

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest  
Corporation for Arbitration with Eschelon  
Telecom, Inc. Pursuant to 47 U.S.C. Section  
252 of the Federal Telecommunications Act of  
1996**

**Docket No. UT-063061**

**EXHIBIT BJJ-25**

**TO**

**REBUTTAL TESTIMONY OF**

**BONNIE J. JOHNSON**

**ON BEHALF OF ESCHELON TELECOM, INC.**

**DECEMBER 4, 2006**

**From:** Salverda, Kathleen [Contact Information Redacted]  
**Sent:** Wednesday, September 06, 2006 11:13 AM  
**To:** New Cr, Cmp; Clauson, Karen L.; Topp, Jason; Hartl, Deborah; Albersheim, Renee; Bastiampillai, Harisha; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; diane.wells [Contact Information Redacted]; Zeller, Ginny A.; Anderson, Julia; katherine.doherty[Contact Information Redacted]; Maureen Scott; Anderl, Lisa; Reynolds, Mark (Legal); Novak, Jean; Nielsen, Joshua; Coyne, Mark; cmpcr@qwest.com; Isaacs, Kimberly D.  
**Cc:** Nielsen, Joshua; Esquibel-Reed, Peggy  
**Subject:** RE: "TRRO" PCAT Reclassification of Terminations - Continuing Request for Section 251/252 negotiations and Questions to Qwest/CMP

Qwest did respond to your email: I have copied below my original response to your email re: the initial Qwest notice re: collocation reclassifications.

Again, there is no reason to schedule a meeting to negotiate process issues. Qwest has continually maintained its position that the level of process Eschelon is seeking is best managed through CMP. Until such time as the wire center hearings are completed there is not a scheduled date for CMP TRO/TRRO process. For CLECs that are TRO/TRRO compliant it is necessary to have a means that will allow CLECs and Qwest to be complinat. As you are aware, at this time, these processes are being handled outside of CMP. Upon conclusion of the wire center hearings Qwest will pursue CMP activities to establish CMP processes for TRO/TRRO.

This second notice on reclassification changes the 45 days to 15 days. It was an item I addressed based on Eschelon's stated concerns in its email.

Jean, Joshua, or Jason are not likely to have any further comment than what I have provided.

For your convenience my previous response:

Karen: My response to your August 14<sup>th</sup> email re: a proposed meeting to negotiate TRRO processes.

Qwest remains consistent in its position that process issues are best served by CMP.

Qwest made a good faith effort to respond to Eschelon's questions on the Qwest PCAT notice.

As shared with you in my previous response, The PCAT notice regarding collocation terminations was recently released based on experience with live conversions by TRO/TRRO compliant CLECs.

The negotiations team did do its research during our discussions end of year 2005 and during early 2006. The SMEs had no awareness of this process issue at the time of these discussions. Eschelon is mistaken, if the SMEs had been present during our discussions, the Qwest answers would have been the same at that particular time.

Qwest has no better explanation than what has been provided.

Inverse Augment is the Qwest term for reverse process. Eschelon has previously agreed it is familiar with special access to UNE conversions; the inverse augment process (the reverse) UNEs to special access is the opposite. As I shared in my original response, until recently, based on live conversion activity, there was no anticipated change to the process. Based on live experience with CLECs who are currently TRO/TRRO compliant it became apparent that a process change was needed to cease monthly billing on the UNE collocation terminations.

Eschelon was notified in the same manner as all other CLECs. Eschelon brought the notice to my attention and I responded appropriately.

Qwest has reopened the issues as requested by Eschelon 9-43 and 9-44. Qwest's response remains the same as previously provided in negotiations and as shown in the most recent matrix.

If the intent of the call is to negotiate process issues, Qwest sees no reason to have a call. Process issues are to be addressed via CMP as it impacts all CLECs. This is a TRO/TRRO process. Qwest encourages Eschelon to submit its concerns and future questions specific to this topic to its wholesale service manager as directed in the notice or to CMP.

---

**From:** New Cr, Cmp

**Sent:** Friday, September 01, 2006 3:14 PM

**To:** 'Clauson, Karen L.'; Topp, Jason; Hartl, Deborah; Albersheim, Renee; Bastiampillai, Harisha; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Salverda, Kathleen; diane.wells[Contact Information Redacted]; Zeller, Ginny A.; Anderson, Julia; katherine.doherty[Contact Information Redacted]; Maureen Scott; Anderl, Lisa; Reynolds, Mark (Legal); Novak, Jean; Nielsen, Joshua; Coyne, Mark; cmpcr@qwest.com; Isaacs, Kimberly D.

