

March 18, 2004

Via E-Mail and Overnight Mail

Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
Post Office Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, Washington 98504-7250

Re: In the Matter of the Petition for Arbitration of an Amendment to Interconnection Agreements of Verizon Northwest Inc. with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Washington Pursuant to 47 U.S.C. Section 252(b), and the Triennial Review Order, Docket No. UT-043013.

Dear Ms. Washburn:

AT&T of the Pacific Northwest, Inc. and its TCG affiliates (collectively "AT&T") hereby respond to Verizon's scheduling proposals in Docket No. UT-043013.

While AT&T believes it is appropriate to postpone responses to Verizon's Arbitration Petition ("Petition") pending Verizon's determination of whether it will amend its Petition based upon the D.C. Circuit Court's decision, the real question before the Commission ought to be whether it is appropriate to engage in a mass arbitration to amend approximately 77 individual interconnection agreements based upon Verizon's interpretation of the *Triennial Review Order* ("TRO").

Several factors suggest that Verizon's attempt to engage in a mass arbitration may ultimately cause more duplicative work than is necessary. For example, Verizon and several of the parties to the mass arbitration are already engaged in lengthy and resource intensive negotiations over Verizon's model interconnection agreement for the State of Washington. The model agreement that grows out of that proceeding will likely serve as the future interconnection agreement of many, many Washington competitive local exchange carriers ("CLECs"). In that proceeding, the parties are engaged in a holistic review that will ensure all portions of the Verizon model agreement are examined and interoperable. It seems to AT&T that the more appropriate forum for considering the

necessary TRO adjustments ought to be the model agreement docket.¹ The provisions developed in that docket may obviate the need for some CLECs to even arbitrate any *TRO* adjustments to their agreements.

Another factor that suggests Verizon's mass arbitration strategy is inappropriate is that not all 77 parties to the mass arbitration are equally situated. Some CLECs may be in a position to arbitrate more issues than the *TRO* questions that Verizon proposes and Verizon's current methodology will require that those CLECs arbitrate twice in two different proceedings.² Furthermore, not all 77 parties are likely to be equally interested in all TRO issues, thus causing those with a lesser interest to participate and be subjected to discovery where they may not have had any dispute. Finally, the fact that this is a mass arbitration suggests that the typical arbitration intervals should not apply. It is doubtful that 77 parties may be adequately heard in the statutory time allotted for a single arbitration. Superimposing the time constraints of a single arbitration onto this mass arbitration suggests a potential adverse impact on the 77 CLECs' due process rights if not a complete denial of them.

Arbitration, particularly over important interconnection issues, is rarely a quick and easy process. The Commission should be mindful of the burden arbitration places, not only on its resources, but also on those of the carriers. In light of those burdens, AT&T requests that the Commission consider whether it has the authority or desire to engage in a mass arbitration where such arbitration will be duplicative of work pending in other dockets and cause multiple same-party, same-contract arbitrations. That said, if the Commission determines it should proceed with Verizon's mass arbitration, AT&T does not object to Verizon's extension request.

Sincerely,

Letty S.D. Friesen

cc: Service List

¹ Docket No. UT-011219.

² Under § 252(b)(3) a non-petitioning party may respond to the arbitration petition and may inject issues not contained therein. Presumably, the Verizon does not anticipate that the Commission will allow the parties in this docket to inject issues other than the TRO issues into this proceeding.