Exhibit No.___ DER 1T

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

QWEST CORPORATION,

Complainant,

v.

LEVEL 3 COMMUNICATIONS LLC; PAC-WEST TELECOMM, INC.; NORTHWEST TELEPHONE INC.; TCG-SEATTLE; ELECTRIC LIGHTWAVE, LLC; ADVANCED TELECOM GROUP, INC. D/B/A ESCHELON TELECOM, INC.; FOCAL COMMUNICATIONS CORPORATION; GLOBAL CROSSING LOCAL SERVICES, INC; AND, MCI WORLDCOM COMMUNICATIONS, INC.	)	DOCKET NO. UT - 063038
Respondents.	)	DIRECT TESTIMONY OF DENNIS E. ROBINS ON BEHALF OF ELECTRIC LIGHTWAVE, LLC AND INTEGRA TELECOM, INC

February 2, 2007

Q. Please state your name and business address.

A. My name is Dennis Robins and my business location is 1201 NE Lloyd Boulevard, Suite 500, Portland, Oregon 97232.

Q. By whom are you employed and in what capacity?

A. I am employed by Integra Telecom. Currently I am a manager in the Government Affairs Department.

Q. Please provide a brief summary of your background and experience that qualifies you to provide testimony in this docket.

A. I began my career with AT&T Long Lines in 1980. I started in Oakland California running jumpers and worked up to maintaining common control equipment. In 1982 I went to Seattle as a switch technician. During this time I mastered all aspects of the 4ESS switch from wiring circuits to coordinating all circuit provisioning and maintaining the switch. In 1988 I transitioned to management and went to Pleasanton California as a Switched Access Engineer and later as a Toll Connect Facility Engineer. In 1990 I transferred to Denver Colorado and worked for the regional Network Management department. In 1993 I started a three year stretch working as a technology manager for U S West in the reengineering department. In 1996 I returned to AT&T as the Western Region Local Number Portability manager. In 1998 I joined Electric Lightwave as the Local Number Portability (LNP) manager and managed all aspects of moving LNP from

a concept to a reality. Around the time the Numbering Resource Optimization orders were issued in 2000, I created the Number Resources Administration department. This team was responsible for all number related policy, assignment, inventory, regulatory compliance and reporting in addition to provisioning line groups for Local Number Portability, directory listing, toll free service and long distance services. In 2006 I joined Integra Telecom in my current position of Compliance Manager in the Government Affairs department.

I've been an active member of the Local Number Portability Administration – Working Group since 1999, a voting member of the North American Portability Management, LLC for ten years, served as Chair of four State Local Number Portability Implementation teams.

Q. Please provide a brief summary of your testimony.

A. ELI has spent many millions of dollars building out its network in Washington. ELI provides foreign exchange (FX) service largely utilizing its own network. To the extent ELI uses Qwest facilities to reach customers, it buys loops and transport from Qwest.

ELI believes Qwest's use of Virtual NXX (VNXX) to describe the FX service provided by ELI is a misnomer as the services are virtually identical. Qwest attempts to define FX service as requiring a "physical presence" in the foreign exchange by the service provider. There is no such requirement. If the Commission adopts Qwest's definitions of VNXX and FX, it will essentially preclude companies like ELI from providing a competing service and may inadvertently reverse prior FCC and WUTC rulings regarding payment of the $.007 rate for ISP bound traffic.

Q. Does ELI own its own network in Washington?

A. Yes. ELI has built an extensive fiber based network throughout the western United States made up of nearly 7,000 route miles, 65,000 lit fiber miles and fiber based building access to 994 buildings. In Washington alone it has 1,085 route miles, 14,000 lit fiber miles and fiber based connectivity to 139 buildings. In addition, in the Seattle area it has eight fiber based collocations with Qwest and purchase interconnect trunking to another 31 Qwest end offices all interfacing to one of our fiber based collocations. In some Local Calling Areas (LCA) we have multiple Point of Interface's (POIs) with Qwest. Exhibit DER-2 illustrates the portion of the ELI network in Qwest territory served by our switch in Tukwila. Our switch is designated by a yellow diamond and is labeled "TUKWILA SWITCH". The bold blue lines represent ELI fiber which terminate in collocation cabinets in Qwest Central Offices or Qwest Tandem Offices. The red lines illustrate interconnection trunking, the orange lines are Qwest trunking to remote offices and the dotted blue lines are offices we reach through the Qwest tandem. As an example, ELI's fiber runs from our Tukwila switch north to a collocation cage in Qwest's STTLWADU office where it connects to interconnection trunking in the Qwest STTLWAWE, STTLWAPA and STTLWACH offices.

