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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of U S WEST Communications, Inc.'s Statement of Generally Available Terms pursuant to Section 252(f) of the Telecommunications Act of 1996)	Docket No. UT-003040
)	U S WEST'S COMMENTS REGARDING ITS STATEMENT OF GENERALLY AVAILABLE TERMS AND CONDITIONS
)	
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)	

I. INTRODUCTION

U S WEST Communications, Inc. ("U S WEST") hereby files its comments on its Statement of Generally Available Terms and Conditions For Interconnection, Unbundled Network Elements, Ancillary Services, and Resale of Telecommunications Services in Washington ("SGAT") in response to the Commission's May 8, 2000 Notice of Workshop.

In the Notice of Workshop, the Commission asked for comments on the following:

The process for review of the SGAT;

The timeframe for such review;

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The nature of the evidence required for the review; and

The nature of the SGAT, *e.g.*, is it a tariff or should it be treated as a tariff.

U S WEST hereby responds to these questions.

The process for review of the SGAT is most efficiently conducted through three dockets: the 271 docket, the cost docket and the SGAT docket. The 271-related issues should be dealt with in the 271 proceeding. The costs and rates issues should be dealt with in the cost docket. Any remaining issues should be dealt with in this SGAT docket. There is no time limit within which the Commission must complete its review of the SGAT. It should allow the SGAT to go into effect immediately for maximum benefit of CLECs and the public and for efficiency in the 271 docket, and it should conduct a deliberate review of the SGAT in the three SGAT-related dockets. Finally, the SGAT is not a tariff, nor should it be treated as one; it is instead U S WEST's standard interconnection offering. It is also a creature of federal statute; that statute describes its characteristics and the scope of its review.

II. BACKGROUND

U S WEST submitted its SGAT, in part, to ensure that it has a "concrete and specific obligation" to provide each Section 271(c)(2)(B) checklist item upon request. U S WEST's SGAT contains terms, conditions and prices that permit competitive local exchange carriers ("CLECs") to obtain interconnection, access to unbundled network elements and services for resale, among other things, pursuant to the Telecommunications Act of 1996, 47 U.S.C. § 151 *et seq.* (the "Act"). It constitutes a comprehensive document where U S WEST sets forth its standard contract offering for each item required under Sections 251 and 271 of the Act. The

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SGAT, unlike current Commission approved interconnection agreements, (which in many instances are years old), contains provisions for new services per recent FCC's orders, such as, line sharing, high capacity loops, and UNE Combinations. Moreover, the SGAT demonstrates U S WEST's commitment to comply with the requirements of Section 271 of the Act so that it may ultimately provide in-region interLATA service in Washington.

U S WEST's filing of its SGAT triggered the 60-day period during which the Commission may review the SGAT or simply allow it to take effect. See 47 U.S.C. § 252(f)(3). To permit competitors to compete immediately with U S WEST and to pass the benefits of competition on to Washington consumers, U S WEST requests that the Commission permit the SGAT to take effect immediately for purposes of reviewing U S WEST's application to provide in-region interLATA service in Washington pursuant to 47 U.S.C. § 271. The Commission can then review the SGAT, pursuant to Section 252(f)(4), during the course of the scheduled 271 collaborative workshops.

DISCUSSION

A. The Process for SGAT Review

This Commission is able to tailor its review process in the name of efficiency and public interest. The Act does not prescribe the actual process aside from the following:

- if the review is not completed within 60 days, the SGAT automatically goes into effect;
- however, the Commission retains jurisdiction to review and approve or disapprove;
- this Commission must review the SGAT for compliance with section 252 (d), which addresses interconnection pricing, and section 251;

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this Commission may establish or enforce state law requirements so long as such requirements are not improper barriers to entry.

Thus, the Commission is free to conduct a deliberate review of the SGAT in a manner that suits the public interest. The best method for reviewing the SGAT is to divide the review into the three SGAT-related dockets: the 271 docket, the cost docket and this SGAT docket.

The 271 issues in the SGAT should be reviewed in the 271 docket. This maximizes efficiency. The SGAT is the most up-to-date statement of U S WEST's legal obligations under section 271 (U S WEST will allow any CLEC to opt into any provisions or portions of the SGAT in a manner that maintains the context by executing an appropriate amendment to the current Interconnection Agreement). Thus, review of the SGAT for checklist compliance is more efficient than the review of numerous and possibly outdated interconnection agreements. Because the 271 issues in the SGAT will be reviewed in the 271 docket, such issues should not be reviewed again in another docket. This is the process chosen by the commissions in Arizona and Colorado.

The pricing issues in the SGAT should be reviewed in the cost docket. That docket is obviously best suited to the task.

Finally, in the SGAT docket, the Commission should take comments on whether there are any non-271 and non-pricing issues requiring alteration of the SGAT. Any such issues should be decided in the SGAT docket. Again, this is the method chosen in Arizona and Colorado.

B. Timeframe

While it is true that, absent a completed review by the Commission, the SGAT

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automatically goes into effect 60 days after its filing on April 28, 2000, the Commission is free to continue its review beyond such point in time. State commissions in Arizona, Nebraska, and Colorado – every state where U S WEST filed an SGAT more than 60 days ago – permitted the SGAT to take effect subject to ongoing review.

