

[Service Date December 13, 2002]

BEFORE THE WASHINGTON STATE UTILITIES AND  
TRANSPORTATION COMMISSION

In the Matter of the Investigation Into	)	DOCKET NO. UT-003022
	)	
U S WEST COMMUNICATIONS, INC.'s <sup>1</sup>	)	
	)	
Compliance With Section 271 of the Telecommunications Act of 1996 .....	)	
	)	
In the Matter of	)	DOCKET NO. UT-003040
	)	
U S WEST COMMUNICATIONS, INC.'s	)	45 <sup>TH</sup> SUPPLEMENTAL ORDER; ORDER APPROVING QWEST'S REVISIONS TO SGAT EXHIBITS A, B1 AND K
Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996 .....	)	
	)	

**I. SYNOPSIS**

*1 By this order, the Commission approves Qwest's request to allow revisions to Exhibit A to the SGAT to become effective as of September 29, 2002, the same day that similar tariff revisions became effective. The Commission also approves Qwest's revisions to SGAT Exhibits B1 and K. The Commission also directs Qwest to file in its tariffs all rates included in Exhibit A to the SGAT.*

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<sup>1</sup> After this proceeding began, U S WEST merged and has become known as Qwest Corporation. For consistency and ease of reference we will use the new name Qwest in this Order.

## II. MEMORANDUM

### A. Procedural History

- 2 On September 3, 2002, Qwest filed with the Commission a Second Amended Exhibit A to the Eighth Revision of the Statement of Generally Available Terms and Conditions (SGAT), requesting that the Commission allow the revised Exhibit A to become effective, retroactively, as of July 10, 2002. Exhibit A identifies the recurring and nonrecurring rates and charges for UNEs for items included in the SGAT. Qwest requested the following changes to Exhibit A: reductions in two-wire loop rates for zones one through five, reductions in local and tandem switching rates, and inclusion of a deaveraged line-sharing rate.
- 3 Simultaneously with its September 3, 2002, request to allow revised rates in Exhibit A, Qwest filed with the Commission Tariff Advice Letter No. 3343T, in Docket No. UT-021121, requesting that most of the revised rates listed in Exhibit A become effective as a part of Qwest's Tariff WN U-42, retroactively as of July 10, 2002. The matter was addressed at the Commission's September 25, 2002, open meeting. In that meeting, Qwest agreed to modify and refile the tariff sheets to withdraw the request for a retroactive date and to modify its proposal for the high-frequency portion of the loop. Qwest proposed eliminating the deaveraging proposal for the line-sharing rate. Qwest filed revised tariff sheets with the Commission on September 25, 2002. The Commission took no action on these revisions and the revisions took effect on September 29, 2002.
- 4 On September 27, 2002, Qwest filed with the Commission a Third Amended Exhibit A to the SGAT. Qwest requested that the Commission allow the Third Amended Exhibit A to become effective on September 29, 2002, the same date as the revised tariff sheets filed with the Commission in Docket No. UT-021121.

- 5 On October 7, 2002, Qwest filed with the Commission a Corrected Third Amended Exhibit A to the SGAT, correcting text in Section 8.1.8 of the exhibit. The text for the element “Cable (if supplied by Qwest)” did not match text in parallel tariff provisions. Qwest requested that the corrected Exhibit A become effective on September 29, 2002, similar to its request for the Third Amended Exhibit A.
- 6 On October 21, 2002, Qwest filed with the Commission a Fourth Amended Exhibit A to the SGAT, substituting a new rate for shared transport in Section 9.8.1 of the exhibit. Qwest calculated a new rate in response to comments that AT&T filed with the FCC concerning Qwest’s section 271 application. AT&T’s comments specifically addressed the benchmarking approach Qwest used to develop rates for switching and shared transport. Qwest notes that there is no parallel tariff provision for shared transport on a per-minute-of-use basis.
- 7 On November 7, 2002, Qwest filed with the Commission an amended Exhibit K to the SGAT and a new exhibit, Exhibit B1. Exhibit B1 contains a new performance measure, PO-20, which this Commission approved for inclusion in Qwest’s Performance Assurance Plan or QPAP in its 43<sup>rd</sup> Supplemental Order in this consolidated docket. The QPAP is included as Exhibit K to the SGAT.

## **B. Discussion and Decision**

- 8 Under 47 U.S.C. § 252(f)(3)(B), statements of generally available terms and conditions become effective after 60 days after filing with a state commission, unless the state commission rejects or modifies the document. By operation of law, Qwest’s Third Amended SGAT became effective on November 27, 2002, and the Corrected Third Amended SGAT on December 9, 2002, as the Commission has taken no action on these filings within 60 days. The Commission does accept Qwest’s request for a September 29, 2002, effective date for the revised Exhibit A. The effect of lower rates will allow CLECs operating in Washington state the

opportunity for lower costs and increased efficiencies for the affected rate elements.

9 Similarly, the change in Exhibit A made in the Fourth Revised Exhibit A would become effective on December 21, 2002, barring any action by this Commission to the contrary. For the same reasons discussed above, we approve Qwest's proposed revision to the exhibit and accept Qwest's request for a September 29, 2002, effective date.

