

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**In the Matter of the Investigation into
U S WEST COMMUNICATIONS, INC.'S
Compliance with Section 271 of the
Telecommunications Act of 1996**

Docket No. UT-003022

**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

**QWEST CORPORATION'S NOTICE OF UPDATED STATEMENT OF
GENERALLY AVAILABLE TERMS AND CONDITIONS AND NOTICE OF
PROCEDURES FOR COMPLIANCE WITH SECTION 272(e)(1)**

Qwest Corporation (“Qwest”), submits this notice of its updated Statement of Generally Available Terms and Conditions (“SGAT”) and Notice of Procedures for Compliance with Section 272(e)(1), along with the SGAT itself, which is attached.¹ Qwest respectfully requests that the Commission allow this version of the SGAT to go into effect within 60 days, pursuant to section 252(f)(3)(B) of the Telecommunications Act of 1996, 47 U.S.C. § 252(f)(3)(B).

I. INTRODUCTION

On March 22, 2000, Qwest filed its original SGAT with the Commission pursuant to Section 252(f) of the Telecommunications Act of 1996 (“Act”). Since then, Qwest and competitive local exchange carriers (“CLECs”) throughout Qwest's 14-state region have participated in a collaborative process to explore and resolve literally hundreds of issues relating to specific provisions of Qwest's

¹ For the convenience of the Commission, Qwest is attaching both a “clean” version of the current SGAT that Qwest wishes to take effect, along with a red-lined SGAT that reflects the changes between the present submission and the last updated SGAT, which Qwest filed on April 5, 2002.

proposed SGAT in connection with Qwest's intent to enter in-region interLATA long distance markets in states throughout Qwest's 14-state region under Section 271 of the Act. This process has included the convening of numerous workshops where the parties have engaged in formal and informal discovery and submitted testimony, comments, and legal briefing—all of which ultimately lead either to consensus or to an order or recommendation of a state commission. To date, the process has been, by any measure, extremely successful in that the parties have been able to resolve the vast majority of disputed issues. In addition to the current filing, this collaborative process has resulted in four prior SGAT revisions, which were filed on June 29, 2001; September 21, 2001; January 29, 2002; and April 5, 2002.

As discussed further below, the SGAT attached to this Notice is intended to comply with the Commission's recently issued *31st Supplemental Order Granting Qwest's Petition for Reconsideration of the 24th Supplemental Order and Granting and Denying Petitions for Reconsideration of the 28th Supplemental Order*, Docket Nos. UT-003022 and 003040, April 15, 2002 ("*31st Supplemental Order*"). In response to the *31st Supplemental Order*, this pleading also provides notice of the procedures Qwest will use to comply with Section 272(e)(1).

II. DISCUSSION

A. SGAT Revisions Made to Comply with the *31st Supplemental Order*.

As noted above, the Commission issued its *31st Supplemental Order* since Qwest's most recent SGAT revision. Like the reports and orders of other state commissions investigating Qwest's Section 271 checklist compliance, the *31st Supplemental Order* recommended a number of changes to Qwest's SGAT. Qwest has modified the accompanying SGAT to comply with this order.² Qwest also notes that there are many instances where the Commission had recommended a modification that had already been implemented or otherwise approved the SGAT language as written—so no revision marks are shown in the red-lined SGAT.³

² See Changes resulting from *31st Supplemental Order* in SGAT §§ 9.2.2.8; 9.3.3.5; 9.5.2.5; 18.1.1.

³ See SGAT §§ 5.9.1.2; 9.3.5.1.1; 9.3.5.4.1; 9.7.2.9; 9.23.3.7.1.

Qwest also notes that it made a pair of changes to the SGAT that were not suggested by the 31st *Supplemental Order*. Specifically, in Section 10.2.5.3.1, Qwest has changed the phrase “try to ensure” to “use its best efforts to ensure” in relation to number portability and the disconnection of an End User’s service. This was language change was made in the Arizona SGAT in accordance with a recent recommendation of the Arizona Commission, and Qwest has agreed to carried the change forward to Washington. Qwest has also modified Section 10.4.4.2, by changing “Interconnect and Resale Source Guide” to “PCAT” to reflect the fact that the IRRG is now known as the PCAT.

B. Notice of Procedures for Compliance with Section 272(e)(1).

Pursuant to the Commission’s 31st *Supplemental Order*,⁴ Qwest describes below the procedure it will use after receiving Section 271 approval to format and make available to other carriers the data necessary to verify its compliance with Section 272(e)(1).

In its 31st *Supplemental Order*, the Commission has confirmed that the FCC does not require that a BOC must report such data before obtaining Section 271 approval.⁵ The 31st *Supplemental Order* noted, however, that in the Bell Atlantic-New York Order and other 271 proceedings, the FCC has required prior to such approval “a commitment by the BOC to ‘provide accurate data regarding actual service intervals so that unaffiliated parties can evaluate the performance [the BOC] provides itself and its affiliates and compare such performance to the service quality [provided to] competing carriers.’”⁶ While Qwest has made such a commitment,⁷ the Commission’s 31st *Supplemental Order* requires Qwest to “provide evidence of a procedure in place” for doing so.⁸

⁴ 31st *Supplemental Order*, ¶ 85.

⁵ *Id.* ¶ 50.

⁶ *Id.* (citing Memorandum Opinion and Order, *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York*, 15 FCC Rcd 3953 ¶ 418 & n.1290 (1999), *aff’d sub nom. AT&T Corp. v. FCC*, 220 F.3d 607 (D.C. Cir. 2000)).

⁷ See Qwest’s Response to AT&T’s Petition for Reconsideration of the 28th Supplemental Order at 4.

⁸ 31st *Supplemental Order* ¶ 85.

Qwest will report the information required by Section 272(e)(1) in the standardized format attached hereto. This format provides information concerning: (1) the percentage of circuits completed by firm order commitment due date; (2) the percentage of firm order commitments delivered within published intervals; (3) the timeliness of PIC changes; the percentage of repair intervals met; (4) the mean time to restore service; and (5) percent failure frequency. Accordingly, this format addresses all of the areas of performance addressed by Bell Atlantic in its New York application.⁹ Qwest will update this data on a monthly basis, make it available to other carriers at the BOC's headquarters during regular business hours, and post it on the Qwest 272 website. If Qwest makes any material change in the manner in which this data is made available, it will notify the FCC within 30 days of such change. These procedures are consistent with those proposed (but not yet adopted) by the FCC for such purposes,¹⁰ and are subject to modification in light of any further action by the FCC on its proposals.

II. CONCLUSION

For the foregoing reasons, the Commission should consider the SGAT filed with this notice as the baseline document for any future proceedings in this docket. Qwest respectfully requests that the Commission allow this version of the SGAT to go into effect within 60 days, pursuant to 47 U.S.C. § 252(f)(3)(B).

RESPECTFULLY SUBMITTED this 19th day of April, 2002.

Qwest Corporation

By: _____

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Qwest Corporation

⁹ See Declaration of Susan C. Browning, *In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York* (filed Sep. 22, 1999) ¶ 17(e) & Att. J.

¹⁰ *Non-Accounting Safeguards Order and Further Notice of Proposed Rule Making* ¶ 369.

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