to the requirement that access other than through the "standard" means prescribed by SGAT Section 9.3.4 be decided through the BFR process. AT&T argued that this process should be limited to deciding technical feasibility, which is not at issue for subloop elements where the FCC has already determined technical feasibility. AT&T recommended that the SGAT be changed to provide for access to all available subloop elements.[87]

Qwest responded that it agreed to provide access to subloop elements at all technically feasible points and accessible terminals. It said that, given the "very limited" demand for subloops to date and the very large number of potential subloop access points, it would be impractical to develop standard offerings for more than the most likely expected circumstances.[88] Qwest recommended that the SGAT's remote-premise collocation provisions be used to establish clear demarcation points for subloop elements and access.

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[85] *UNE Remand Order* at ¶ 206.
[86] AT&T Comments at page 11.
[87] AT&T Comments at page 23.
[88] Stewart Rebuttal at pages 9 and 10.