

1
2
3
4
5
6
7
8
9
10
11

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In The Matter Of
TEL WEST COMMUNICATIONS, LLC
Petition for Enforcement of Its Interconnection
Agreement With Qwest Communications Pursuant
to WAC 480-09-530

Docket No. UT-013097
TEL WEST’S ANSWER TO QWEST
CORPORATION’S PETITION FOR
EXPEDITED INTERLOCUTORY
REVIEW OF FIFTH SUPPLEMENTAL
ORDER

12 The Commission should deny Qwest’s Petition for Expedited Interlocutory
13 Review (“Qwest’s Petition”) seeking to suspend the Part B procedural schedule pending the
14 issuance of the Commission’s final order regarding the April-June Section 271 hearings. Qwest’s
15 Petition, which is its fourth filing seeking to delay the Part B hearings on Tel West’s petition for
16 enforcement (“Tel West’s Petition”), again fails to show that the Section 271 proceeding will
17 evaluate and resolve Qwest’s violations of its interconnection agreement with Tel West (“Current
18 Agreement”) alleged in this proceeding.¹

19 First, Tel West’s petition for enforcement and its related testimony (“Tel West’s
20 Petition”) do not address the same issues as the 271 docket. Tel West’s Petition alleges that
21 Qwest does not provide service to Tel West in a substantially similar time, quality and manner as
22 Qwest provides to itself, as required by the Current Agreement. Current Agreement at §6.2.3.
23 Qwest argues that the Commission will consider these issues in the 271 docket while evaluating

24 _____
25 ¹ Qwest failed to make specific connections between this proceeding and the Section 271 proceeding in its
26 Motion to Suspend (March 22nd), its Reply to Tel West’s Answer to Motion to Suspend (April 3rd) and its
Supplemental Comments (April 22nd). See Qwest’s Petition at 2, l. 26 to 3, l. 2. Qwest’s failure to do so
on its fourth attempt shows that these are fundamentally different proceedings.

1 industry-wide concerns regarding IMA-GUI and provisioning parity, but Qwest never
2 demonstrates that every issue in Tel West's case is specifically addressed and resolved in the
3 Section 271 docket. Instead, Qwest's Petition merely repeats some of the goals and objectives
4 listed in KPMG's Regional Oversight Committee OSS Master Test Plan ("Test Plan") and
5 attaches portions of the Test Plan providing only a vague, high-level overview of the process.
6 Qwest's Petition at p. 5, l. 21 to p. 7, l. 23; p. 8, ll. 1-19. Qwest does not show how this would
7 resolve the particular concerns Tel West has raised, such as the different number of steps
8 required to enter orders in SONAR and IMA-GUI or the particular problems Tel West has with
9 Aegis.²

10 Second, the Section 271 docket will consider the experiences of all CLECs
11 generally, not Tel West specifically. So, Qwest could provide substandard service to Tel West
12 yet still receive Section 271 approval. Yet Tel West is entitled under the Current Agreement to
13 parity with Qwest's service to itself, not to the entire industry. Current Agreement at § 6.2.3.
14 Qwest's Petition does not address this. Qwest cannot use the Section 271 proceeding to escape
15 its duties under the Current Agreement.

16 Through Qwest's Petition, Qwest seeks to drag out and delay this process as long
17 as possible, thereby increasing the costs to Tel West and eliminating or restricting its opportunity
18 for relief. Indeed, that may have been why Qwest sought a two week extension of the procedural
19 schedule allegedly to negotiate a settlement with Tel West, yet Qwest failed to engage Tel West
20 in any settlement discussions whatsoever. The Commission should not reward Qwest's delay
21 tactics by granting Qwest's Petition.

22 Tel West fully explained why this proceeding is different from the Section 271
23 docket in briefing filed on March 26th and May 2nd, and Qwest has never presented a convincing
24 rebuttal. Tel West will not repeat its arguments here. Instead, Tel West has attached its March

25 _____

26 ² The only specific information cited by Qwest is the OP-4C chart, which is a small portion of Tel West's case. See Petition at Ex. A.

1 26th and May 2nd filings as Exhibit A and asks the Commission to consider them when evaluating
2 Qwest's Petition.

3 For the foregoing reasons, Tel West asks the Commission to deny Qwest's
4 Petition.

5 Respectfully submitted this 5th day of June, 2002.

6 MILLER NASH LLP

7

8 _____
9 Brooks E. Harlow
10 WSB No. 11843
11 David L. Rice
12 WSB No. 29180

13 Attorneys for Petitioner
14 Tel West Communications, LLC

15

16

17

18

19

20

21

22

23

24

25

26