Q. How does ELI's network differ from Qwest's traditional "hub and spoke" architecture?

A. The Qwest network is the result of the limits of historical technology and the location of customers. Keep in mind Qwest was, and in many places, still is, a monopoly provider.

Qwest placed its switching equipment and distribution plant in relation to population. The maximum footprint of the switch or exchange was entirely driven by technical capability. Over time and as the population and therefore customer demand grew, Qwest would reach the physical limits of one central office or the transmission limits of the distribution plant and have to place another switch. These resources are literally hard wired to the customers they served. Time and technology have vastly expanded the switching and transmission capabilities of all carriers. The Telecom Act opened up incumbent networks for competition and places a duty on all carriers to interconnect and exchange traffic. The combination of all three allows any company, including Qwest, an opportunity to access customers of another company without the need to duplicate legacy switching and distribution networks. This is a very important concept for the health of competition and the ability of consumers to benefit from advances in technology.

The ELI network is similar to the Qwest network in as much as there are switches, fiber facilities and on-net buildings. The most significant differences are ELI's larger geographic switching footprint and lack of ubiquitous distribution plant. Our switches are capable of serving a vast area. See Exhibit DER-2. As our customer base expands it may become necessary to increase the quantity of switches we have in a given geographic area.

ELI uses the traditional "hub and spoke architecture" on a different scale. The incumbents typically use a single switch to serve a "Rate Center" or "Locality" and use cable plant, pair gain, or concentrators to reach out and serve customers in different neighborhoods. Given its much smaller customer base and need to be cost competitive,

ELI utilizes a similar methodology by deploying a switch in a central location but uses cable plant and concentrators to reach out and serve customers in different Rate Centers.

"On-network" customers are served entirely over ELI owned facilities while Qwest facilities are leased to serve "off-network" customers. The local/toll dialing patterns are maintained in both scenarios. In either case, when the customer base grows to a point where additional switching or transport capacity is required, additional switches are deployed to meet requirements.

Q. What is FX service?

A. Foreign Exchange service is simply a service where an end user has a number associated with a rate center other than the rate center associated with its service address. As Qwest's complaint demonstrates, technology allows various approaches to accomplish this but the end result is the same. FX service doesn't always involve multiple local calling areas. It can be within a local calling area. Contrary to the general use of the term VNXX, FX relates to assignment of specific telephone numbers rather than a full NXX. The use of the term VNXX to describe FX service can be a misnomer since an NXX is 10,000 numbers whereas a FX number is a single number. Virtual FX may be a more accurate term. I am not aware of, nor have I ever heard of, entire NXXs being used for FX service.

Q. How is FX used by customers?

A. FX is generally used by customers that have a business in one location and want to appear local to customers in another area. Take for example, an auto glass company that

dispatches over a wide territory from a central facility to install glass at the customer location. Use of FX service would allow the company to appear local in the various communities it serves.

Another common use is in the dial up ISP business. Given that few people are willing to pay monthly fees higher than $10-$15 for the service, FX is a necessity for the dial-up ISP business. As illustrated by the chart on page 16 of the testimony of William L. Fitzsimmons, dial-up ISP access is a struggling business and it has seen a decline of about 48% just between 2000 and 2006. In the same time period we see an increase of about 350% in Cable Modem ISP access. The decline in dial-up ISP business is almost a mirror image of the increase in cable modem ISP access while the DSL penetration rate is much less significant and actually shows a decline from 2005 to 2006.

