

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC.,

Petitioner,

v.

QWEST CORPORATION,

Respondent

Docket No. UT-

DECLARATION OF MICHAEL
STARKEY IN SUPPORT OF
MCLEODUSA'S PETITION FOR
ENFORCEMENT

1. My name is Michael Starkey. I serve as the President of QSI Consulting, Inc. ("QSI"). My business address is 243 Dardenne Farms Drive, Cottleville, MO 63304-1002.
2. QSI has been retained by McLeodUSA Telecommunications Services, Inc. ("McLeodUSA") to review invoices related to various collocation services it purchases from the Qwest Corporation ("Qwest").
3. On August 18, 2004, Qwest and McLeodUSA finalized an amendment to the parties' interconnection agreement entitled *DC Power Measurement Amendment to the Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. for the State of Washington* (hereinafter "the Amendment"). The purpose of the Amendment was to revise the manner by which Qwest would bill McLeodUSA for Direct Circuit ("DC") Power Usage associated with electrifying McLeodUSA's equipment collocated in Qwest central offices.
5. Prior to the August 2004 Amendment, Qwest assessed a per ampere usage charge applied directly to the capacity of the power cables and fuses McLeodUSA had requested via its original collocation order. The amount of power actually consumed by McLeodUSA over those power cables was not considered by Qwest

in Qwest’s “power usage” charges. McLeodUSA intended the Amendment to require Qwest, from that point forward, to revise its billing processes to assess -48 Volt DC Power Usage charges solely on the number of amperes actually consumed by McLeodUSA’s equipment, rather than billing based on the capacity for power originally ordered (with the single caveat that such measurement would only occur in collocation arrangements wherein McLeodUSA had originally ordered power feeder capacity in excess of 60 amperes).¹ In short, McLeodUSA intended the Amendment to require Qwest to bill McLeodUSA on an “as consumed” rather than an “as ordered” basis for -48 Volt DC Power.

6. Section 2.2 of the Amendment identifies Exhibit A to the Agreement as the source for rates for the Power Usage charges discussed in the Amendment. Exhibit A identifies three rate elements relative to Power Usage at section 8.1.4. An excerpt from Exhibit A is provided below for reference. Though there are three specific rate elements listed below, note that the last two simply identify different rates depending upon whether the original order was for more, or less, than 60 amperes. Hence, Exhibit A identifies two primary rate elements related to *Power Usage* – (i) *Power Plant* and (ii) *Usage* (for our purposes, the “usage more than 60 Amps” is the appropriate rate given that the Amendment speaks only to arrangements wherein the original order exceeded 60 Amps):

	Recurring	Recurring, per Mile	Non-Recurring
8.1.4 Power Usage			
8.1.4.1 DC Power Usage, per Ampere, per Month			
8.1.4.1.1 Power Plant	\$9.34		
8.1.4.1.2 Usage Less than 60 Amps, per Ampere Ordered	\$1.57		
8.1.4.1.3 Usage More than 60 Amps, per Ampere Used	\$3.13		

¹ The Amendment recognizes that orders for greater than 60 Amps were generally engineered such that McLeodUSA power feeds would be placed on a power board that will facilitate usage monitoring. Power feeder cables ordered in increments smaller than 60 Amps would generally appear on a Battery Distribution Fuse Board (“BDFB”) instead.

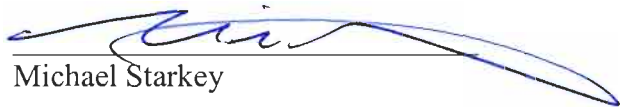
7. As indicated in the excerpt above, Qwest assesses both a *Power Plant* (8.1.4.1.1) and *Usage* (8.1.4.1.2 or 8.1.4.1.3) rate element relative to McLeodUSA's total *Power Usage* (8.1.4). Upon review of the invoices from Qwest to McLeodUSA for DC *Power Usage* since August 2004, as well as other relevant documentation such as the Parties' interconnection agreement and subsequent amendments, it is clear that that Qwest has billed, and continues to bill, McLeodUSA charges for DC Power Usage at the original "as ordered" levels instead of the "as consumed" levels set forth in the Amendment.
8. The "Power Plant" referred to in Exhibit A at Section 8.1.4.1.1 is comprised of rectifiers necessary to convert the alternating current ("AC") delivered by the utility to the central office to the -48 Volt DC Power required to electrify McLeodUSA's equipment (and the majority of the other telecommunications used by Qwest and other collocators in the central office). The "Power Plant" also consists of batteries necessary to stabilize the DC power and provide short-term backup, backup generators for longer-term redundancy, power distribution equipment and other equipment necessary to manage the DC power for use. It is important to note that this Power Plant equipment is common to the entire Qwest central office and is used to support the equipment of Qwest as well as the CLECs—*i.e.*, this equipment is not dedicated to the use of CLECs generally or McLeodUSA specifically. It is also important to note that the Power Plant does not include power cables or other equipment directly feeding McLeodUSA's collocations or constructed specifically for its use. The Power Plant is the common DC power system that serves all DC power-related needs for the central office.
9. Power engineers design a central office Power Plant based upon the forecasted power requirements ("draw") of the entire central office. They then build the initial Power Plant to accommodate those forecasted needs and likewise monitor

existing power usage across the office to gauge the need for any augmentation that may be required. When the power requirements of the central office begin to exceed a given “target” capacity constraint of the existing equipment, augmentation options are studied and if augmentation is required, additional equipment is added.

10. Because the central office Power Plant is designed and managed relative to the power usage requirements of the entire office, the initial design and subsequent augmentations are relatively blind to the individual actions (either orders or equipment placement) of any single collocator.

DATED this 17 day of February, 2006.

By:



Michael Starkey