10 As with the First Amended Exhibit A, the Commission has reviewed the Second, Third, Corrected Third, and Fourth, Amended Exhibits A, and compared them to versions of Exhibit A included in SGATs previously submitted by Qwest in this proceeding. The rates in prior versions of Exhibit A were allowed to go into effect after 60 days pursuant to section 252(f)(3)(B), even though several of the rates included in Exhibit A have not yet been reviewed or approved in the Commission's costing and pricing docket. In order to allow sufficient review of and comment upon changes in rates in Exhibit A to the SGAT, we require that for this and any future requests to modify Exhibit A to the SGAT, Qwest make the request in the form of a Tariff Advice Letter and place all rates listed in Exhibit A into its tariffs filed with the Commission. Placing the rates in a tariff will allow the Commission to better track which rates have been considered in the cost docket and which rates are still under consideration.

### III. FINDINGS OF FACT

11 Having discussed above in detail the oral and documentary evidence received in this proceeding concerning all material matters, and having stated findings and conclusions upon issues at impasse between the parties and the reasons and bases for those findings and conclusions, the Commission now makes and enters the following summary of those facts. Those portions of the preceding detailed

findings pertaining to the ultimate findings stated below are incorporated into the ultimate findings by reference.

- 12 (1) Qwest Corporation, formerly known as U S WEST Communications, Inc., is a Bell operating company (BOC) within the definition of 47 U.S.C. section 153(4), providing local exchange telecommunications service to the public for compensation within the state of Washington.
- 13 (2) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates and conditions of service of telecommunications companies within the state, to verify the compliance of Qwest with the requirements of section 271(c) of the Telecommunications Act of 1996, and to review Qwest's Statement of Generally Available Terms, or SGAT, under section 252(f)(2) of the Act.
- 14 (3) On September 3, 2002, Qwest filed a Second Amended Exhibit A to the Eighth Revision of the SGAT, requesting that the Commission allows the revised Exhibit A to become effective retroactively as of July 10, 2002.
- 15 (4) On September 3, 2002, Qwest filed with the Commission Tariff Advice Letter No. 3343T in Docket No. UT-021121, requesting that most of the revised rates in Exhibit A become effective as a part of Qwest's Tariff WN U-42, effectively retroactively as of July 10, 2002.
- 16 (5) Following the Commission's September 25, 2002, open meeting, Qwest agreed to modify and refile tariff sheets in Docket No. UT-021121 to withdraw the request for a retroactive date and to modify its proposal for the high-frequency portion of the loop. Qwest filed revised tariff sheets with the Commission on September 25, 2002. The Commission took no action on these revisions and the revisions took effect on September 29, 2002.

- 17 (6) On September 27, 2002, Qwest filed with the Commission a Third Amended Exhibit A to the SGAT. Qwest requested that the Commission allow the Third Amended Exhibit A to become effective on September 29, 2002, the same date as the revised tariff sheets filed with the Commission in Docket No. UT-021121.
- 18 (7) On October 7, 2002, Qwest filed with the Commission a Corrected Third Amended Exhibit A to the SGAT, correcting text in Section 8.1.8 of the exhibit.
- 19 (8) On October 21, 2002, Qwest filed with the Commission a Fourth Amended Exhibit A to the SGAT, substituting a new rate for shared transport in Section 9.8.1 of the exhibit.
- 20 (9) On November 7, 2002, Qwest filed with the Commission an amended Exhibit K to the SGAT and a new exhibit, Exhibit B1.

#### IV. CONCLUSIONS OF LAW

- 21 (1) Having discussed above in detail all matters material to this decision, and having stated general findings and conclusions, the Commission now makes the following summary conclusions of law. Those portions of the preceding detailed discussion that state conclusions pertaining to the ultimate decisions of the Commission are incorporated by this reference.
- 22 (2) Pursuant to 47 U.S.C. § 252(f)(3)(B), Qwest's Third Amended SGAT became effective on November 27, 2002, and the Corrected Third Amended SGAT on December 9, 2002, as the Commission has taken no action on these filings within 60 days.

- 23 (3) Allowing rates in revised Exhibit A to become effective as of September 29, 2002, will allow CLECs operating in Washington state the opportunity for lower costs and increased efficiencies for the affected rate elements.

## V. ORDER

THE COMMISSION ORDERS That:

- 24 (1) Quest's requests in its Third, Corrected Third, and Fourth, Amended Exhibits A to revise Exhibit A to the SGAT to become effective as of September 29, 2002, are granted.
- 25 (2) Qwest's request to add Exhibit B1 to the SGAT and modify Exhibit K to the SGAT is granted.
- 26 (3) For this and any future requests to modify Exhibit A to the SGAT, Qwest must make the request in the form of a Tariff Advice Letter and must place all rates listed in Exhibit A into its tariffs filed with the Commission.

DATED at Olympia, Washington and effective this \_\_\_ th day of December, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner

**NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-09-810, or a petition for rehearing pursuant to RCW 80.04.200 or RCW 81.04.200 and WAC 480-09-820(1).**