**Subject:** RE: "TRRO" PCAT Reclassification of Terminations - Continuing Request for Section 251/252 negotiations and Questions to Qwest/CMP

Karen,

Qwest is looking into this and someone will be getting back to you.

Peggy Esquibel-Reed  
Qwest Wholesale CMP

---

**From:** Clauson, Karen L. [Contact Information Redacted]

**Sent:** Friday, September 01, 2006 10:24 AM

**To:** Topp, Jason; Hartl, Deborah; Albersheim, Renee; Bastiampillai, Harisha; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Salverda, Kathleen; diane.wells [Contact Information Redacted]; Zeller, Ginny A.; Anderson, Julia; katherine.doherty [Contact Information Redacted]; Maureen Scott; Anderl, Lisa; Reynolds, Mark (Legal); Novak, Jean; Nielsen, Joshua; Coyne, Mark; cmpcr@qwest.com; Isaacs, Kimberly D.

**Subject:** RE: "TRRO" PCAT Reclassification of Terminations - Continuing Request for Section 251/252 negotiations and Questions to Qwest/CMP (MC)

Kathy/Josh/Jean/Mark/Jason/Qwest:

Qwest has not responded to our email below. What is Qwest's response?

Though Qwest has not responded to Eschelon's email, Qwest has in the meantime issued another NON-CMP notice relating to this issue ("TRRO Reclassification of Terminations V2.0: Effective September 7, 2006; announcement date August 31, 2006). Eschelon also objects to this notice. The notice is ambiguous and raises more questions than it answers. Given that Qwest has once again elected to send its notification outside of CMP, is this Qwest's indirect way of saying no to our questions to CMP/Qwest below ("Specifically, will Qwest address these issues now in CMP? If so, will Qwest resubmit its non-CMP notice through CMP as a Level 4 CR and ensure that, per CMP process, it does not take effect before going through CMP?"). We would appreciate a direct response. Please let us know.

As indicated, our request for Section 251/252 negotiations on this issue is continuing.

Thanks,  
Karen

**PROS.08.31.06.F.04152.TRRO\_Reclass\_UNE\_Conv\_V2** M:\Documents and Settings\karenc\Local Settings\Temporary Internet Files\OLK1>ContactMailAttach.htm

---

**From:** Clauson, Karen L.

**Sent:** Friday, August 18, 2006 2:43 PM

**To:** 'Topp, Jason'; 'Hartl, Deborah'; 'Albersheim, Renee'; 'Bastiampillai, Harisha'; Denney, Douglas K.; 'Diamond, Paul'; Goldberg, Tobe L.; Johnson, Bonnie J.; 'Kennedy, Robert.F'; Markert, William D.; Olson, Joan M.; 'Salverda, Kathleen'; 'diane.wells[Contact Information Redacted]'; Zeller, Ginny A.; 'Anderson, Julia'; 'katherine.doherty [Contact Information Redacted]'; 'Anderl, Lisa'; 'Reynolds, Mark (Legal)'; 'Novak, Jean'; 'Nielsen, Joshua'; 'Mark.Coyne@qwest.com'; 'cmpcr@qwest.com'

**Subject:** RE: "TRRO" PCAT Reclassification of Terminations V1.0: Effective 7-28-06 - Request for Section 251/252 negotiations

Kathy/Josh/Jean/Mark/Qwest:

With respect to the paragraph below (copied from your enclosed document received today), it appears that Qwest is refusing to negotiate these issues in Section 251/252 negotiations. If you will not negotiate them, we have insufficient information to craft language. The information you provided in your short written response is sketchy, and we have specifically requested Subject Matter Experts in negotiations to provide us with needed information. If that is not the case, please let us know your availability for a call, if the date we suggested is not convenient.

In response to the last sentence of the paragraph below, I have also addressed this email request to our Qwest service manager, as well as the Qwest CMP manager, on this email so they can respond. Specifically, will Qwest address these issues now in CMP? If so, will Qwest resubmit its non-CMP notice through CMP as a Level 4 CR and ensure that, per CMP process, it does not take effect before going through CMP? Obviously, the fact that Qwest has issued its notice, with an effective date of July 28, 2006, outside of CMP indicates that Qwest is not willing to address this issue in CMP. If it really believed the issue belonged in CMP, it would have initially sent its notice through CMP.

It remains Eschelon's position that these issues are subject to 251/252 ICA negotiations and our request to negotiate them is ongoing. It is also our understanding that Qwest will not address these issues in CMP, as reflected by the fact that Qwest has already implemented its non-CMP "TRRO PCAT" outside of CMP. If it does not revoke that non-CMP notice (enclosed) and issue a CR, then its own position that these issues belong in CMP is belied by Qwest's implementation without using CMP.

From Qwest's 8/18/06 response (enclosed):

"If the intent of the call is to negotiate process issues, Qwest sees no reason to have a call. Process issues are to be addressed via CMP as it impacts all CLECs. This is a TRO/TRRO process. Qwest encourages Eschelon to submit its concerns and future questions specific to this topic to its wholesale service manager as directed in the notice or to CMP."

Thanks,  
Karen

-----Original Message-----

From: Hartl, Deborah [Contact Information Redacted]

Sent: Friday, August 18, 2006 10:32 AM

To: Albersheim, Renee; Bastiampillai, Harisha; Clauson, Karen L.; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Hartl, Deborah; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Salverda, Kathleen; Topp, Jason; diane.wells [Contact Information Redacted]; Zeller, Ginny A.

Subject: FW: collo reclass

Sending on behalf of Kathy Salverda.  
Deborah Hartl  
Manager - Contract Administration  
Qwest Legal Department/CD&S

[Contact Information Redacted]

\*\*\* CONFIDENTIAL: Only the named recipient(s) should read this e-mail.

It may contain legally privileged or confidential information. If you are not a named recipient or you received this e-mail by mistake, please notify me immediately by reply e-mail and delete the message. \*\*\*

Internal Customers: Please consult  
[http://legalweb.ad.qintra.com/modules/teamHomepage.aspx?legal\\_team\\_id=27](http://legalweb.ad.qintra.com/modules/teamHomepage.aspx?legal_team_id=27)  
for the latest information on contracts and contract-related issues.

-----Original Message-----

From: Salverda, Kathleen  
Sent: Friday, August 18, 2006 9:22 AM  
To: Hartl, Deborah  
Subject: collo reclass

Deb, please distribute to both teams.

This communication is the property of Qwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

---

**From:** Clauson, Karen L.

**Sent:** Monday, August 14, 2006 4:27 PM

**To:** 'Topp, Jason'; 'Hartl, Deborah'; 'Albersheim, Renee'; 'Bastiampillai, Harisha'; Denney, Douglas K.; 'Diamond, Paul'; Goldberg, Tobe L.; Johnson, Bonnie J.; 'Kennedy, Robert.F'; Markert, William D.; Olson, Joan M.; 'Salverda, Kathleen'; 'diane.wells [Contact Information Redacted]'; Zeller, Ginny A.; 'Anderson, Julia'; 'katherine.doherty [Contact Information Redacted]'; Anderl, Lisa; Reynolds, Mark (Legal); 'Novak, Jean'; 'Nielsen, Joshua'

**Subject:** FW: "TRRO" PCAT Reclassification of Terminations V1.0: Effective 7-28-06 - Request for Section 251/252 negotiations

**Importance:** High

Kathy/Qwest:

Eschelon will review the information you have provided. In your enclosed response, you said you understand that Eschelon has requested a call to discuss the enclosed Qwest notification relating to reclassification of terminations. While that notice will be discussed, Eschelon has asked Qwest to negotiate contract language in good faith pursuant to Sections 251 and 252, and not just to discuss the Qwest notice. In its 8/3/06 email (below), Eschelon said: "Eschelon asks Qwest to negotiate with Eschelon regarding the terms of conversions, including the terms that Qwest describes in the enclosed notice and "TRRO PCAT.""

