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**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation into  
U S WEST Communications, Inc.'s  
Compliance with § 271 of those  
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'S RESPONSE TO AT&T'S LETTER  
REGARDING SGAT EXHIBIT A**

**I INTRODUCTION**

In accordance with the Commission's July 17, 2002 Notice of Opportunity to Respond, Qwest hereby files this response to AT&T's letter ("*Letter*") dated July 16, 2002. As described in the Notice, Qwest had, on July 2, 2002, filed a revised Exhibit A to its SGAT, asking that it be substituted for the Exhibit A that was filed on June 25, 2002. The June 25, 2002 Exhibit A was to be effective on July 10, 2002 in accordance with the 39th Supplemental Order. In its July 2, 2002 filing, Qwest represented that the only changes to Exhibit A were changes made to reflect Qwest's compliance tariff filings in the cost docket, UT-003013(B). Those compliance filings were made on June 28, 2002 and were approved by the 33rd and 34th Supplemental Orders dated July 19, 2002.

AT&T's letter complains generally that it has concerns that "Qwest's filing related to the pricing changes in the SGAT are [sic] not accurate and are [sic] misleading." However, AT&T's filing appears to be a "form letter" that it has filed in other states, with minor modifications, in response to similar Qwest

1 SGAT filings. The facts are that AT&T's objections are based on serious misrepresentations, and those  
 2 objections have been rejected by each state commission that has considered them. Even the most  
 3 rudimentary investigation by AT&T prior to the preparation and republication of its form letter would  
 4 have revealed to it the errors it has made. That AT&T has not revised its form letter in light of Qwest's  
 5 prior replies and rejections by other states does a real disservice to this Commission, and wastes the  
 6 resources of the parties.

7 **II. ARGUMENT**

8 AT&T's letter, addressed directly to the Commissioners and filed in violation of the  
 9 Commission's filing requirements in WAC 480-09-100(3), is so full of misstatements of fact and errors of  
 10 law that it is difficult to know where to begin in response. Giving AT&T the benefit of the doubt, perhaps  
 11 AT&T is simply confused about Qwest's filings. Qwest made several tariff and SGAT filings in June and  
 12 July related to pricing. Qwest will address each of AT&T's points below.

13 **A. Exhibit A Does Not Contain "New" or "Additional" Rates**

14 Most concerning to Qwest is AT&T's allegation that Qwest has somehow tried to sneak in  
 15 certain rate elements that have never been filed before. AT&T specifically claims that "there are many  
 16 additional, new rate elements Qwest has added to the SGAT Exhibit A. . . ." This is demonstrably false.  
 17 The rate elements that AT&T claims are "new" or "additional" have in fact been filed in many, many  
 18 previous versions of Exhibit A, each time at the same rate level as included in the July 2 filing. Indeed,  
 19 many of these rates have been in Exhibit A since the very first SGAT filing on March 22, 2000. Each  
 20 Exhibit A became effective 60 days after filing as a matter of law pursuant to § 252(f)(3)(B), with the  
 21 exception of the June 25/July 2 version, which became effective on July 10, 2002 by Commission order.  
 22 The table below addresses AT&T's claims:

Rate Element, SGAT §	6/25/02 SGAT?	6/11/02 SGAT?	5/28/02 SGAT?	4/19/02 SGAT?	4/5/02 SGAT?	1/29/02 SGAT?	9/21/01 SGAT?
Local Switching, Premium	Yes	Yes	Yes	Yes	Yes	Yes	No

1	Port, § 9.11.1							
2	Category 11 Record Charge, § 7.9.4	Yes	Yes	Yes	Yes	Yes	Yes	Yes
3	DUF, § 12.3	Yes	Yes	Yes	Yes	Yes	Yes	Yes
4	ICNAM, § 9.18	Yes	Yes	Yes	Yes	Yes	Yes	Yes
5	Local Switching, Market Based Rates, § 9.12	Yes	Yes	Yes	Yes	Yes	Yes	Yes

6  
7 If there were room for columns to reflect the June 29, 2001 filing and the March 22, 2000 filing,  
8 those columns would be identical to the column for September 21, 2001.<sup>1</sup> AT&T had an opportunity to  
9 comment on each and every one of these SGAT filings, both in writing and during oral argument, on  
10 multiple occasions. AT&T has *never before uttered a single word* about the inclusion of these rate  
11 elements in Qwest’s Exhibit A. Additionally, Qwest has always clearly identified those rates in Exhibit A  
12 that are “proposed” as opposed to approved – for example, the “premium port” charge in § 9.11.1 is  
13 identified by “note 5” as being a rate that is proposed for Commission review in the Part D cost docket.  
14 That rate was proposed in testimony, with a supporting cost study, in November 2001, which explains  
15 why the rate was not included in the September 21, 2001 SGAT, but was included in the January 29,  
16 2002 SGAT.