Q. Does ELI provide an FX type service?

A. Yes it does. Please refer to ELI's price list #1, Original Sheet 186.

Q. How does Qwest define FX service?

A. After several reviews of Qwest's complaint and submitted testimony, I'm not sure. In Paragraph 25 of the complaint Qwest states:

> *Qwest has also defined local calling based on geographic areas, and the location of the customer's premises.*

However, this definition seems to conflict with the Linse testimony on page 9 line 21 and the Brotherson testimony on page 38 where they attempt to carve out their FX service based on a "physical presence" theory, rather than the location of the customer's premises. The "Physical Presence" theory seems to imply that Qwest's FX service is the

only acceptable FX service because the presence of a private line facility gives their customers a "physical presence" in the FX local calling area (LCA). This conveniently ignores the fact that the call terminates at the customer location which may not be in the FX LCA.

In the Linse testimony on page 8 lines 15 through 19 Mr. Linse states:

> *FX service allows for customers to obtain local service within a local calling area so that the FX customer may place local calls to other local customers located within the LCA of the foreign exchange and so that local customers located within the LCA of the foreign exchange can also call the customer of the FX service.*

Qwest's Washington WN U-40 Exchange and Network Services tariff section 5 sheet 16 provides yet another definition:

> *"Foreign Exchange (FX) Service is furnished within a Local Access and Transport Area (LATA) from an exchange other than the exchange from which the customer would normally be served."*

The service described by Linse and the Qwest tariff also describe ELI's FX service. Qwest doesn't seem to be able to decide if it wants the FX to be based on the physical location of the customer or the physical presence of the customer facility. It vacillates between a customer "physically located" and the "physical presence" of equipment, based on the point it wishes to make. Most of the published documentation appears to support the location of the customer. The one thing that does appear consistent is Qwest's desire to define FX or VNXX based on what it is paid.

Q. How is a local rated call routed in a typical ILEC network?

A. For the sake of simplification I'll provide a general description that doesn't include the additional complexity of dealing with a ported number or with pooled blocks. It will help to review some concepts. NXXs are groups of 10,000 numbers. Each NXX (first three digits of a seven digit phone number) is assigned to a company known as the code holder for that NXX. Each NXX is assigned to a switch and the NXX is considered to reside in that switch. This information is available to the industry in the Local Exchange Routing Guide (LERG). Additionally a trunk group (TG) is a circuit between two switches.

When a customer dials a seven digit number the first thing the receiving Central Office will do is check translation tables to see if the NXX is resident in the switch. If the NXX is a resident NXX the switch will check a line assignment translation table to see if the last four digits are assigned. If the line is assigned the call will be routed to the line and the called party phone will ring. If the line isn't assigned the call will be routed to some kind of vacant code recording such as "The call can't be completed as dialed, please hang up and try again".

Q. How is an FX call routed in a typical ILEC network?

A. Generally, the same way as a local call. When a customer dials a seven digit number the first thing the receiving Central Office will do is check translation tables to see if the NXX is resident in the switch. If the NXX is a resident NXX, the switch will check a line assignment translation table see if the last four digits are assigned. If the line is assigned the call will be routed to the line and the called party phone will ring. If the line isn't assigned the call will be routed to some kind of vacant code recording such as "The call

can not be completed as dialed, please hang up and try again". Essentially, this is the same as the local call since the Qwest FX NXX is resident in the switch serving the FX LCA. All it does is direct it to a very long line back to the customer's CO and attach it to the customers line.