For many reasons, the Commission should permit the SGAT to take effect immediately and, like commissions in other states (*e.g.*, Arizona and Colorado), review portions of the SGAT relevant to the Section 271 process in the context of the workshops on each checklist item. First, allowing the SGAT to take immediate effect will benefit CLECs that currently do not have interconnection agreements with U S WEST. Those carriers would be able to begin offering service more quickly by adopting the SGAT under Section 252(i) of the Act. Anything other than allowing the SGAT to take immediate effect may delay these benefits and the benefits of competition, generally.

Second, permitting the SGAT to take immediate effect will benefit CLECs that already have interconnection agreements, but whose agreements are dated and do not reflect the CLEC's current market needs, or do not reflect U S WEST's most recent interconnection, unbundled element, and resale offerings. If the Commission will allow the SGAT to take effect, U S WEST is committed to working with CLECs to immediately amend their interconnection agreements to reflect some or all of its terms and conditions. This will permit CLECs to obtain the benefits of the SGAT's updated offerings, without going through the cumbersome process of negotiating new or amended agreement language., U S WEST would also recommend that CLEC addenda (that

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only incorporate SGAT provisions in a manner that maintains the context) be allowed to go into effect immediately without waiting for Commission filing and review. U S WEST would still provide copies of such addenda to the Commission. Under U S WEST's recommended approach, all CLECs will have the opportunity to obtain access to facilities and services that reflect U S WEST's most current offerings by simply "adopting" these provisions in the SGAT into their interconnection agreement.

Third, allowing the SGAT to take effect immediately in no way impairs the Commission's ability to continue to review its provisions. Section 252(f)(4) states: "[Section 252(f)(3)] shall not preclude the State commission from continuing to review a statement that has been permitted to take effect, under subparagraph (B) of such paragraph or from approving or disapproving such statement under [Section 252(f)(2)]." 47 U.S.C. § 252(f)(4). Commissions in Arizona, Nebraska, and Colorado allowed the 60-day review period to run and for U S WEST's SGAT to take effect, but continued their review of those provisions. See 47 U.S.C. § 271(c)(2)(B). This process permits interested CLECs to weigh in on the SGAT provisions and for the parties to negotiate resolution, where possible.

Fourth, delaying the effective date of the SGAT may delay the 271 process because of the difficulty of reviewing numerous interconnection agreements in lieu of the SGAT and because some checklist items are not addressed in any existing interconnection agreements, *e.g.*, new UNEs. Permitting the SGAT to take immediate effect will ensure that the current schedule is not derailed. U S WEST is relying on its SGAT to prove compliance with the Act and certain FCC regulations, as required under Section 271. For ease of Commission review, U S WEST

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previously submitted a matrix as Attachment A to its Initial Brief regarding the SGAT, that displays where each checklist item is addressed in the SGAT.

Finally, no CLEC will be prejudiced by this approach. They will immediately reap the benefits of U S WEST's SGAT by having another interconnection option to choose from and, to the extent they object to its terms, those objections can be addressed in the Section 271 workshops the Commission is conducting. On the other hand, if a CLEC wants to continue under its current interconnection agreement, U S WEST understands that it is contractually obligated to abide by the terms of such agreements and will continue to do so. Thus, the SGAT does nothing to change U S WEST's current legal obligations and adds an additional option that CLECs can consider in determining whether to modify their existing contract.

C. Evidence

The evidence will vary depending on the docket and the issue. Evidence will come into the 271 docket on the SGAT issues per the workshop procedures laid out in that docket. Evidence will come into the cost docket on the SGAT rates in the manner typical of cost dockets. Finally, if any issues remain, the evidence on them will be introduced into the SGAT docket. The nature of such evidence will not be known until intervenors comment on the issues they seek to raise.

D. The Nature of the SGAT

The SGAT is a unique creature of the 1996 federal Telecommunications Act. It is described primarily in section 252 and governed primarily by that section as well as sections 251 and 271. Pursuant to section 252, some state law requirements may also come into play as well.

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The SGAT is essentially U S WEST’s most current statement of its legal obligations regarding interconnection. It is in fact a standing interconnection contract offer to Washington CLECs. It is not a tariff and should not be treated as one. Instead, it should be treated as the unique federal statutory creature that it is, and it should be governed by its federal statute of origin.

IV.CONCLUSION

The SGAT review process that best serves the public interest involves all three SGAT-related dockets -- the 271 docket, the cost docket and this SGAT docket – each of which is uniquely suited to particular SGAT issues. Moreover, the Commission should allow the SGAT to go into effect immediately in order to benefit CLECs and to maximize efficiency in the 271 docket. Nevertheless, the Commission is free to continue its review beyond the date on which it allows the SGAT to go into effect.

Respectfully submitted,

Steven R. Beck
Senior Attorney
U S WEST Law Department
1801 California Street
Suite 5100
Denver, CO 80202
(303) 672-2736

Kara M. Sacilotto
Perkins Coie LLP
607 Fourteenth Street, N.W.

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Washington, D.C. 20005-2011
(202) 434-1633

Attorneys for U S WEST Communications, Inc.