

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of Review of)
Unbundled Loop and Switched Rates)
And Review of Deaveraged Zone) Docket No. UT-023003
Rate Structure)
)
)

**RESPONSE OF VERIZON NORTHWEST INC.
TO STAFF'S MOTION TO COMPEL COMPLIANCE
WITH THIRD SUPPLEMENTAL ORDER**

Pursuant to the Commission's notice dated May 15, 2003, Verizon Northwest Inc. ("Verizon") respectfully submits this response to the "motion to compel" filed by Commission Staff on May 14, 2003. For the reasons stated below, Verizon urges the Commission to deny Staff's motion, or to dismiss it as moot.

Staff seeks to compel compliance with a supposed deadline in the *Third Supplemental Order* in this docket for the filing of Verizon's average loop length study. No such deadline exists. For its argument, Staff relies upon (but does not provide any supporting citation to) Appendix A of that order. But that appendix merely lists the issues to be addressed in this proceeding:

The Part E issues to be addressed in the New Generic Case are listed below, including citations to the relevant paragraph sections in the Part B Order . . . ¶ 61. **Qwest and Verizon. Updated Loop Length Data.** Both ILECs are required to file updated average loop length data.

(Emphasis in original.) Nothing in this statement (or in the paragraph of the *Part B Order* referred to therein) requires Verizon to file this data in advance of the testimony filing deadlines prescribed for this proceeding. Nor does Staff's Data Request No. 5,

which it also cites, require the production of average loop length studies until such time as “they become available.” *See* Staff Motion at 2 (quoting data request). This is hardly surprising, since data requests are to be used to seek “extant documents,” not studies yet to be completed. *See* WAC 480-09-480.

The Commission has required loop length studies for two purposes: (1) to “validat[e] the reasonableness of [a] model’s results by comparing actual to estimated loop lengths,” particularly for “proxy model sponsors,”¹ and (2) to validate work time estimates for loop conditioning, in the second phase of this proceeding relating to NRCs.² There is no need for this data for either purpose prior to the rebuttal phase of this proceeding, and Staff has provided no explanation to Verizon (either in its motion or prior to filing it) as to why the data might be needed “in order to prepare its testimony” in advance of that phase. *See* Staff Motion at 3.³

But in any event, Staff’s motion was wholly unnecessary. Staff seeks production of Verizon’s study by May 30, 2003. By that date, Verizon will have completed the new loop length study for 89 of Verizon’s 99 wire centers in the state, encompassing more than 98% of all of its loops in Washington. Verizon has no objection to providing Staff with those results by the date requested. Verizon has not been able to obtain reliable data for the remaining 10 wire centers (less than 2% of loops), but will supplement its response promptly as soon as such data becomes available.

¹ *Ninth Supplemental Order on Clarification* part VII; *Eighth Supplemental Order* ¶ 227 (Docket Nos. UT-960369 *et al.*).

² *Thirty-Second Supplemental Order; Part B Order* ¶ 61 (Docket No. UT-003013).

³ Indeed, if Staff truly had a compelling need to obtain this data prior to June 6, it certainly would not have waited until April 29, 2003, to inquire about the matter. *See* e-mail from Tom Spinks to Joan M. Gage re Staff DR, April 29, 2003.

In short, Verizon has proceeded in good faith to conduct the study and assemble the data as directed by the Commission. It has done so in accordance with Verizon's additional obligation simultaneously to prepare completely new cost studies for filing in this docket by June 26, for which the same Verizon Service Costs personnel are responsible (as well as similar cost studies in California, South Carolina, and Illinois). That Verizon's initial estimate last fall of the time it would take to complete this project proved optimistic is due to the new and untested data gathering methodology for these studies, and the numerous steps Verizon has taken to ensure that the data it provides is accurate.⁴ As noted above, completing the study in accordance with the foregoing timetable is fully consistent with the Commission's requirements.

For these reasons, Staff's motion to compel compliance with the *Third Supplemental Order* should be denied, or dismissed as moot.

Respectfully submitted,

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⁴ In reviewing this data, Verizon has been required to verify its reliability in a number of respects—ensuring, for example, that the averages are accurately computed by matching the correct loops with each wire center associated with them.