

## OBLIGATION TO BUILD

The obligation to construct facilities is dependent on the facilities in question and the basic service obligations associated with those facilities. Consequently, the Policy regarding obligation to build facilities is divided into several sub-categories:

**Resale: It is the policy of Qwest** that LECs are obligated to construct facilities for resale to the extent necessary to satisfy their Eligible Telecommunications Carrier (ETC) obligations to provide basic local exchange service. For example, in Colorado, Basic Local Exchange Service is the first residential line and first business line at a residence and the first two lines at a business. All other telecommunications services that LECs resell should be made available if they can be provisioned over the existing network. Where requested services are not available and/or existing facilities cannot be used to provision the service, the CLEC must submit a request to construct. Such request will be evaluated on an individual case basis.

**Unbundled Network Elements: It is the policy of Qwest** that an ILEC is obligated to provide Unbundled Network Elements (UNEs), including combinations of UNEs, as defined by the FCC and / or individual state commissions. Access to UNEs must only be provided if the UNEs are available in the existing ILEC network and no construction is required. However, with respect to unbundled loops at a DSO level, Qwest may voluntarily undertake construction of those loops consistent with the construction that would occur to satisfy the ILEC's Eligible Telecommunications Carrier (ETC) obligation to provide basic local exchange service in a retail setting. An ILEC should perform minor modifications to its network (i.e. run a jumper, clear a defective pair, etc.) to provide access to UNEs. To obtain additional facilities, the CLEC must submit a request to construct. Such request will be evaluated on an individual case basis.

**Interconnection and Collocation: It is the policy of Qwest** that an ILEC is obligated to interconnect with CLECs for the exchange of traffic. That interconnection may be accomplished in several ways: 1) a CLEC may build facilities to an ILEC central office; 2) the CLEC and the ILEC may each build facilities to a meet point; or 3) CLEC may purchase facilities from the ILEC to accomplish the interconnection. In the latter case, the ILEC has an obligation to construct the facilities necessary to accomplish the interconnection with the CLEC to the mutually agreed point of interconnection. For collocation, ILECs have an obligation to provide for physical collocation where sufficient space exists in a central office.

**Retail: It is the policy of Qwest** that an ILEC is *obligated* to construct facilities for its retail customers only to the extent required to satisfy the Eligible Telecommunications Carrier obligation to provide basic local exchange service. Construction required for the ILEC to provide other telecommunications services should be governed by business rules or tariffs addressing Special Construction and which provide for reasonable compensation for any required construction.

**PURPOSE:** Qwest and other LECs recognize that a limited obligation to construct facilities exists in order to meet obligations under the 1996 Telecommunication Act and the federal and state orders issued since the passage of the Act. Qwest also recognizes that such construction is

not economically viable unless it reflects the needs of the business and appropriate cost recovery is obtained. This policy is intended to encourage that balance.

**SCOPE:** This policy will be applied across the board in each state where Qwest has a presence. Exceptions will be made only if ordered by a state commission or a court or to comply with contractual obligations.

**EFFECTIVE DATE:** January 1, 2001.