



Adam Walczak
Docket Manager
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1875 Lawrence Street
Room 14-41
Denver, CO 80202

September 17, 2004

Via Overnight Delivery

Ms. Carole J. Washburn
Executive Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Dr. S.W.
P. O. Box 47250
Olympia, Washington 98504-7250

Re: Docket No. UT-041127

Dear Ms. Washburn:

Enclosed is the original signature of Mitchell H. Menezes to his Affidavit that was attached to the Joint Petition filed electronically on September 17, 2004 in the above referenced docket. Copies are being sent under separate cover.

Very truly yours,


Adam Walczak

Enclosure

RECEIVED
RECORDS MANAGEMENT
04 SEP 20 AM 9:33
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

04 SEP 20 AM 9:33

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

In the Matter of)
) DOCKET NO. UT- 041127
THE JOINT PETITION FOR)
ENFORCEMENT OF) **AFFIDAVIT IN SUPPORT OF**
INTERCONNECTION AGREEMENTS) **JOINT PETITION**
WITH VERIZON NORTHWEST, INC.)
(a/k/a GTE))

AFFIDAVIT OF MITCHELL H. MENEZES

1. I, Mitchell H. Menezes, being duly sworn and on oath state, I am a Senior Commercial Attorney for AT&T Corp. operating in its Western Region, which includes the State of Washington, among others.

2. As a Senior Commercial Attorney, my job responsibilities include negotiating, understanding and enforcing interconnection agreements with incumbent local exchange carriers ("ILECs"), including Regional Bell Operating Companies ("RBOCs").

3. I am familiar with the interconnection agreement between AT&T Communications of the Pacific Northwest, Inc. and Verizon Northwest, Inc. (formerly GTE Northwest, Inc.). The Washington Commission approved this agreement in Docket No. UT-960307 and it is the agreement at issue in this proceeding.

4. As asserted in the Petition, by notice dated June 8, 2004,¹ Verizon informed AT&T and others of its plan to replace its “existing Mount Vernon class 5 Nortel DMS-100 switch with a Nortel Succession packet switch.” The Notice went on to inform AT&T and others that Verizon in its view was not required to provide unbundled packet switching under the Federal Communications Commission’s (“FCC’s”) Triennial Review Order (“TRO”) and that Verizon would therefore not provide unbundled packet switching at Mount Vernon beginning September 10, 2004. Verizon planned to and, to my understanding has, moved all CLEC customers from the UNE platform to the resale platform. This notice is attached to the Joint Petition for Enforcement.

5. In response to Verizon’s notice, AT&T sent the letter contained in **Attachment 2** to this affidavit inviting Verizon to discuss the switching issues and invoking the necessary contract provision under which such discussions are to take place. Verizon’s letter responding to AT&T’s invitation is contained in **Attachment 3** to this Affidavit, and it essentially states that Verizon will not negotiate the issue.

6. AT&T’s interconnection agreement with Verizon requires Verizon to provide unbundled network elements, including unbundled switching and to comply with the necessary change-in-law provisions, among others, where it seeks to alter its obligations. *See Attachment 4* to this Affidavit (a copy of the relevant sections). While AT&T does not currently serve customers out of the Mount Vernon central office, its interconnection agreement does not draw distinctions for the provision of UNEs based upon where AT&T actually has customers at any given point in time, nor does it allow

¹ Verizon subsequently sent, by facsimile on June 14th, a letter, dated June 7, 2004, to AT&T in substantially the same form as the June 8th notice. The June 7, 2004, letter is attached hereto as **Attachment 1**.

Verizon to act unilaterally to discontinue the provision of UNEs under such circumstances.

7. By discontinuing the provision of UNE-P in the Mount Vernon central office, by failing to negotiate and by failing to comply with either the change-in-law provisions or the network modification provisions, Verizon has breached its contract with AT&T.

Dated this 17th day of September, 2004.

September 17, 2004
Date

Mitchell H. Menegys
Signed

Signed and Sworn before me this 17th day of September, 2004.



My Commission Expires 5-3-06

Cassandra J. Rushing
Notary Public in and for the State of Colorado
Address 1875 Lawrence St., Denver CO 80202
My commission expires on 5-3-06

CERTIFICATE OF SERVICE

Docket No. UT-041127

I hereby certify that on the date given below the original Affidavit in Support of Joint Petition was sent by overnight delivery to:

Ms. Carole J. Washburn, Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

DATED this 17th day of September, 2004.

By: Adam Walczak
Adam Walczak