

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

**In the Matter of the Investigation into
U S WEST COMMUNICATIONS, INC.'S
Compliance with Section 271 of the
Telecommunications Act of 1996**

Docket No. UT-003022

**In the Matter of
U S WEST COMMUNICATIONS, INC.'S
Statement of Generally Available Terms
Pursuant to Section 252(f) of the
Telecommunications Act of 1996.**

Docket No. UT-003040

**QWEST CORPORATION'S NOTICE OF UPDATED STATEMENT OF
GENERALLY AVAILABLE TERMS AND CONDITIONS**

Qwest Corporation, formerly known as U S WEST Communications, Inc. ("Qwest"), submits this notice of its updated Statement of Generally Available Terms and Conditions ("SGAT") in the State of Washington, along with the SGAT itself, which is attached.¹ Qwest respectfully requests that the Commission permit this version of the SGAT to take effect as of July 10, 2002 pursuant to section 252(f)(3)(B) of the Telecommunications Act of 1996, 47 U.S.C. § 252(f)(3)(B).

¹ For the convenience of the Commission, Qwest is attaching both a "clean" version of the current SGAT that Qwest wishes to take effect, along with a red-lined SGAT that reflects the changes between the present submission and the last updated SGAT, which Qwest filed on May 28, 2002.

I. INTRODUCTION

On March 22, 2000, Qwest filed its original SGAT with the Commission pursuant to Section 252(f) of the Telecommunications Act of 1996 ("Act"). Since then, Qwest and competitive local exchange carriers ("CLECs") throughout Qwest's 14-state region have participated in a collaborative process to explore and resolve literally hundreds of issues relating to specific provisions of Qwest's proposed SGAT in connection with Qwest's intent to enter in-region interLATA long distance markets in states throughout Qwest's 14-state region under Section 271 of the Act. This process has included the convening of numerous workshops where the parties have engaged in formal and informal discovery and submitted testimony, comments, and legal briefing—all of which ultimately lead either to consensus or to an order or recommendation of a state commission. To date, the process has been, by any measure, extremely successful in that the parties have been able to resolve the vast majority of disputed issues. In addition to the current filing, this collaborative process has resulted in six prior SGAT revisions, which were filed on June 29, 2001; September 21, 2001; January 29, 2002; April 5, 2002; April 19, 2002; and May 28, 2002.

As discussed further below, the document attached to this Notice is intended to comply with a pair of recent orders from the Commission. These include: the Washington Utilities and Transportation Commission, 33rd Supplemental Order, May 20, 2002 ("*WUTC 33rd Supplemental Order*"); and Washington Utilities and Transportation Commission, 34th Supplemental Order, May 29, 2002 ("*WUTC 34th Supplemental Order*"). Additionally, the revised SGAT contains a revised Exhibit A (the pricing exhibit) to bring the SGAT prices into conformance with the reduced rates proposed in Qwest's tariff filing of June 10, 2002 under Advice No. 3319T, and to correct certain typographical errors. The revised SGAT also includes a number of miscellaneous other changes listed below.

II. DISCUSSION

A. Qwest Has Revised The SGAT To Comply With The 33rd Supplemental Order And The 34th Supplemental Order.

As noted above, the Commission recently issued both the 33rd Supplemental Order and the 34th Supplemental Order. Like the reports and orders of other state commissions investigating Qwest's Section 271 checklist compliance, these orders recommended a number of changes to Qwest's SGAT. Qwest has modified the accompanying SGAT to comply with these orders.² Qwest also notes that there are many instances where the Commission recommended a modification that had already been implemented or otherwise approved the SGAT language as written—so no revision marks are shown in the red-lined SGAT.³

In the 34th Supplemental Order, the Commission also imposed an additional filing requirement with respect to non-recorded right-of-way agreements between Qwest and private parties, particularly in multiple tenant environments (“MTEs”). Specifically, the Commission directed the parties to file with the Commission any additional agreement that the parties have reached concerning Section 10.8.2.27.4, as well as any language ordered by the Utah Commission or any other commission within Qwest's region concerning the provision of non-recorded agreements to CLECs.⁴ Section 10.8.2.27.4 in the present filing reflects language agreed upon between Qwest and AT&T that will be filed in the Utah SGAT later this month.

Qwest notes that the determination of the Washington Commission with respect to providing these right-of-way agreements to CLECs is more broad than any of the other states addressing this issue. All of the other states within Qwest's region have permitted some sort of prerequisite before

² See changes resulting from 33rd Supplemental Order in SGAT §§ 8.2.1.12; 8.4.1.10; 8.4.2.1; 8.4.2.4; 8.4.3.1; 8.4.3.4; 8.4.4.1; 8.4.4.4; changes resulting from 34th Supplemental Order in SGAT §§ 7.3.2.1.1.1; 9.1.2.1; 9.1.2.1.3.1; 9.1.2.1.3.2; 9.1.2.1.5; 9.2.2.8; 9.2.2.8.6; 9.19; 10.2.2.4; 10.2.5.3.1; 10.8.2.27; 10.8.2.27.2; 10.8.2.27.3; 10.8.2.27.4; 18.1.1.

³ See SGAT §§ 8.2.1.10.1; 9.2.6.

⁴ See 34th Supplemental Order at ¶ 45.

Qwest is required to provide the agreement, whereas Washington requires that Qwest provide the agreements without any prerequisite. In particular, the other commissions in Qwest's region require one or more of the following before Qwest is obligated to provide non-recorded agreements to CLECs: (1) owner consent to provide the agreement; (2) an agreement from the CLEC to indemnify Qwest; or (3) a protective order. Specifically, a number of states⁵ require that Qwest provide non-recorded agreements either where the CLEC has obtained owner consent, or where the CLEC has agreed to indemnify Qwest. Utah requires that Qwest provide such agreements where either of those conditions are met, but also where a protective agreement is in place. Finally, Arizona is similar to Utah, but also requires that Qwest provide the agreements where Qwest (as opposed to just the CLEC) has procured the owner's consent.

B. Pricing Changes.

On June 10, 2002 Qwest filed with the Commission revised tariff rates under Advice No. 3319T in Docket No. UT-020724. That tariff filing proposes voluntary rate reductions for certain UNE rates, as detailed more fully in the filing. Exhibit A to the revised SGAT reflects the proposed tariff rates, including new rates for UNE loops. Qwest's review and comparison of Exhibit A with its wholesale tariff (WN U-43) has resulted in a few other changes to Exhibit A, as described below.

The rates for shared transport in WN U-43 (Section 3.1 E) reflect the rate structure as ordered by the Commission. However, it is a rate structure that was opposed by CLECs. Exhibit A (Section 9.8) will reflect the usage sensitive rate currently supported by Qwest, which is also the rate structure originally supported by the CLECs. Qwest will honor any requests for this structure that are made pursuant to the tariff. Either rate structure will be available to CLECs, at their option.

WN U-43 (Section 3.1 I) also includes a price for a DS0 dedicated link to the signaling network. The elements listed under Common Channel Signaling in Exhibit A (Section 9.14) do not

⁵ These include Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, and Wyoming.

include a DSO dedicated transport element because this element can be found in the UDIT section of Exhibit A (Section 9.6.1). CLECs can purchase this element under the provisions of the tariff or the SGAT. Similarly, there is a half hour increment labor charge for installation and repair of equipment and trouble isolation in the line sharing section of WN U-43 (Section 3.1 H 1). These charges are found in the virtual collocation section of Exhibit A (Section 8.2) and can be purchased from either the SGAT or the tariff.

There is one element in WN U-43 that was mistakenly omitted from Exhibit A. The tariff includes an option that provides a rate for Qwest-provided cable for the CLEC's terminations. Terminations are the wire connections between a CLEC collocation space and the Qwest network. The initial termination charges adopted by the Commission assumed that the CLEC would provide its own cable. Many CLECs ordered terminations that included Qwest-provided cable. WN U-43 (Section 3.2.4 (a), (b), (c) and (d)) was updated to include a cost for this cable when it was provided by Qwest at the request of the CLEC. This rate was inadvertently not picked up in the SGAT. Exhibit A (Section 8.1.8) has been updated to reflect this tariffed rate.

There are two other corrections to Exhibit A. The Space Construction charges for caged collocation (Section 8.3.4) included an additional charge when a CLEC requested a 60 AMP cable. However, the cost of a 60 AMP cable was already included in the flat space construction charges (Section 8.3.2). Thus, this incremental charge is not required and Exhibit a has been revised to eliminate it. Finally, the nonrecurring charge for a DS1 Local Message Trunk Port (Section 9.11.5) was mistakenly set at \$105.43 as opposed to the \$106.43 that is Qwest's proposal in the current cost docket. This typographical error was corrected in the current filing.

C. Other Miscellaneous Changes.

The SGAT accompanying this Notice includes a few additional miscellaneous changes. These include the correction of a pair of typographical errors in Sections 9.6.1.3 and 9.23.1.2.1. Qwest modified Section 12.2.6.3 to reflect new language that was agreed-upon among the

participating CLECs and Qwest. Finally, Exhibit G was updated to reflect consensus language developed through the Change Management Redesign sessions.

II. CONCLUSION

For the foregoing reasons, the Commission should consider the SGAT filed with this notice as the baseline document for any future proceedings in this docket. Qwest respectfully requests that the Commission permit this version of the SGAT to take effect as of July 10, 2002 pursuant to 47 U.S.C. § 252(f)(3)(B).

DATED this 11th day of June, 2002.

Qwest Corporation

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