

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of)
) DOCKET NO. UT- 041127
THE JOINT PETITION FOR)
ENFORCEMENT OF) TEL WEST COMMUNICATIONS, L.L.C.
INTERCONNECTION AGREEMENTS) PETITION FOR INTERVENTION
WITH VERIZON NORTHWEST, INC.)
(a/k/a GTE))
)

Tel West Communications, L.L.C. (“Tel West”) hereby requests leave to intervene as a party in the above-entitled docket. In support of its request, Tel West states as follows:

I.

All communications with Tel West should be directed to the following persons:

Donald Taylor	David Mittle
Director - Carriers Relations & Regulatory Affairs	Law Office of David E. Mittle
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3701 South Norfolk St., Suite 300	Santa Fe, NM 87501
Seattle, WA 98118	(505) 982-4021 (Voice)
206-577-6343 (Voice)	dmittle@att.net
206-577-6578 (Fax)	
dtaylor@Telwestservices.com	

II.

Tel West is a facilities-based telecommunications company that is authorized by the Commission to provide intraexchange and interexchange telecommunications services throughout the State of Washington. Tel West operates in Verizon Northwest, Inc. (“Verizon”) territory and competes directly with Verizon. Tel West also purchases services directly from Verizon under its interconnection agreement with Verizon, and purchases services on a resale rate.

III.

The above docket involves the dispute:

of whether the provisions in the Triennial Review Order, other FCC Orders and interconnection agreements allow the replacement of existing circuit switches used for voice service with packet switches, rather than the mere deployment of packet switching.

See Order No. 10 in WUTC Docket No. 043013, ¶36.

Tel West purchases certain combinations of network elements, ancillary functions, and additional features, including without limitation the local loop, port, switching, and shared transport combination commonly known as unbundled network element platform (“UNE-P”) under the terms and conditions of its interconnection agreements. Verizon’s acts and actions have compromised that ability to purchase UNE-P. Verizon has unilaterally “discontinued” offering UNE-P and converted Tel West customers to resale, thus injuring and causing damage to Tel West. See Exhibit “A” (copy of e-mail from Verizon). Tel West has substantial interest in the outcome of these proceedings, and Tel West’s participation will be valuable to the Commission.

Tel West’s intervention will not broaden the issues to be addressed or delay the proceedings; Tel West only seeks to have its contractual rights honored and fulfilled. Tel West will coordinate with other parties with similar interests to minimize any duplication or overlap in presentation of positions.

IV.

Tel West did not seek to enforce its contract rights on this issue by participating in Docket UT-043013. See WAC 480-07-650(1)(a)(i). However, based on Verizon’s vigorous resistance to the status quo motions in that docket, negotiations with Verizon on this issue would have likely have not been productive. Based on understanding and

belief, at no time since the CLECs raised this issue in Washington or California, has Verizon expressed a desire to negotiate.

V.

The merits of this Petition to Intervene were discussed with Timothy J. O'Connell, counsel for Verizon, and Verizon reserved its right to object.

WHEREFORE, Tel West respectfully requests leave to intervene as a party to this proceeding, with a right of discovery, to have notice of and appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on brief and at oral argument.

Dated this 23rd day of September, 2004.

Respectfully submitted,

TEL WEST COMMUNICATIONS, L.L.C.

By: _____

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New Mexico Bar # 6597

EXHIBIT A

-----Original Message-----

From: carol.a.yozzo@verizon.com [<mailto:carol.a.yozzo@verizon.com>]
Sent: Thursday, September 09, 2004 1:39 PM
To: jswickard@telwestservices.com; dtaylor@telwestservices.com
Subject: Mt Vernon, WA Central Office Conversion of UNE Switching Lines
- Tel West Communications LLC

September 9, 2004

Jeffrey K. Swickard
Don Taylor

Tel West Communications LLC

In a letter dated 6/7/04 and a reminder letter dated 7/20/04, Verizon notified Tel West Communications LLC that operates in Washington state of the plan to deploy packet switching technology at the Mt. Vernon, WA wirecenter. As explained in these letters, after 9/10/04 circuit switching will no longer be available at the Mt. Vernon and subtending switch locations. As a result, unbundled switching will no longer be available in these switch locations. All impacted CLECs were asked to submit LSRs to convert their end users to either resale or UNE loops for completion by 08/27/04. As further explained in these letters, any UNE switching lines that were still in service on or after 08/27/04 would be migrated by Verizon to resale service.

In the absence of any LSR submissions by Tel West Communications LLC, Verizon undertook the conversions as laid out in the previous letters. The purpose of this letter is to inform you of the status of this conversion activity. Verizon will convert all UNE switching lines currently in service on the Mt. Vernon switch and the remotes on September 10, 2004. The UNE switching lines that will be converted for you are shown on the attached spreadsheet. These UNE switching lines will be converted to resale under your resale OCN.

There is no need for you to take any further action at this point as Verizon will now perform the work necessary to convert your end users to resale. Once the conversion is complete, you can make changes to these accounts by submitting the appropriate LSR orders and following normal resale processes and existing interfaces. After the conversion has been completed, Verizon will send another spreadsheet listing the lines that were converted with the associated billing information.

Verizon has recently conducted two workshops to review the resale ordering and account maintenance procedures. Verizon plans to offer another workshop to assist CLECs with understanding the resale procedures. You will be contacted in the near future concerning the dates for this workshop and we encourage you to take advantage of this session. We also encourage you to visit the Verizon Wholesale Markets website at <http://www.verizon.com/wholesale> to review the many resale resources available to you such as resale products and services descriptions, resale ordering scenarios and business rules.

EXHIBIT A

If you have any questions, please send them to the Transition Planning Team at customer.transition.planning@verizon.com.

Sincerely,

Carol A.Yozzo
Manager, Customer Transition Planning

Attachment

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition to Intervene was served on the following parties:

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I further certify that said copies were served by placing them in sealed envelopes addressed to said party's/attorneys' last know addresses as shown and deposited in the United States Mail in Santa Fe, New Mexico, and that the postage thereon was prepaid and also via electronic mail to the addresses indicated.

DATED this 23rd day of September, 2004.

David Mittle, NMSBA # 6597