

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation )  
Concerning the Status of Competition and ) DOCKET NO. UT-053025  
Impact of the FCC’s Triennial Review )  
Remand Order on the Competitive ) JOINT CLEC OBJECTIONS TO  
Telecommunications Environment in ) QWEST RESPONSE TO ORDER 04  
Washington State. )  
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1. Covad Communications Company, Eschelon Telecom of Washington, Inc., Integra Telecom of Washington, Inc., McLeodUSA Telecommunications Services, Inc., and XO Communications Services, Inc. (collectively “Joint CLECs”) provide the following objections to the Response of Qwest Corporation (“Qwest”) to Order 04 (“Response”). The Commission should require Qwest to fully comply with Order 04 – specifically (1) to provide ARMIS 43-08 data without modification, and (2) to provide additional information supporting the disputed fiber-based collocators in the Olympia Whitehall wire center – or the Commission should find that Qwest has failed to carry its burden of proof and adopt the Joint CLECs’ position on the wire center designations.

**OBJECTIONS**

**A. Qwest Has Not Provided Unmodified ARMIS 43-08 Business Line Count Data as the Commission Required.**

2. The Commission ordered Qwest to provide “the most recently filed ARMIS 43-08 data” supporting Qwest’s designations of the Kent O’Brien and Seattle Cherry wire centers.<sup>1</sup> On October 18, 2006, Qwest filed and served updated business line count data

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<sup>1</sup> Order 04 ¶ 63.

for those wire centers, including line counts for Qwest business customers ostensibly derived from Qwest's latest ARMIS 43-08 report to the FCC. Qwest, however, provided no information on how it calculated those lines. To the extent that Qwest merely updated the line calculations it made in compliance with Order 03 ("Initial Order"), Qwest did not comply with Order 04.

3. The Joint CLECs objected to Qwest's business line count filing required by the Initial Order because Qwest's ARMIS line counts varied from the calculations the Joint CLECs made using the 2003 information that Qwest originally provided.<sup>2</sup> Based on subsequent informal discussions with Qwest and testimony that Qwest provided in a similar proceeding in Utah, the Joint CLECs understand that Qwest did not provide the Commission with the ARMIS 43-08 data that Qwest filed with the FCC. Rather, Qwest adjusted its ARMIS business line counts ostensibly to account for dedicated circuits that originate in one wire center but provide service to a customer in a different wire center. Qwest apparently has developed statewide average ratios of the number of such circuits to the total number of circuits and applies that ratio to the ARMIS 43-08 line counts for each wire center.

4. Nothing in the FCC rules, the TRRO or Order 04 authorizes Qwest to modify the ARMIS 43-08 data Qwest files with the FCC when calculating the number of business lines served out of a particular wire center. Qwest's latest alterations, moreover, are based not on the actual number of circuits that originate in the wire centers but on the application of ratios derived from proprietary statewide average data – ratios that Qwest has not even provided, much less explained how Qwest calculates. Such line counts are

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<sup>2</sup> Joint CLEC Comments on Wire Center Designations ¶ 3 (May 5, 2006).

the antithesis of the FCC's requirement that business line counts be determined according to "an objective set of data that incumbent LECs already have created for other regulatory purposes" and that are based on "a simplified ability to obtain the necessary information."<sup>3</sup> Order 04 authorized no departure from these FCC requirements. The Commission thus should require Qwest to file ARMIS 43-08 data *without adjustments* for each wire center that Qwest has designated, in whole or in part, based on business line counts or should conclude that Qwest has failed to justify its proposed designations.

**B. Qwest Has Failed to Provide Any Additional Data on the Disputed Fiber-Based Collocator in the Olympia Whitehall Wire Center.**

5. The Commission required Qwest to provide the most current information on the fiber-based collocators in the Olympia Whitehall wire center. Qwest's response states only that the number of such fiber-based collocators has not changed. Qwest misses the point. Qwest failed to provide sufficient information to demonstrate that one of the fiber-based collocators it has listed in that wire center is actually a fiber-based collocator.
6. Qwest designated its Olympia Whitehall central office as a Tier 1 wire center based on the number of fiber-based collocators in that office. Qwest has identified four such collocators, the minimum number required for Tier 1 designation. As the Joint CLECs stated in their Comments on Wire Center Designations, they have confirmed three of those four but cannot confirm the fourth.<sup>4</sup> To the contrary, a CLEC representative who has been in that office informed the Joint CLECs that the fourth alleged collocator has a cage with its name on it in the area where the other collocators are located, but the cage is empty. Qwest has failed to produce any additional evidence

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<sup>3</sup> TRRO ¶ 105.

<sup>4</sup> Joint CLEC Comments on Wire Center Designations ¶ 4 (May 5, 2006).

to demonstrate that this company is collocated elsewhere in this central office or otherwise support inclusion of that company in the list of fiber-based collocators in that wire center, despite the Commission's order to provide updated information.

7. The Commission, therefore, either should require Qwest to provide such additional information or should conclude, based on the lack of such information, that Qwest has failed to demonstrate that the Olympia Whitehall wire center is properly designated as Tier 1 (rather than Tier 2).

### **CONCLUSION**

8. Qwest has failed to comply with the Commission's requirement to provide ARMIS line count data without alteration and additional information on the disputed fiber-based collocator in the Olympia Whitehall wire center. The Commission either should reject Qwest's Response and require refiling in compliance with Order 04 or should adopt the Joint CLECs' position on the appropriate designations of the disputed wire centers.

DATED this 30th day of October, 2006.

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