Q. How is a local rated call routed to ELI?

A. When a customer dials a seven digit number the first thing the receiving Central Office will do is check translation tables to see if the NXX is resident in the switch. In the case of an ELI NXX the NXX is not a resident NXX so the switch will check a translation table to determine where to send the call. Typically, this table will assume the NPA (area code) of the calling party is the same as the NPA of the dialed digits. Based on NPA/NXX the table will return information to the switch identifying an ELI trunk group. The switch will route the call to the identified trunk group which will route it to the ELI switch. The last four digits of the called number have not been used for this routing. Once the ELI switch receives the call it will check translation tables to see if the NXX is resident in the switch. If the NXX is a resident NXX the switch will check a line assignment translation table see if the last four digits are assigned. If the line is assigned, the call will be routed to the line and the called party phone will ring. If the line isn't assigned the call will be routed to some kind of vacant code recording such as "The call can not be completed as dialed, please hang up and try again"

Q. How does the way ELI provides its FX service differ from the way Qwest provides it?

A. ELI provides FX service exactly like local service from the FX LCA utilizing the very same facilities it uses for local service. The only real difference is that ELI's advanced network does not need to use a private line to get to the customer. ELI leverages modern technical capabilities and a larger switching footprint to provide the FX services customers demand. Just like Qwest, ELI determines routing at the switch serving the FX local calling area, the Local Serving Office (LSO), if you will. ELI then routes the traffic on a facility dedicated to its customer.

All carriers have to receive traffic in their switch to make a routing decision. Qwest's first switching point, by necessity, is in the CO for the FX local calling area because this is where the FX NXX resides. Given Qwest's architecture, it could be no other way. As I point out in exhibit DER-2, ELI's network architecture serves many local calling areas with a single switch. ELI's first switching point is the switch the commission has approved for local service in the FX local calling area. Like Qwest, ELI can't make a routing decision until the call reaches its switch. ELI picks up virtually all FX traffic in the LCA where it originated on either its collocated fiber facilities or on interconnection trunking purchased from Qwest. From an inter-carrier perspective ELI's FX service is provided exactly like any local rated service.

Q. Does ELI utilize any Qwest facilities for FX calls?

A. In some cases, yes. As illustrated by exhibit DER-3, ELI utilizes exactly the same facilities purchased from Qwest it would for any local call. For example, referring again

to exhibit DER-3, assume ELI and Qwest both have customers served out of the LCA where Qwest's OLYMWAEV remote office resides (in the lower left quadrant of the exhibit). If a Qwest customer calls an ELI customer, Qwest carries the call to the OLYMWA02 switch and hands it off to ELI at our fiber collocate. ELI carries the call from Olympia to our switch in Tukwila and back to our customer in OLYMWAEV entirely on ELI's fiber facilities.

In the case of a FX call, assume the ELI customer is physically located in the area served by the Qwest Seattle West(STTLWAWE) office and has a FX number from the Olympia Evergreen rate center. A call from a Qwest customer to the FX number of our customer in Seattle West would route the same as any local rated call. Qwest would hand it off to ELI in our collocate in OLYMWA02 and we would carry it to our switch in Tukwila and then to our customer in Seattle West entirely on our facilities. ELI's provision of FX service puts no more burden on Qwest than any other local call.

Q. Does this look the same when there is a call from an ELI customer to a Qwest FX number in the same LCA?

A. No it doesn't. Referring to Exhibit DER-3 again, since ELI does not have a switch in each LCA, it often takes considerably more of ELI's network to deliver an FX call to a Qwest FX customer than it would to deliver a call to the FX customer's physical location. Assume Qwest has a customer physically located in Seattle West who has a Qwest FX number in Olympia Evergreen. When an ELI customer calls the FX line, the call will travel on ELI facilities all the way to our Tukwila switch and all the way back to our collocation in OLYMWA02 where it will be handed to Qwest. As you can see in this

scenario, the Qwest call utilizes considerably more ELI facilities than it would take to deliver the call to the customer's physical location in Seattle West. ELI bears the burden of additional cost of our expanded switching footprint, not Qwest.

Q. Staff and Qwest have drawn correlations between VNXX and IXC traffic. Why is Qwest's comparison of CLECs VNXX traffic to IXC traffic invalid?

A. IXC traffic is a toll sharing arrangement with no direct correlation to FX service. Long before CLECs existed, local service was subsidized by toll revenues. In the Bell System, this was a mechanism for AT&T to utilize high revenue, low cost, long distance revenue to subsidize low revenue, high cost, local service.

