

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation)	DOCKET NO. UT-053025
Concerning the Status of Competition and)	
Impact of the FCC's Triennial Review)	VERIZON NORTHWEST INC.'S
Remand Order on the Competitive)	RESPONSE TO JOINT CLEC
Telecommunications Environment in)	PETITION FOR
Washington State.)	ADMINISTRATIVE REVIEW
)	OF ORDER 05
)	

1. Verizon Northwest Inc. ("Verizon") responds to the Petition for Administrative Review of Order 05 submitted by Covad Communications Company, Integra Telecom of Washington, Inc., Time Warner Telecom of Washington, LLC and XO Communications Services, Inc. (collectively, "Joint CLECs") in this docket ("Petition"). Although the Petition (and the relief sought by the Joint CLECs) applies only to Qwest, it is based on such a fundamental mistake – namely, that implementation of the FCC's unbundling rules is optional – that Verizon is compelled to respond. Order 05 was correct to reject the Joint CLECs' proposal to create a cost phase of this docket that would circumvent the FCC's limits on unbundling, and should not be altered on review.

2. In the Petition, the Joint CLECs continue their futile quest to evade the implementation of the Triennial Review Remand Order ("TRRO").¹ Like the Joint

¹ Order on Remand, *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 20 FCC Rcd 2533 (2005).

CLECs' previous filings in this docket and others, the Petition disregards the voluminous authority from federal courts and state commissions, including this one, confirming that the Commission may not countermand the FCC's non-impairment designations. That authority was cited in Verizon's letter in this docket dated August 21, 2006 ("August Letter"), which Verizon incorporates into this Response as if fully stated here.


3. The Joint CLECs once again ignore this Commission's repeated rejection of CLECs' invitations to create and price "Section 271 UNEs."² As stated in Order 05 with regard to Joint CLECs' initial request to re-create de-listed UNEs, "[t]he Joint CLECs' petition provides no factual or legal basis to diverge from the conclusions reached in our earlier decisions." Order 05 ¶ 14. The same is true of the latest Petition: it offers no basis whatsoever for the Commission to reverse its earlier determinations that it lacks authority to designate and price de-listed UNEs under Section 271. The Commission should admonish the CLECs to focus on competing under the new federal unbundling regime, rather than wasting the Commission's and the parties' time with their frivolous efforts to resurrect the old one.

² See, e.g., *Petition for Arbitration of an Amendment to Interconnection Agreements of Verizon Northwest Inc. with Competitive Local Exchange Carriers in Washington*, Docket No. UT-043013, Order No. 17, Arbitrator's Report and Decision ("Arb. Rep."), at 25 (July 8, 2005), *aff'd as modified*, Order No. 18 (Sept. 22, 2005).

4. For the reasons set forth here and in Verizon's August Letter, the Petition's unsupported request that Order 5 be reversed must be rejected.

Respectfully submitted on November 29, 2006.

VERIZON NORTHWEST INC.

By 

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