

**BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation Into)	
)	DOCKET NO. UT-003022
U S WEST COMMUNICATIONS, INC.'s)	
)	
Compliance with Section 271 of the)	
Telecommunications Act of 1996.)	
_____)	
In the Matter of)	
)	DOCKET NO. UT-003040
U S WEST COMMUNICATIONS, INC.'s)	
)	
Statement of Generally Available Terms)	
Pursuant to Section 252(f) of the)	
Telecommunications Act of 1996.)	

**AT&T'S RESPONSE TO QWEST'S NOTICE OF UPDATED STATEMENT OF
GENERALLY AVAILABLE TERMS AND CONDITIONS
AS OF JUNE 11, 2002**

AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle and Oregon (collectively, "AT&T") hereby file their Response to Qwest's Notice of Updated Statement of Generally Available Terms and Conditions as of June 11, 2002 ("Notice").

A. Checklist Item No. 3 – Poles, Ducts, and Rights-of-Way.

1. WA-3-4: Access to Rights-of-Way Agreements.

In its 34th Supplemental Order, the Commission requested an update on what language was required in Utah. Attached is a copy of the Utah Commission Order, dated April 26, 2002 in which the Utah Commission gave the parties direction on revisions to be made to the SGAT. Notably, the Utah Commission required, in cases where Qwest

asserts that the agreement is confidential, that Qwest provide a photocopy of the specific provision that grants the landowner confidentiality rights, with a verification by a Qwest employee, stating that the employee knows it be a true and correct copy of the relevant provision of the Agreement in question.¹

Since the issuance of this Order, AT&T and Qwest have engaged in further negotiations and on June 6, 2002, Qwest filed consensus revisions to Section 10.8.2.27 and Exhibit D to the SGAT. AT&T has attached a copy of Qwest's filing for the Commission's convenience.² In its Notice in this proceeding, Qwest represents that the language in Qwest's updated SGAT filing, reflects the language agreed upon by Qwest and AT&T that was filed in Utah.³ That is not the case. AT&T has done a comparison of the consensus language filed by Qwest in Utah and the Washington updated SGAT and there are material differences and omissions between the Utah filing and the Washington SGAT filing. AT&T has provided a copy of the comparisons of Section 10.8 and Exhibit D of the SGAT, identifying these differences and omissions.⁴ To the extent this Commission determines it wishes to follow the decision path established by the Utah Commission, the consensus language filed by Qwest and agreed to by AT&T should be adopted, not the incomplete language currently found in Qwest's updated SGAT filing.

For purposes of resolving this issue, AT&T would accept the revisions to Section 10.8 and Exhibit D as they were actually filed in Utah.

¹ See Exhibit 1, Utah April 26 Order, p. 3

² See Exhibit 2.

³ Notice, p. 3.

⁴ See Exhibit 3, Comparison of Section 10.8 and Exhibit 4, Comparison of Exhibit D.

B. Checklist Item No. 4 – Unbundled Loops.

1. WA-LOOP 22 - 9.2.2.1.3.1 – Access to IDLC.

In its 34th Supplemental Order, the Commission entered the following order on this issue:

We note that the parties agreed to continue discussing appropriate language on the issue, but believe the following discussion will guide the parties' efforts. As we have stated above, CLECs must have access to back office information pertaining to loop qualification in the same manner as any Qwest employee. If Qwest employees have direct access to spare loop information, then CLECs must have the same access. Nothing precludes Qwest from providing mediated access to information after the information has been provided to CLECs in the same manner as it is provided to any Qwest employee. Qwest may recover from CLECs its reasonably incurred costs associated with OSS transition costs, consistent with the requirements of paragraphs 98 to 112 of the Commission's 17th Supplemental Order in the Generic Cost Proceeding, Docket No. UT-960369. Whether Qwest's proposed rates are reasonable will be determined in the Commission's ongoing cost docket, Docket UT-003013.⁵

AT&T has heard nothing from Qwest regarding any revision to Section 9.2.2.1.3.1 and Qwest proposed no change to this Section in the SGAT attached to its Notice to conform this Section to the Commission's decision. Accordingly, AT&T proposes the following revision to Section 9.2.2.1.3.1 to bring it into compliance with the Commission's orders:

9.2.2.1.3.1 In areas where Qwest has deployed amounts of IDLC that are sufficient to cause reasonable concern about a CLEC's ability to provide service through available copper facilities on a broad scale, CLEC shall have the ability to gain access to Qwest information sufficient to provide CLEC with a reasonably complete identification of such available copper facilities, pursuant to the procedures set forth in Section 9.2.2.8 and its subsections. Qwest may provide mediated access to such information once the information has been provided to CLEC in the same manner as it is provided to any Qwest employee. ~~ishall be entitled to mediate access in a manner reasonably related to the need to protect confidential or proprietary information.~~ Qwest may recover any reasonable costs it incurs to provide such mediated access in the same manner as it recovers other OSS transition costs under the Commissions

⁵ WA 34th Supplemental Order, ¶ 74

~~orders. If the CLEC shall be responsible for Qwest's incremental costs to provide such information or access mediation.~~

2. WA-LOOP 3(a) and 3(b) - Section 9.2.2.8 - Access To Loop Qualification Information.

It appears that Qwest has incorporated the final SGAT language AT&T proposed in Arizona on this issue. That language appears in Section 9.2.2.8.6. This language is acceptable to AT&T. AT&T notes, however, that in making revisions, Qwest appears to have left the prior version of this language in Section 9.2.2.8. AT&T assumes this is an error and that the following language in that section should be deleted:

~~9.2.2.8 Loop Qualification Tools. Qwest offers five (5) Loop qualification tools: the ADSL Loop Qualification Tool, Raw Loop Data Tool, POTS Conversion to Unbundled Loop Tool, MegaBit Qualification Tool, and ISDN Qualification Tool. These and any future Loop qualification tools Qwest develops will provide CLEC access to Loop qualification information in a nondiscriminatory manner and will provide CLEC the same Loop qualification information available to Qwest. CLEC may request an audit of Qwest's company records, back office systems and databases pertaining to Loop information pursuant to Section 18 of this Agreement. If the Loop make-up information for a particular facility is not contained in the IMA Loop qualification tools or if the IMA Loop qualification tools return unclear information, then CLEC may request that Qwest perform a manual look-up of the Loop make-up information. After completion of the investigation, Qwest will load the information into the LFACS database, which will populate the fields in the IMA Loop qualification tools. Qwest will perform the manual look-up and notify CLEC via email, within seventy-two (72) hours, that the requested LFACS information is available through the IMA Loop qualification tools. In the event the manual look-up will take longer than seventy-two (72) hours, Qwest will notify CLEC within seventy-two (72) hours of the expected date upon which Qwest can provide the manual loop make-up information.~~

With the deletion of the above language, AT&T would consider this issue closed and Qwest to be in compliance with the Commission's orders.

CONCLUSION

WHEREFORE for all the reasons set forth herein, Qwest's Notice of Updated Statement of Generally Available Terms and Conditions as of June 11, 2002 does not

comply with Commission's 34th Supplemental Order, the Act and implementing FCC orders. AT&T has proposed revisions herein which would bring Qwest's SGAT into compliance. AT&T urges the Commission to adopt AT&T's recommended revisions. The Commission should not endorse Qwest's application for Section 271 relief in Washington until Qwest's SGAT fully complies with the 34th Supplemental Order.

Respectfully submitted this 18th day of June, 2002.

**AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC. AND
AT&T LOCAL SERVICES ON
BEHALF OF TCG SEATTLE AND TCG
OREGON**

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