

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**IN THE MATTER OF THE CONTINUED)
COSTING AND PRICING OF) DOCKET NO. UT 003013
UNBUNDLED NETWORK ELEMENTS,) *Part A*
TRANSPORT AND TERMINATION)
)**

REBUTTAL TESTIMONY

OF

LARRY B. BROTHERRSON

ON BEHALF OF

QWEST CORPORATION

August 4, 2000

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EXECUTIVE SUMMARY

2 My testimony sets forth Qwest's policy regarding two issues raised by Mr. Rex Knowles in
3 his rebuttal testimony; CLEC ability to self-provision of its own manhole and conduit
4 outside Qwest's central office, and CLEC-to-CLEC cross connections. I also address Mr.
5 David Griffith's issue regarding a 45-day installation interval for engineering, building, and
6 processing collocation orders

7 QUALIFICATIONS

8 **Q. PLEASE STATE YOUR NAME, OCCUPATION AND BUSINESS ADDRESS.**

9 A. My name is Larry B. Brotherson. I am employed by Qwest Corporation ("Qwest") as
10 a director in the Wholesale Markets organization. My business address is 1801
11 California Street, Room 2350, Denver, Colorado 80202.

12 **Q. ARE YOU THE SAME LARRY B. BROTHERSON THAT FILED DIRECT**
13 **TESTIMONY IN THIS PROCEEDING?**

14 A. Yes.

15

TESTIMONY

1 **Q. PLEASE PROVIDE AN OVERVIEW OF YOUR TESTIMONY.**

2 A. The purpose of my testimony is address certain issues raised in the testimonies of
3 Mr. Rex Knowles and Mr. David Griffith. Mr. Knowles discusses self-
4 provisioning of manholes and conduits by a CLEC rather than purchasing it from
5 Qwest. He also proposes on page 25 of his response testimony that CLEC-to-
6 CLEC cross connections between two CLEC collocation spaces in a Qwest central
7 office that do not involve Qwest equipment be permitted. Mr. Griffith in his
8 testimony raises a new issue regarding the installation interval for collocation.

9 **Q. WHAT IS QWEST'S POSITION REGARDING THE SELF-**
10 **PROVISIONING OF MANHOLES AND CONDUITS BY CLECS?**

11 A. Qwest has provided the costs and rate elements that were dictated in this
12 Commission's 17th Supplemental Order in Docket No. UT-960369 et al. (para
13 317). In this order, the Commission requires Qwest to provide cost studies that
14 reflect sharing of entrance facilities, specifically manholes. Qwest has provided
15 those cost studies. In addition in the event that the manhole is congested, the
16 Commission requires Qwest to file cost studies to recover costs associated with the
17 construction of a separate manhole in the event the first manhole is congested.
18 Qwest has filed those cost studies. If Nextlink believes that a self-provisioned
19 entrance facility, something that does not directly involve Qwest cost studies for
20 building a Qwest manhole, is a matter that this Commission should look into it

1 should have presented this requirement during the various phases of UT-960369,
2 et al. It is also a matter that Nextlink can raise in its next interconnection
3 agreement and if there are issues associated with the process the matter can be
4 arbitrated and resolved by this Commission. The introduction of this
5 “requirement” which deals not with Qwests’ costs but rather the terms and
6 conditions of self-provisioning, in a cost docket is inappropriate and tardy.

7 **Q. WHAT IS QWEST’S POSITION REGARDING PERMITTING CLECS TO**
8 **MAKE CLEC-TO-CLEC CROSS CONNECTIONS BETWEEN TWO**
9 **COLLOCATION SPACES LOCATED IN A QWEST CENTRAL OFFICE?**

10 A. The FCC rule permitting CLECs to make CLEC to CLEC connections has been
11 vacated by the D.C. Circuit.

12 The obvious problem with this rule is that the cross-connects
13 requirement imposes an obligation on LECs that has no
14 apparent basis in the statute. Section 251(c)(6) is focused
15 solely on connecting new competitors to LECs’ networks. In
16 fact, the Commission does not even attempt to show that
17 cross-connects are in any sense “necessary for
18 interconnection or access to unbundled network elements.”
19 Rather, the Commission is almost cavalier in suggesting that
20 cross-connects are efficient and therefore justified under
21 §251(c)(6). This will not do. GTE Service Corporation, et
22 al. v Federal Communications Commission No. 99-1176,
23 March 17, 2000

24 Thus, is not required to permit these cross-connects. However, Qwest is currently
25 considering whether or not to do so. If Qwest determines that it will, it will
26

1 negotiate with CLECs on this issue, but it is not one to be decided in this
2 proceeding, as no party has proposed costs or prices for CLEC to CLEC cross-
3 connects, and provision of them is not required by the Act.

4 **Q. WHAT IS QWEST'S POSITION REGARDING THE 45-DAY**
5 **INSTALLATION INTERVAL FOR COLLOCATION?**

6 Qwest believes that this issue is currently being debated in a parallel proceeding. This
7 Commission in its Collocation Rulemaking, Docket No. UT-990582, is seeking
8 comments to develop rules for collocation issues. In its draft rule language submitted
9 with its Supplemental Comments on March 15, 2000, Qwest has advocated a 90-day
10 collocation interval. In this cost proceeding, Qwest is proposing rates for a 90-day
11 collocation installation interval. Mr. Griffith's recommendation is misplaced. UT-
12 990582 is the appropriate venue to further discuss installation intervals and not this
13 cost docket proceeding.

14 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

15 A. Yes.