A customer placing a toll call dials 1+ the digits of the party they are calling. The first switching point receives the call and routes it to the long distance provider selected by the customer based on CIC code. The long distance provider then hands the call off to the called parties local service provider. The long distance provider receives the toll revenue and pays the originating and terminating carriers access charges. Toll records are typically triggered by the digit 1 that precedes the ten digit phone number.

Qwest's real agenda here is lost toll revenue. With a FX service there is no toll revenue and therefore nothing to share. There may be a FX product charge the customer pays but the number dialed is seven digits and in the same LCA as the calling party number so there is no toll record created. Qwest makes much of the fact their FX customer pays them for the private line from the FX local calling area. This issue is irrelevant and only exists because there is no other practical method for Qwest to provide FX service given their network architecture. It is also interesting to note that even though Qwest's

customer is located in another LCA, they don't share FX revenue with ELI when ELI's customers call a Qwest customer's FX number.

Q. Does ELI respect the LCA boundaries?

A. Contrary to Qwest's complaint, all of our local rated traffic is picked up from or delivered to the proper LCA. Qwest does not carry local rated ELI traffic across LCA boundaries for delivery to a single POI. In a few cases we access Qwest end offices through the local tandems or remote end offices which we have to access via the host. With the exception of the remote offices, once traffic to or from the tandem served offices meet the parameters spelled out in our ICA we establish direct end office trunking.

Q. Does ELI provide long distance (toll) calling as a product to its customers?

A. The allegation in Qwest's complaint that ELI is in the toll bypass business is false. ELI has toll products it offers to its customers. ELI does not offer "free" toll services and utilizes FX service in largely the same circumstances that Qwest does. ELI customers produce many millions of toll minutes each month. Over-utilizing FX service would cannibalize ELI's own toll products.

Q. What is VNXX service?

A. I'm not sure. Qwest uses the term loosely to describe a number of scenarios most of which ELI deems to be FX service. The first use of the term VNXX, I recall, goes back many years and was used to describe the assignment of NXXs to rate centers where a

company is assigning the numbers to customers but does not have any end user customers residing in the rate center associated with the NXX. Thus the term Virtual **NXX**. This definition is also supported by the Qwest Direct Testimony of Phillip Linse on page 9 lines 13 – 16 and again on page 12 lines 19-21.

By way of background, all NXXs assigned to non-incumbent companies are initially assigned to rate centers where they may have no customers, however all companies are required to assign numbers to a customer within six months or return the NXX to the North American Number Plan Administrator (NANPA). This rule is designed to keep companies from depleting limited numbering resources.

Q. Do you agree with Qwest's definition of VNXX service?

A. No, I don't. Qwest insists on defining VNXX and FX around their legacy network. They are attempting to define FX in a way that would make it impossible for competitors to provide the service unless they mirror Qwest's legacy network. They are also attempting to expand the narrow concept of VNXX to incorporate any offering that doesn't have a switching point in each local calling area.

The whole concept of a "physical presence" in the FX local calling area is a new development that appears to have been started by the incumbents about the time of the Core Forbearance Order[1]. This order removed the new market restrictions and MOU caps on inter-carrier compensation for ISP traffic. Shortly after this order[2], Qwest began its

[1] FCC 04-241 released October 18, 2004.

[2] January 25, 2005.

challenge to "VNXX" traffic even though we had been exchanging FX traffic and ISP traffic for many years prior to the notice.

The Commission should also take note of the fact that Qwest appears to have several services that might violate the criteria they are now trying to place on competitors. These services include but are not limited to:

- Virtual Numbers – See Exhibit DER-4
- OneFlex Integrated Access – See Exhibit DER-5
- Wholesale Dial – See Exhibit DER-6
- Market Expansion Line – See Exhibit DER-7

Qwest appears to be currently offering these services yet they don't meet Qwest's own "physical presence" criteria. Borrowing Qwest's argument, all of these services will involve CLEC customers placing calls that are inter-exchange but are rated as local. Just as Qwest complains, ELI and other CLECs are currently being denied originating access charges from Qwest. In fact, as the originating carriers, ELI and other CLECs will pay Qwest reciprocal compensation because the calls will be rated as local.

