

**APPENDIX 6**

**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          | ) | DOCKET NO. UT-003040                 |
| .....                                   | ) |                                      |
|   | ) |                                      |
| In the Matter of                        | ) |                                      |
|   | ) | 42 <sup>ND</sup> SUPPLEMENTAL ORDER; |
| U S WEST COMMUNICATIONS, INC.'s         | ) | DENYING AT&T'S REQUEST               |
|   | ) | TO REJECT REVISED EXHIBIT            |
| Statement of Generally Available Terms  | ) | A, AND ORDERING QWEST                |
| Pursuant to Section 252(f) of the       | ) | TO CONTINUE FILING                   |
| Telecommunications Act of 1996          | ) | STATUS REPORTS                       |
|   | ) |                                      |
| .....                                   | ) |                                      |

**I. SYNOPSIS**

1 *By this order, the Commission rejects AT&T's request to deny Qwest's request to allow revised Exhibit A to the SGAT to become effective as of July 10, 2002. The Commission also directs Qwest to continue filing reports every 90 days on the status of its efforts to automate the subloop unbundling process.*

**II. MEMORANDUM**

**A. Exhibit A to the SGAT**

2 On July 2, 2002, Qwest filed with the Commission a revised Exhibit A to the Eighth Revision of the SGAT. Exhibit A identifies the recurring and nonrecurring rates and charges for UNEs and other facilities and services included in the SGAT. Qwest explained that the revised exhibit brings the rates in Exhibit A into conformance with the compliance tariffs that Qwest filed on June 28, 2002, in Docket No. UT-003013. Qwest requested that the revised Exhibit A be substituted for the Exhibit A filed with

the Eighth Revision of the SGAT on June 25, 2002, and that the rates in Exhibit A become effective as of July 10, 2002.

3 After carefully reviewing Qwest's revised Exhibit A, the Commission, on July 17, 2002, entered its *41<sup>st</sup> Supplemental Order* allowing substitution of revised Exhibit A and allowing the rates to become effective on July 10, 2002.

4 Also on July 17, 2002, AT&T filed a letter addressed to the Commissioners, asking the Commission to deny Qwest's request to allow the revised Exhibit A to become effective as of July 10, 2002. AT&T asserts that Qwest's revised Exhibit A includes new rate elements that have not been approved in the Commission's costing and pricing proceedings, Dockets No. UT-960369, 960370, 960371, and Docket No. UT-003013. AT&T identifies particular rate elements in Qwest's revised Exhibit A as "new, unapproved rate elements" that "may increase the cost of providing local service in Washington." AT&T also objects to a letter that Qwest has sent to companies with which Qwest has interconnection agreements. That letter states that rates approved by the Commission will be incorporated into the interconnection agreements.

5 On July 22, 2002, Qwest and WorldCom filed responses to AT&T's letter. WorldCom supports the concerns AT&T raised in its letter. Qwest asserts that the rate elements in revised Exhibit A are not new or additional, but have been included in several previous versions of Exhibit A filed in SGATs that became effective 60 days after filing. Qwest asserts that AT&T had opportunities to object to the rates during this proceeding, and did not. Qwest also objects to the letter as an untimely petition for reconsideration of the Commission's *39<sup>th</sup> Supplemental Order*. That order allowed Qwest's June 25, 2002, SGAT, including Exhibit A, to become effective as of July 10, 2002. Finally, Qwest asserts that its letter to companies with interconnection agreements does not require the companies to include all of the rates included in revised Exhibit A in their interconnection agreements, but only the rates recently approved by the Commission in Advice No. 3319T, Docket No. UT-020724.

6 **Discussion and Decision.** AT&T's concerns are not sufficient to cause us to modify our decision in the *41<sup>st</sup> Supplemental Order*. Prior to entering the *41<sup>st</sup> Supplemental Order*, the Commission carefully reviewed the revised Exhibit A, and compared it to versions of Exhibit A included in SGATs previously submitted by Qwest in this proceeding. We found, as Qwest states in its response, that the rates in prior versions

of Exhibit A were allowed to go into effect, and that the only changes in the revised Exhibit A were the rates included in Qwest's June 28, 2002, compliance filing. AT&T had several opportunities during this proceeding to discuss its concerns with rates included in Exhibit A, but has not done so.

7 Many of the rates AT&T objects to are rates under review in our costing and pricing proceedings. Allowing the rates in revised Exhibit A to become effective is not a substitute for our review in the costing and pricing proceedings. Should we require changes to the rates in Qwest's compliance filing, or if we approve rates in our costing and pricing proceedings that differ from rates included in revised Exhibit A, Qwest must modify Exhibit A to reflect these changes.

8 Finally, this proceeding is not the proper forum for addressing AT&T's concern about Qwest's letter to companies with interconnection agreements. Should AT&T continue to have concerns about Qwest's actions in incorporating rates into its interconnection agreement, AT&T may file a complaint with this Commission or seek alternative remedies.

### **B. Status Report of Automation of Subloop Ordering Process**

9 In paragraph 263 of the 28<sup>th</sup> *Supplemental Order*, we directed Qwest to file a status report with the Commission every three months after its initial status report addressing Qwest's efforts to automate the LSR process for ordering subloop elements. Qwest filed its first status report on April 11, 2002. During hearings in April 2002, AT&T demonstrated certain problems with Qwest's ordering process. In paragraph 88 of our 34<sup>th</sup> *Supplemental Order*, we encouraged the parties to continue to discuss the matter, and directed Qwest to file another status report.

10 On July 15, 2002, Qwest filed with the Commission its Second Status Report Re: Automation of the Subloop Ordering Process. In that filing, Qwest asserts that its processes are fully automated and states that Qwest does not intend to file any further status reports.

11 On July 23, 2002, AT&T filed its Response to Qwest's Second Status Report, stating that Qwest did not consult with AT&T prior to filing the status report, and that the parties have not yet completed their discussions on the issue. AT&T continues to

identify problems with Qwest's automated ordering processes for subloops, and asserts that the process is not yet fully automated.

12 **Discussion and Decision.** AT&T raises valid concerns about Qwest's proposed subloop ordering process. Given that problems with Qwest's process still appear to exist, we reiterate our request that Qwest and AT&T work together to resolve the issue. Qwest must continue to file with the Commission reports on the status of its automated process for ordering subloop elements every 90 days until the problems are resolved. Qwest must consult with AT&T prior to filing its next status report. This does not preclude either party from bringing the matter back to the Commission if no further improvements can be made to the automated subloop ordering process, or if insufficient progress is being made to automate the ordering process.

### III. ORDER

13 IT IS ORDERED That:

- 14 (1) AT&T's request to deny Qwest's request that revised Exhibit A to the SGAT become effective as of July 10, 2002, is denied.
- 15 (2) Qwest must continue filing reports every 90 days on the status of the automation of the subloop ordering process until the process is fully automated.

DATED at Olympia, Washington and effective this 26th day of July, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner