

BEFORE THE WASHINGTON

UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Frontier Communications
Northwest Inc.'s Petition to be Regulated as a
Competitive Telecommunications Company
Pursuant to RCW 80.26.320

Docket No. UT- 121994

RESPONSE BY FRONTIER
COMMUNICATIONS NORTHWEST, INC.
TO COMMISSION STAFF'S MOTION TO
CLARIFY ORDER 04

I. INTRODUCTION

1. Frontier Communications Northwest, Inc. ("Frontier") files this response to the Motion to Clarify Order 04 (the "Motion") filed by Commission Staff. Respectfully, Order 04, the Order Denying CLEC Intervenor Motion to Dismiss Petition (the "Order"), requires no clarification.

II. DISCUSSION

2. Commission Staff asks the Commission to clarify an issue not implicated by the Order.
3. The Order does not specifically address Frontier's Tariff WN U-16. The special access services that are the focus of the Motion are just one of the services that Frontier offers to its end user customers in Washington. Therefore, the issue raised by Staff's motion is completely resolved by Paragraph 14 of Order 4:

Again, the number of services a company provides is not relevant to the inquiry under RCW 80.36.320. We must determine whether a company's end user customers have reasonably available alternatives to the company's services, regardless of the extent to which the company also provides services to other carriers.

Thus, Frontier must, and will, prove that its customers have reasonably available alternatives to the Company's services.

4. There is no reason to treat special access differently in this regard. The Commission has faced this issue before:

WeBTEC's arguments regarding special access lines are overwrought. Its concern about the relatively high prices CLECs "have to" pay for special access lines begs the question whether CLECs "have to" buy them. More attractive entry methods and services, notably UNE-P, are now available to service these customers. There was no testimony, and no argument from CLECs, that any significant group of customers is bound to special access for any significant period of time.¹

While the Commission was there responding to arguments concerning CLEC use of special access lines, the issue before the Commission in this proceeding will be the use of special access lines by end user customers. If the Commission was able to conclude – almost *ten years* ago – that alternatives to special access lines were available then, it is difficult to imagine that the availability of alternatives to special access lines in the modern telecommunications environment will present particularly unique issues.

III CONCLUSION


5. The Order does not treat Tariff WN U-16 any differently than any other Frontier tariff. To the degree that end user customers order special access – and small numbers do – Frontier will demonstrate that there are alternative providers making functionally

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¹ *In the Matter of the Petition of Qwest Corporation for Competitive Classification of Basic Business Exchange Telecommunication Services*, Docket No. UT-030614, Order No. 17, ¶ 98 (December 22, 2003).

equivalent or substitute services readily available, and it has no significant captive customer base. The motion should be denied.

Respectfully submitted this 15~~th~~ day of April, 2013.



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