Obviously, there is a demand for these services and the Commission must enforce its decision in this case uniformly. ELI hopes the ultimate loser doesn't end up being the customer.

Q. Do you agree with the "Cost Causer" testimony of Dr. Fitzsimmons?

A. I believe he is off the mark. His whole theory implies Qwest is being cheated out of revenue and therefore other customers and products are subsidizing ISPs. The fundamental flaw with this thinking is the assumption that customers would pay usage

based toll to access ISPs. The FCC considered all these arguments at length in arriving at the decision to apply a cap of $0.0007 for ISP minutes of use and again in the Core Forbearance Order when they lifted those caps and new market restrictions.

The points he makes could be applied to any business that did anything that resulted in customers of Qwest placing phone calls to them. The causer of the cost is the individual that initiates the phone call. I'm surprised Dr. Fitzsimmons isn't suggesting that yellow page directory providers aren't cost causers. To put it simply, if the phone call isn't placed there is no associated cost.

Q. What historical relationship exists between the technological constraints of legacy switching systems and Qwest's insistence on physical presence.

A. Technological reality drove the physical constraints Qwest now tries to wield as a weapon against its competitors. The combination of limited switching capability and the transmission characteristics of the copper plant limited service provision to a single exchange. The transmission limitations of copper have been experienced by many consumers today when they attempted to get DSL service.[3] Similarly, the only way Qwest could provide FX service and ensure proper routing of calls was through hardwiring the FX CO to the customer premise. The FX number was part of a NXX incorporated into the switch translations of the switch serving the FX rate center and the early switches had limited translation capability. When a call to the FX number was made, the switch couldn't know the destination from any other line assigned to that switch. The only choice the switch had was to route the call to an end user line. That line

[3] To a large extent, the availability and throughput rate of DSL service is dependent on the distance to a customers serving office.

was then wired to one or more distribution frames until it got to the office serving the customers actual physical service address and was cross connected to the customers line.

To require companies with more modern networks and equipment to adhere to this design would be like requiring all travelers on I-90 passing North Bend to get off the freeway and loop through town simply because that is how the traffic used to route.

If the Commission adopts Qwest's definition of FX, all other carriers will have to overbuild the legacy Qwest network to provide FX service. The cost of doing so will leave Qwest as the only provider.

Q. Qwest and Staff have made much of the "rules" found in the Central Office Code Assignment Guidelines (COCAG). Do you agree that this Document prevents ELI from assigning numbers outside of a local calling area?

A. No, I do not. First, COCAG provides "guidelines," not rules or standards. Second, Qwest and Staff have misread the COCAG Guidelines. This misunderstanding can be demonstrated by reviewing various sections of the COCAG itself:

> Purpose:
>
> *These guidelines apply only to the assignment of CO codes (NXX) within geographic numbering plan areas (NPAs)...*
>
> *While the ultimate delivery of any call to a CO code (NXX) need not be geographically identified, by necessity initial routing is geographically defined. Therefore, for assignment and routing purposes, the CO code (NXX) is normally associated with a specific geographic location within*

an NPA, from which it is assigned. For some companies this is also used for billing purposes. Emphasis added

Section 2.8

*These assignment guidelines were prepared by the industry to be followed on a voluntary basis."*Emphasis added

Section 2.5

The guidelines should provide the greatest latitude in the provision of telecommunications services while effectively managing a finite resource..

Section 2.14

Exceptions exist, for example tariffed services such as foreign exchange service. Emphasis added

Section 3.1, 4.1, 4.1.3

CO codes (NXXs) are assigned to entities for use at a Switching Entity or Point of Interconnection they own or control. Emphasis added

All of these sections make it clear that the guidelines are voluntary and exceptions were obviously anticipated. The clear intent of the FCC and the COCAG is to set out a basis for acquiring and managing NXXs. The COCAG is not a document designed to manage individual telephone numbers.

