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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of Advanced Telecom)	
Group, Inc., NEXTLINK Washington, Inc.,)	
Electric Lightwave, Inc., Frontier Local Services,)	DOCKET NO. UT-990355
Inc., and Frontier Telemanagement, Inc., for a)	
Declaratory Order or Interpretive and Policy)	
Statement on 47 U.S.C. § 252(i) and 47 C.F.R. §)	U S WEST's Supplemental Comments
51.809)	
)	
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In accordance with the Commission's October 15, 1999, Notice, U S WEST provides its supplemental comments. U S WEST applauds Commission Staff's efforts in drafting a thoughtful and well-founded Interpretive and Policy Statement regarding implementation of Section 252(i) of the Telecommunications Act of 1996. U S WEST believes that the draft Statement correctly interprets the applicable law as set forth in 47 C.F.R. § 51.809, and the FCC's Memorandum Opinion and Order in CC Docket No. 99-154, dated August 3, 1999. Consequently, U S WEST's supplemental comments are limited to several suggestions that it believes will add clarity and reduce the potential for misinterpretation of the Commission's Policy. These suggestions are limited to Principles 4, 6 and 10.

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Principle 4

U S WEST believes that the Commission can limit the number of future disputes if it clarifies the definition of an “arrangement” in its policy statement. Accordingly, U S WEST proposes the following definition:

This Commission further defines the FCC criteria that a requesting carrier can gain access to any individual interconnection, service, or network element arrangement as follows:

- Arrangements shall be comprised of the rates, terms, and conditions for the following elements provided for in interconnection agreements:
- an individual unbundled network element
- an interconnection arrangement
- an individual resold service
- an individual collocation arrangement

Principle 6

U S WEST believes that further clarification of the period of time during which requesting carriers can “pick and choose” arrangements will also prevent future disputes. The Commission’s draft principle currently states that “[a] requesting carrier may not receive arrangements from any agreement that is no longer effective.” U S WEST proposes that the Commission specifically provide that the expiration date of the agreement be based on the end date of the term of the agreement, as stated in the *Term of the Agreement* section of the requested agreement. This would not include any additional period of time that the agreement may be extended due to contractual provisions that provide for continuation of service if the parties fail to reach agreement on a new contract prior to the expiration of the previous agreement. U S WEST believes that this clarification is appropriate because it clearly defines the opt-in period as a specified period of time based on the *Term of the Agreement* contracted to by the parties of the requested contract. Such a policy adds certainty to the process by eliminating the possibility of a dispute over the opt-in period.

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Principle 10

In this principle, the Commission states:

An ILEC bears the burden of proving that certain terms and conditions are legitimately related to any requested individual interconnection, service, or element arrangements. An ILEC may impose additional terms and condition as part of an arrangement only if the ILEC proves to the commission that the interconnection, service or elements comprising the arrangement are either technically inseparable, or are related in a way that separation will cause an increase in underlying costs.

Based on its reading of the *Requirements of Section 252(i)* from the FCC's First Report and Order in CC Docket No. 96-325, U S WEST requests that the Commission add the following criteria to what constitutes an "arrangement":

The interconnection, services or element comprising the arrangement includes the same rates, terms and conditions as contained in the requested arrangement.

U S WEST believes that this criteria is clearly contemplated by the FCC's Order and therefore constitutes an important consideration in the evaluation of arrangements in conjunction with 252(i) deliberations.

Dated: November 10, 1999.

Respectfully submitted,

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