17 Furthermore, AT&T’s claim that these rates can and would increase the cost of providing local  
18 service in Washington is wrong. AT&T is not required to purchase any of these elements in order to  
19 provide local service.<sup>2</sup> On the other hand, if AT&T desires to obtain any of these services, it may amend  
20 its interconnection agreement to do so, and opt in to these rates from the SGAT.<sup>3</sup> Notably, no CLEC

21 <sup>1</sup> In some of the earlier filings, the rate elements were in different sections than they are currently, and in at least  
22 one case were higher in the earlier filing than in the later ones.

23 <sup>2</sup> Indeed, in testimony provided recently in Docket No. UT-020388, AT&T made it clear that it is providing local  
24 service in Washington and that the services and elements it obtains from Qwest are limited almost exclusively to  
25 number portability from Qwest.

26 <sup>3</sup> Of course AT&T can and does participate in cost dockets where these rates are reviewed as well. It is unclear  
from AT&T’s letter if AT&T expects to obtain these services at no charge until the rates are reviewed in a cost docket,  
or if AT&T expects that Qwest will simply not offer the services until then. Qwest submits that either of those two  
results would be absurd, and that the more reasonable course of action is to allow Qwest to offer the services and rates  
until a cost docket or arbitration resolves any disputed issues. This is of course consistent with what an SGAT is – a  
statement of generally available terms and conditions – it is Qwest’s offer, but Qwest cannot compel any carrier to  
accept that offer.

1 doing business in Washington, or for that matter any CLEC other than AT&T, has objected to Qwest's  
2 filing.

3 **B. Qwest Did Not Improperly Add Rates to AT&T's Rate Sheet.**

4 AT&T clouds the issues by referencing a June 11, 2002 letter from Larry Christensen, claiming  
5 that "Qwest states that these new rates will be incorporated into its existing interconnection agreements  
6 ('ICAs') with CLECs." *Letter at p. 2.* It is unclear from AT&T's letter what rates are meant by the  
7 reference to "these new rates". In the context of AT&T's letter, it appears as though AT&T believes that  
8 Qwest intends to incorporate all of the Exhibit A rates into the interconnection agreement between AT&T  
9 and Qwest. AT&T is wrong.

10 The June 11 letter from Mr. Christensen addressed only the rates filed under Advice No. 3319T,  
11 Docket No. UT-020724. Those rates are now effective and are contained in Qwest's wholesale tariff.  
12 Thus, it is appropriate to include them in the ICA as the current and lawful rates. However, other rates in  
13 Exhibit A, such as the Category 11 charge, the DUF, and the ICNAM rates that AT&T complains about,  
14 are not in the tariff, are not in AT&T's ICA, and were not referenced in either Mr. Christensen's letter or  
15 the attachments thereto. AT&T admits as much in the penultimate paragraph of its letter, when it states  
16 that the attachment to Qwest's letter "does not contain and does not in any way indicate that Qwest is  
17 also intending to add the numerous new rate elements. . . ." Thus, AT&T recognizes that its concerns are  
18 fabricated. Qwest did not intend to incorporate those rates into AT&T's ICA, and has not done so.

19 **C. AT&T's Request for Reconsideration of the Commission's Approval of Exhibit A is Untimely**

20 AT&T's letter is replete with references to Commission approval of the July 2, 2002 Exhibit A,  
21 warning against such action unless and until the Commission thoroughly reviews that Exhibit. *Letter at*  
22 *pp. 1, 3.* However, the Commission approved Qwest's June 25, 2002 Exhibit A on July 1, 2002 in the  
23 39th Supplemental Order, ¶ 391. AT&T certainly could have, and did, petition for reconsideration of  
24 that order, but did not raise the issue of Exhibit A rates. As shown herein, and as anyone could determine  
25 by a comparison of the documents, the Exhibit A filed July 2, 2002 differed from the prior, approved  
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1 Exhibit A only with regard to Part B cost docket compliance rates. Qwest has simply substituted the  
2 revised Exhibit A to reflect rates in compliance with the cost docket. On that issue, it should be noted  
3 that the time for commenting on Qwest's cost docket compliance filing has passed, and AT&T did not file  
4 any comments. Additionally, those rates will become effective on July 28, 2002, in accordance with the  
5 33rd and 34th Supplemental Orders in Docket No. UT-003013.

6 **III. CONCLUSION**

7 AT&T's delay tactics, evidenced by this most recent filing, never seem to come to an end.  
8 Qwest urges the Commission to deny the relief sought by AT&T, because of both procedural  
9 irregularities and lack of merit.

10 Respectfully submitted this 22nd day of July, 2002.

11 QWEST CORPORATION

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14 \_\_\_\_\_  
15 Lisa Anderl, WSBA # 13236  
16 Qwest  
17 1600 7<sup>th</sup> Avenue, Room 3206  
18 Seattle, WA 98191  
19 Phone: (206) 398-2500  
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