During previous negotiations relating to conversions, including those requested by Eschelon in January of this year, Eschelon asked to negotiate the very types of issues that Qwest now claims it has only recently become aware of. If Qwest had provided the Subject Matter Experts (SMEs) requested by Eschelon and negotiated with us then, it is unlikely that we would be learning of this very different information only now. Qwest told us affirmatively in negotiations that the ONLY difference between conversions from special access to UNEs and the reverse would be that the circuit ID would change. We believe that Qwest had a duty to research that answer before providing it. We believe Qwest owes us a better explanation of why the answer has changed, and why Qwest did not come back to us in negotiations and correct the information it previously provided in negotiations, particularly in a timely manner that would have allowed us to address this for the arbitration petition and issues matrix.

With respect to the timing of the negotiations, in its 8/3/06 email (below), Eschelon proposed negotiations on August 8th or 9th. Qwest has responded with August 16th. Unfortunately, that date does not work for Eschelon. Eschelon proposes August 30 or 31 for negotiations. 10am to 11:30am central time would work on either day. Please have subject matter experts on the call, including those involved in conversions where this has arisen. Your document does not describe "Inverse Augment process," for example, nor does it explain why the "question regarding discontinuation of billing never arose" or why it would have to arise in the future if it didn't then. Qwest was able to terminate billing for special access when special access went to UNEs, and Qwest said in negotiations that the process would be the same going the other way. Why wasn't the information Qwest provided accurate? The enclosed Qwest responses need clarification, and we request that Qwest SMEs be available to answer them on the call. Given the timing, this will address more issues in less time than Qwest listing take backs and getting back to us later. The lateness of this notice will prevent full discussion in the direct testimony but we will have to include updates in the reply testimony after negotiations.

Please let us know which date (30th or 31st) works for Qwest's schedule for these negotiations. Thanks,

Karen

-----Original Message-----

From: Hartl, Deborah [Contact Information Redacted]

Sent: Friday, August 11, 2006 12:19 PM

To: Albersheim, Renee; Bastiampillai, Harisha; Clauson, Karen L.; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Hartl, Deborah; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Salverda, Kathleen; Topp, Jason; diane.wells [Contact Information Redacted]; Zeller, Ginny A.

Subject: FW: PCAT Notice

Please see the attached.

Deborah Hartl  
Manager - Contract Administration  
Qwest Legal Department/CD&S

[Contact Information Redacted]

\*\*\* CONFIDENTIAL: Only the named recipient(s) should read this e-mail.

It may contain legally privileged or confidential information. If you are not a named recipient or you received this e-mail by mistake, please notify me immediately by reply e-mail and delete the message. \*\*\*

Internal Customers: Please consult  
[http://legalweb.ad.qintra.com/modules/teamHomepage.aspx?legal\\_team\\_id=27](http://legalweb.ad.qintra.com/modules/teamHomepage.aspx?legal_team_id=27)  
for the latest information on contracts and contract-related issues.

-----Original Message-----

From: Salverda, Kathleen  
Sent: Friday, August 11, 2006 11:04 AM  
To: Hartl, Deborah  
Subject: PCAT Notice

Deb: Please forward to both teams. Thank You.

This communication is the property of Qwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

---

**From:** Clauson, Karen L.

**Sent:** Thursday, August 03, 2006 4:30 PM

**To:** 'Topp, Jason'; 'Hartl, Deborah'; 'Albersheim, Renee'; 'Bastiampillai, Harisha'; Denney, Douglas K.; 'Diamond, Paul'; Goldberg, Tobe L.; Johnson, Bonnie J.; 'Kennedy, Robert.F'; Markert, William D.; Olson, Joan M.; 'Salverda, Kathleen'; 'diane.wells [Contact Information Redacted]'; Zeller, Ginny A.; 'Anderson, Julia'; 'katherine.doherty [Contact Information Redacted]'; 'Novak, Jean'; Nielsen, Joshua

**Subject:** FW: TRRO PCAT FW: Process Notice: TRRO: GN: TRRO - Reclassification of Terminations V1.0: Effective 7-28-06

**Importance:** High

Qwest:

It has come to my attention that Qwest has sent a letter to CLECs with new "TRRO PCAT" effective 7/28/06 (see enclosures). The letter and "TRRO PCAT" provide insufficient information to determine what Qwest intends. The terms do, however, appear to be quite bad and potentially end user customer impacting. They relate to issues that we have discussed in the negotiations relating to collocation, APOTs, conversions, etc. For the lengthy time during which Eschelon and Qwest have negotiated such terms and the TRO and TRRO issues, Qwest never disclosed these new terms to Eschelon. Qwest didn't even raise these issues in the wire center proceedings, where conversions are being discussed. In those proceedings, Qwest disclosed the intent to change circuit IDs but not the intent to change APOTs. Importantly, Eschelon did not know of these terms when indicating that it would close issues 9-43 and 9-44 and subparts. At least until these issues can be discussed and negotiated and perhaps other terms agreed upon, issues 9-43 and 9-44 and subparts are open in all 6 states. (See enclosed document with language. Both parties' position statements for these issues are in the the filed MN issues matrix, except for one additional one, and that is enclosed.) Please update the ICA document and WA matrix accordingly. Though the parties' language and position may change, the deadline for finalizing these documents requires that we use these materials for now for purposes of finalizing the documents.

Eschelon asks Qwest to negotiate with Eschelon regarding the terms of conversions, including the terms that Qwest describes in the enclosed notice and "TRRO PCAT." To facilitate discussions and help develop appropriate language, we would like to discuss, for example, the issues set forth in the enclosed list of questions. To the extent that Qwest, including its negotiations team and/or service management team, can provide any answers in writing before negotiations, that will help us prepare. We are available to discuss on Tuesday or Wednesday of next week (e.g., at the previous negotiations times). Please let us know if those times work for you or when Qwest is available for negotiations on this issue.

Karen L. Clauson  
Sr. Director of Interconnection  
Associate General Counsel  
Eschelon Telecom, Inc.  
[Contact Information Redacted]

---

Qwest TRRO PCAT states: "TRRO - Reclassification of Terminations for UNE Conversions is a procedure that is needed when you are converting UNE Services to Finished Services in Non-Impaired Central Offices as required by the TRRO" It says:



On July 21, 2006, Qwest is providing notification of planned updates to the Wholesale Product Catalog that include new/revised documentation for TRRO - Reclassification of Terminations for Unbundled Network Element (UNE) Conversions. You will find a copy of the new PCAT on the Customer Notification Letter Archive at <http://www.qwest.com/wholesale/notices/cnla/>. This material becomes effective on July 28, 2006.

A new PCAT is being introduced which provides documentation not previously documented for TRRO - Reclassification of Terminations for Unbundled Network Element (UNE) Conversions to assist CLECs who have signed the TRRO Amendment.

---

**From:** mailouts2@qwest.com [mailto:mailouts2@qwest.com]

**Sent:** Friday, July 21, 2006 3:05 AM

**To:** Isaacs, Kimberly D.

**Subject:** Process Notice: TRRO: GN: TRRO - Reclassification of Terminations V1.0: Effective 7-28-06

**From:** New Cr, Cmp [mailto:cmpcr2@qwest.com]  
**Sent:** Friday, September 01, 2006 3:16 PM  
**To:** Isaacs, Kimberly D.; Novak, Jean; Nielsen, Joshua; cmpcr@qwest.com  
**Cc:** Johnson, Bonnie J.  
**Subject:** RE: Process Notice: Re-Send: TRRO: GN: TRRO Reclass UNE Conv V2: Effective 9-7-06

Kim,

Qwest is looking into this and someone will be getting back to you.

Peggy Esquibel-Reed  
Qwest Wholesale CMP

---

**From:** Isaacs, Kimberly D. [Contact Information Redacted]  
**Sent:** Friday, September 01, 2006 10:50 AM  
**To:** Novak, Jean; Nielsen, Joshua; cmpcr@qwest.com  
**Cc:** Johnson, Bonnie J.  
**Subject:** FW: Process Notice: Re-Send: TRRO: GN: TRRO Reclass UNE Conv V2: Effective 9-7-06

Eschelon objects to this non-CMP notice. These section 252 issues and should be treated as such.

*Kim Isaacs*  
*Eschelon Telecom, Inc.*  
*ILEC Relations Process Specialist*  
[Contact Information Redacted]

---

**From:** mailouts2@qwest.com [mailto:mailouts2@qwest.com]  
**Sent:** Thursday, August 31, 2006 10:53 AM  
**To:** Isaacs, Kimberly D.  
**Subject:** Process Notice: Re-Send: TRRO: GN: TRRO Reclass UNE Conv V2: Effective 9-7-06

This communication is the property of Qwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.