

1 BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
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In the Matter of the Investigation Into)
U S WEST Communications, Inc.'s) Docket No. UT-003022
Compliance with Section 271 of the)
Telecommunications Act of 1996) QWEST'S COMPLIANCE FILING
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4 **COMPLIANCE FILING MODIFYING QWEST'S SGAT TO ADOPT COLLOCATION**
5 **PROVISIONING INTERVALS SET BY THE FCC**
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7 Qwest Corporation ("Qwest") hereby requests that the Washington Utilities and
8 Transportation Commission ("Commission") allow Section 8.4 of Qwest's Statement of
9 Generally Available Terms ("SGAT") to be modified through operation of law by the physical
10 collocation provisioning intervals set by the Federal Communications Commission ("FCC").¹
11 According to the FCC, the Commission should allow these new intervals to take effect 60 days
12 after this filing pursuant to Section 252(f)(3)(B) of the Act.² Qwest makes this filing such that
13 the SGAT modifications will become effective on January 21, 2001, the deadline set forth in the
14 FCC's *Amended Order*.³ Qwest will also make modifications to its SGAT to reflect the new
15 Washington Collocation Rules (WAC 480-120-560) recently adopted by the Commission as
16 soon as those rules become effective.⁴

17
18 **I. INTRODUCTION**
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¹ See *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, FCC 00-297 (rel. Aug. 10, 2000) ("Order on Reconsideration" or "Order"), as amended by Memorandum Opinion and Order, FCC 00-2528 (rel. Nov. 7, 2000) ("Amended Order").

² Standards within the SGAT that comport with the FCC Order "take effect when the state commission permits the amendments to take effect through operation of law." *Amended Order* at ¶7.

³ *Amended Order* at ¶21

⁴ WAC 480-120-560, adopted by the Commission in its Open Meeting on October 25, 2000. Docket UT-990582.

1 **A. Qwest’s Original Collocation Provisioning Intervals Were Set Forth in its**
2 **SGAT and the ROC PIDs.**

3 On March 22, 2000, Qwest, then known as U S WEST, filed an Application before the
4 Commission to initiate a proceeding pursuant to § 271(c) of the Telecommunications Act of
5 1996 (the “Act”). On March 22, 2000, Qwest also filed an SGAT with this Commission, which
6 constitutes Qwest’s standard interconnection contract offer, that contains terms and conditions
7 for each aspect of Sections 251 and 271 of the Act, including provisions concerning collocation.
8 *See generally* SGAT § 8. The original SGAT contained detailed terms and conditions for
9 collocation, including intervals for physical and virtual collocation. Provisioning collocation
10 takes three distinct steps: (1) determining whether the collocation is feasible in the premises
11 requested; (2) if feasible, creation of a quote setting forth the costs attendant to the requested
12 collocation; and (3) once CLEC has paid 50 percent of the quoted amount, for Qwest to complete
13 actual installation of the collocation. In the past, Qwest completed all of these tasks in 155
14 calendar days. Specifically, for physical collocation, the SGAT provided that Qwest had 10 days
15 to complete the feasibility, 25 days to complete quote preparation, and 90 days to complete the
16 installation (CLEC had 30 days to make the requisite down payment). *See* SGAT § 8.4. The
17 intervals formed the basis for the performance indicators (PIDs) negotiated through the ROC.
18 These ROC PIDs were generally based on the same intervals for Qwest to complete collocation
19 feasibility studies, collocation quotes, and collocation installations. *See Exhibit 1.*

20
21 **B. The FCC Issued Two Recent Orders Affecting Qwest’s Provisioning**
22 **Intervals for Physical Collocation.**

23 On August 10, 2000 the FCC issued an *Order on Reconsideration (Order)* establishing a
24 national 90 day default physical collocation provisioning interval. This *Order* required Qwest,
25 under ordinary circumstances, to complete all aspects of collocation in 90 days instead of the

1 aforementioned 155 days. The August 10 *Order* also required Qwest and other incumbent LECs
2 to amend their SGATs to reflect the new national standard.

3 The FCC’s August 10, 2000 *Order*, however, did not mandate a 90 day provisioning
4 interval in all circumstances. The *Order* states, “. . . except to the extent a state sets its own
5 collocation provisioning standard or an incumbent LEC and requesting carrier have an
6 interconnection agreement that sets an alternative standard, an incumbent LEC must complete
7 physical collocation provisioning within 90 calendar days after receiving an acceptable
8 collocation application.”⁵ The *Order* also states that “[a]n incumbent LEC also may require a
9 competitive LEC to forecast its physical collocation demands.”⁶

10 On November 7, 2000, in response to waiver requests filed by Qwest, Verizon, and SBC,
11 the FCC released an *Amended Order*, which clarified its earlier decision, and specifically
12 established interim standards that apply during the pendency of the FCC’s ongoing
13 reconsideration of its August 10 *Order*. The FCC’s interim standards for Qwest include
14 forecasts as a precondition for 90 day intervals, longer intervals (120 days) for unforecasted
15 collocation applications not requiring major infrastructure modifications, and even longer
16 intervals (150 days) for unforecasted collocation applications that require Qwest to perform
17 major infrastructure modifications such as adding DC Power, Standby Power Generators, and/or
18 HVAC to the requested premises.⁷ These intervals were specifically authorized by the FCC in its
19 *Amended Order*.⁸

⁵ *Order on Reconsideration* at ¶ 29.