It is also important to remember that the much referenced section 2.14 of COCAG came about in 2001 in an ATIS forum in which participation is limited to paid membership. This forum is but one of many within ATIS, each of which require a fee based membership. CLECs generally have not been active participants in these forums so

the guidelines reflect the ILEC view of the world and are written to preserve any advantage they may enjoy.

Q. Why do you believe the manner in which section 2.14 of the COCAG is being used is out of context?

A. Section 2.14 started with a contribution from Verizon in the CO/NXX subcommittee. However, it is worthy of reference here. See exhibit DER-8.

The original language relating to the exception read:

> *In the case of Foreign exchange service, numbers are assigned to customers whose facilities terminate in a rate center different than the rate center where the numbers are assigned.*

As you can see, the FX exception contained no requirement that the customer or customer's equipment be physically located in the FX rate center. If the original language had remained I don't believe we would see Section 2.14 used in this manner. This particular issue was discussed in the CO/NXX meeting in November of 2001 and introduced to and discussed in the Industry Numbering Committee (INC) as issue 333 in their November 2001 meeting. There was discussion and rewording in this meeting. The wording as we know it as section 2.14 was approved by the INC in January 2002, with one notable exception. The word "physically" as in "premise physically located" was not part of the approved language. I have been informed this will be addressed in the January 2007 INC meeting and should result in the removal of the word.

Q. There has also been some suggestion that VNXX violates the Local exchange Routing Guidelines. Do you agree?

A. No, I don't. The LERG is the primary industry document used for rating and routing of calls. The LERG doesn't know or care how an individual number is assigned. FX service has been around for decades and an FX number follows all regulatory and industry expectations.

Q. If Qwest is successful in outlawing what it deems VNXX, what ramifications do you see for Qwest and the CLEC industry?

A. Such a decision would either eliminate the use of Foreign Exchange, VNXX, Remote Call Forward, Market Expansion Line or any other service where the number assigned doesn't correspond to the rate center in which the customer resides, for all carriers including Qwest, or create a double standard where Qwest can provide these services but no one else can. The impact to competition and consumers could be devastating.

1. CLECs won't be able to offer a product competitive with FX since they don't have a switch in every local calling area. This would be a serious blow to the competitive landscape and leave consumers with fewer choices.
2. Qwest will have successfully done an end run around its obligation to pay the FCC mandated $0.0007 rate on ISP traffic as set out in the FCC's ISP Remand and Core Forbearance Orders.
3. Qwest will now be able to charge CLECS originating access for FX and ISP traffic.

4. CLECS will be subject to paying a much higher rate to Qwest for 251(b)(5) traffic since the elimination of ISP traffic will eliminate the imbalance contributing to the 3/1 ratios and they will no longer be obligated to mirror the $0.0007 rate for all 251(b)(5) traffic. Under current regulation, Qwest can use an imbalance of traffic exceeding a 3 to 1 ratio to limit their reciprocal compensation payments to $0.0007 per MOU. However, in return, they have to accept the same rate for all 251(b)(5) traffic terminating to Qwest.
5. ELI could not be an ISP and provide dial-up ISP service as the ISP because it doesn't have a switch in each LCA. This is a serious blow to the regulatory vision of competition and the hopes of consumers who have been promised the benefits of competition.
6. Finally, Qwest will have effectively neutered any technological advantage CLECs have from their substantial investment in newer networks. The old legacy architecture of ILECs will be imposed on CLECs who will have to overbuild Qwest's older network to compete. Since this is not economically viable, competition will be eliminated and the customers requiring FX solutions will see significant increases in cost.

Q. Qwest has suggested alternatives they say are permissible. Do you view them as viable options?

A. No I don't. Qwest suggests alternatives that don't exist. I know of no competitive company that has switches in each local calling area. To do so would be cost prohibitive.

The only option would be to purchase the service from Qwest as resale or have our customers purchase FX service from Qwest.

Q. Do you feel Qwest's position requiring a private line facility to establish a "physical presence" renders competitive FX unattainable?