⁶ *Order on Reconsideration* at ¶ 39.

⁷ *Amended Order* at ¶¶13-20.

⁸ Specifically, the FCC accepted the intervals set forth in “Attachment B” to Qwest’s Petition for Waiver subject to only one limitation. See *Amended Order* at ¶¶9 & 19. Qwest’s Waiver sought collocation intervals for unforecasted collocation up to 240 days for major reconfiguration of a premises. *Id.* at ¶18. The FCC stated that it would permit up to 60 additional days for unforecasted collocation “unless the state commission specifically authorizes longer intervals.” *Id.* at ¶19. Attachment B to Qwest’s Petition for Waiver is attached to this pleading as *Exhibit 2* for ease of reference.

1 Through this filing, Qwest specifically accepts these intervals as appropriate interim
2 modifications to Section 8.4 of its SGAT. The Commission should allow these intervals to take
3 effect in 60 days through operation of law pursuant to Section 252(f)(3). All parties to this
4 docket may then assess the propriety of these and other collocation intervals during the course of
5 the Section 271 workshops. Although Qwest accepts the FCC’s intervals as an interim measure,
6 it hereby places the Commission and all parties on notice that during the 271 workshops it will
7 seek longer intervals in limited circumstances where it is physically or practically impossible to
8 complete the collocation within the intervals set by the FCC. Although the Commission
9 considered general circumstances when it adopted its Collocation Rules, the specific
10 circumstances raised in this filing were not considered. The FCC recognized that “specific
11 circumstances” may arise that justify “a significantly longer provisioning interval.”⁹ Unless and
12 until the Commission adopts intervals to govern these circumstances, however, Qwest will file a
13 request with the Commission seeking an extended interval for the specific collocation
14 application.¹⁰

15
16 **C. Although Qwest Does Not Seek Different Intervals Here, In the 271**
17 **Workshops Qwest Will Seek Longer Intervals For Circumstances that are**
18 **Practically or Physically Impossible to Complete Within the FCC’s Intervals.**
19

20 The *Amended Order* left it to the state commissions to determine whether longer intervals
21 are appropriate under certain circumstances.¹¹ For example, as stated in Qwest’s Petition for
22 Waiver to the FCC, when “major infrastructure modifications” are required, and the CLEC did
23 not forecast the collocation, additional time is necessary to complete the collocation. “Major

⁹ *Order* at ¶29.

¹⁰ When no specific intervals exist for the unique circumstance, this is exactly what the FCC envisioned. *Id.* However, again, the FCC did encourage the Commission to set appropriate physical collocation intervals.

¹¹ *Amended Order* at ¶19.

1 infrastructure modifications” include the addition of (a) DC Power Plants; (b) AC Standby
2 Generators; (c) HVAC; and (d) Space Conditioning.

3 During the 271 workshops, Qwest will also seek an extension of the 90 day interval in
4 two circumstances where it is physically impossible to complete the collocation within 90 days.
5 Specifically: (1) where the CLEC’s collocation application requires Qwest or the CLEC to
6 construct a new premises to accommodate adjacent collocation; and (2) where the CLEC seeks
7 remote collocation and Qwest must obtain new rights of way to complete the collocation. The
8 rationale supporting these extremely limited exceptions that Qwest will ultimately seek are
9 briefly set forth below.

10

11 **II. ALTHOUGH NOT SEEKING IT AT THIS TIME, DURING THE 271**
12 **WORKSHOPS, QWEST WILL SEEK ADDITIONAL TIME TO PROVISION**
13 **COLLOCATION UNDER CERTAIN CIRCUMSTANCES.**
14

15 **A. Provisioning Collocation Can Take More than 90 Days.**

16 There is no real dispute that it takes longer than the FCC’s presumptive 90 day
17 collocation interval to complete certain aspects of the collocation provisioning process. Indeed,
18 in discussions during Section 271 workshops, several different CLECs have acknowledged that it
19 takes longer than 90 days to perform certain functions. For example, several parties
20 acknowledge that it takes approximately 6 months or 180 days to add power plant to a central
21 office when the current power supply is inadequate.¹² Similarly, AT&T has acknowledged that it

¹² Colorado Workshop 2, September 20, 2000, Tr. pg. 95; Colorado Workshop 2, September 21, 2000, Tr. at pgs 11 and 14; Six State Collaborative Workshop, Salt Lake City, Utah, Workshop 1, October 5, 2000, Tr. generally at pgs 171-178.

1 takes more than 90 days to construct a new facility, if necessary to support an adjacent
2 collocation request.¹³

3
4 **1. Collocations That Require “Major Structure Modifications” Take**
5 **Longer Than 150 Days.**
6

7 One of the reasons that Qwest is so adamant about the use of collocation forecasts is
8 because, in some instances, Qwest must complete major structural changes in order to provision
9 the requested collocation. For example, Qwest may have to add (a) DC Power Plants, (b) AC
10 Standby Generators, (c) heating, ventilation or air conditioning (HVAC) when Qwest is
11 converting administrative space into additional space for equipment, or (d) when Qwest must
12 remove its own obsolete and unused equipment from the premises. These tasks take longer than
13 150 days to complete. For example, parties have already acknowledged that it takes 180 days to
14 install additional power plant in a central office.¹⁴

15 **2. There are also Circumstances Where it Would be Impossible to**
16 **Complete the Collocation in 90 Days.**

17 As stated above, Qwest anticipates seeking two additional exceptions to the 90 day
18 interval. These two limited exceptions are (1) where the CLEC’s collocation application requires
19 Qwest or the CLEC to construct new space to accommodate adjacent collocation; and (2) where
20 the CLEC seeks remote collocation and Qwest must obtain new rights of way to complete the
21 collocation.¹⁵ In both cases, it is physically impossible to complete the work within 90 days.

¹³ Six State Collaborative Workshop, Salt Lake City, Utah, Workshop 1, October 5, 2000, Tr. pgs. 171-172: Mr. Steese: Let me make sure I understand this Mr. Wilson. To the extent that we have no structure available and a new building needs to be constructed to put the adjacent facility in, you're saying that needs to happen within 90 days? Mr. Wilson: I don't believe I'm saying that constructing the building has to be in that time . . .

¹⁴ See *supra*, note 12

¹⁵ Adjacent collocation is required when space is “legitimately exhausted” in an existing structure, which simply put, means construction or procurement of an existing structure is usually required. In the Matters of Deployment of Wireline Services Offering Advanced Telecommunications Capability, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-147, FCC 99-48 (rel. March 31, 1999).]

1 The first exception is undisputed. For adjacent collocation arrangements, there are
2 instances where either Qwest or the CLEC must construct a new physical premises to house the
3 collocation. AT&T acknowledges that it will take longer than 90 days to complete this work.¹⁶
4 As a result, Qwest will seek an ICB interval for these extremely unique circumstances. These
5 circumstances are so rare that since passage of the Act, Qwest has never received a request for
6 adjacent collocation, let alone an adjacent collocation request that required construction of a new
7 premises.

8 The second exception is equally compelling. The FCC makes its *Order* applicable to
9 physical collocations in any “Premises”, which it defines as “all structures that house incumbent
10 LEC facilities” 47 C.F.R. § 51.5. Qwest’s SGAT contains detailed sections on “Remote
11 Collocation”, which constitutes collocating in a premises other than a central office. These
12 structures can be Controlled Environmental Vaults (CEVs), Remote Terminals (RTs), Fiber
13 Distribution Interfaces (FDIs) and the like. Qwest has hundreds of thousands of such outside
14 plant structures throughout its region. Collocation in these remote premises can present unique
15 issues, specifically involving rights of way. To the extent that Qwest or the CLEC must go to a
16 municipal body to obtain such rights of way, the amount of time that it takes to obtain such rights
17 of way should not count against the 90 day provisioning interval. This is appropriate in light of
18 the fact that Qwest will not be able to complete the collocation until such rights of way are
19 obtained. In this situation, Qwest will not seek additional time to complete the collocation, it
20 will simply assert that the time it takes to obtain the rights of way should not count against the 90
21 day interval. If Qwest or CLEC can obtain the rights of way in one day, the interval should be
22 90 days plus one day, or 91 days. If, however, the municipal body refuses to extend the
23 requested rights of way, this decision should not count as a provisioning miss by Qwest.

¹⁶ It is undisputed that constructing a separate adjacent facility will generally take longer than 90 days. *See supra*, note 13.

1 Similarly, if it takes the municipal body 6 months to extend the rights of way, that time should
2 not be counted against Qwest. This too is a rare occurrence. Just like adjacent collocation,
3 Qwest has yet to receive a request for remote collocation, let alone a remote collocation request
4 where additional rights of way are required.

5

6 **CONCLUSION**

7

8 Qwest recognizes and appreciates the FCC's efforts to expedite physical collocation
9 through the adoption of national provisioning intervals. Qwest is committed to provisioning
10 collocation to requesting carriers as expeditiously as possible and, as a result, adopts the FCC's
11 interim collocation intervals verbatim. Nonetheless, Qwest wants to place the Commission on
12 notice that there are circumstances when more than 90 days is required to provision collocation.
13 As a result, in the 271 workshops, Qwest will address these additional circumstances. However,
14 until the Commission adopts different intervals, Qwest will seek individual waivers from the 90
15 day interval if, and when the circumstances arise that warrant the extended interval.

16 Thus, Qwest respectfully requests that the Commission issue an Order allowing section
17 8.4 of the SGAT to be amended consistent with the intervals set for in the FCC's *Amended Order*
18 60 days hence (January 21, 2001) pursuant to Section 252(f)(3) of the Act.

19 DATED this 22nd day of November, 2000.

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Respectfully submitted,

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