A. Yes, for the following reasons:

- FX is a local rated service and involves seven digit dialing.
- When a Qwest CO receives seven digits it only routes on the last four if the NXX is resident. In the case of a non resident NXX they will route based on the NXX.
- Qwest won't route to a specific seven digit number unless it is included in one of their resident NXXs.
- Qwest would have to set up special routing tables and translate at a ten digit level to route CLEC FX to a customer specific facility.
- CLECs would have to provision trunk groups to Qwest for each customer having an FX line in each Qwest central office.
- All industry billing is based on the NPA/NXX of the calling and called digits. There is no billing system that supports billing based on physical presence or physical location rather than NPA/NXX.
- If any FX numbers were ported they would require a customer specific Local Routing Number (LRN) to route properly since a LRN usually routes to a switch using carrier common transport trunking and that couldn't be used for FX service. (An LRN is a ten digit number associated with an NXX code assigned to a specific company. The first six digits are only used at this time because nation-

wide routing is based on six digits. The LRN routes to a specific switch. Since the FX traffic would have to be routed to a private line facility in the Qwest Central Office, rather than the CLEC switch, a customer specific LRN would be required.) This would require untold additional LRN's stranding massive quantities of scarce numbering resources(each LRN removes one NXX and at least 1,000 numbers from the available resource).

- The industry might have to convert to ten digit routing rather than the current six digit routing and the social and economic expense of converting to nationwide ten digit routing has been considered and rejected by the FCC[4].

Q. Should the Commission proceed cautiously in this docket?

A. Yes. There are significant ramifications to CLECs and customers. There is no meaningful distinction between the Foreign Exchange service ELI provides and that which Qwest provides. Foreign exchange service has been utilized by customers for many years and is provided by incumbents and CLECs like ELI. Qwest's desire to label ELI's service offering VNXX is not only a misnomer, but a naked attempt to exclude competitors from the foreign exchange market. Qwest's argument that in order for a company to provide FX service, it must have a physical presence not only pushes the telecommunications industry back to the stone age but ensures Qwest and the other ILECs have a monopoly in the FX market.

If every company had to build facilities to each and every customer and place switches in each rate center we would either have very expensive services coupled with a

[4] FCC 00-429¶101

wealth of wasted investment or no competition. The decision to place additional switching resources should be a result of constraints of modern technology rather than the antiquated technology of the past that drove the existing Qwest network architecture.

The FCC recognized the fact that typical ILEC use of the CLEC network would result in extensive use of CLEC transport facilities when they decided the CLEC was entitled to a tandem interconnect rate for termination of local traffic where their switch was capable of serving an area comparable to that served by the ILEC tandem.[5] Now Qwest wants to turn the clock back to the 1950's and require all competitors to place switches in each LCA.

The Commission has approved our network architecture for providing local service in Washington and our provisioning of FX service does not violate any industry guidelines or Federal or State regulations. In addition, Qwest does not utilize additional facilities or incur cost related to our FX service beyond that of providing any local call. Qwest should not be allowed to utilize their legacy network and huge customer base to change this equation to the detriment of competition. If Qwest prevails in their position the competition for these services will virtually disappear and consumer cost will increase significantly.

Q. Does this conclude your testimony?

A. Yes it does

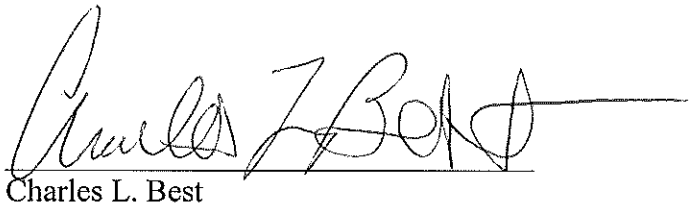
[5] 47CFR¶51.711(a)(3).

CERTIFICATE OF SERVICE

UT-063038

I hereby certify that I have this day served the attached ELECTRIC LIGHTWAVE, LLC'S Testimony of Dennis Robins upon all parties of record by e-mail and/or depositing it pre-paid with the U.S. Postal Service.

Dated at Portland, Oregon this 1st day of February, 2007.



Charles L. Best