

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation Into)	
U S WEST Communications, Inc.’s)	Docket No. UT-003022
Compliance With Section 271 of the)	
Telecommunications Act of 1996)	
_____)	
)	
In the Matter of U S WEST Communications,)	Docket No. UT-003040
Inc.’s Statement of Generally Available)	
Terms Pursuant to Section 252(f) of the)	XO MOTION TO ADMIT NEW
Telecommunications Act of 1996)	EXHIBITS AND FOR ADDITIONAL
_____)	PROCEEDINGS ON COLLOCATION

Pursuant to WAC 480-09-420(8), XO Washington, Inc. (“XO”), hereby moves the Commission (a) to admit three additional exhibits into the record in the above-captioned proceeding; (b) to permit parties to address these exhibits; and (c) to consider these exhibits when resolving disputed issues. In support of its Motion, XO states as follows:

DISCUSSION

1. On February 23, 2001, XO received an electronic mail message from Qwest Corporation (“Qwest”) entitled “Collocation Cancellation Policy 3-15-01,” a printed copy of which is attached to this Motion. XO was not aware of this policy prior to February 23, 2001. The terms and conditions of this policy are not included in XO’s interconnection agreement in Washington or in the latest version of the collocation section of the Statement of Generally Available Terms (“SGAT”) Qwest filed in this proceeding. Qwest did not offer to negotiate the terms and conditions of this policy with XO prior to announcing the policy’s effectiveness. The policy nevertheless states that it “will be effective regardless of whether it is explicitly stated in a

particular Interconnection Agreement.”

2. On February 23, 2001, XO received an electronic mail message from Qwest entitled “Collocation Decommissioning Policy 3-15-01,” a printed copy of which is attached to this Motion. XO was not aware of this policy prior to February 23, 2001. The terms and conditions of this policy are not included in XO’s interconnection agreement in Washington or in the latest version of the collocation section of Qwest’s SGAT that was filed in this proceeding. Qwest did not offer to negotiate the terms and conditions of this policy with XO prior to announcing the policy’s effectiveness. The policy nevertheless states that it “will be effective regardless of whether it is explicitly stated in a particular Interconnection Agreement.”

3. On February 23, 2001, XO received an electronic mail message from Qwest entitled “Collocation Change of Responsibility Policy 3-15-01,” a printed copy of which is attached to this Motion. XO was not aware of this policy prior to February 23, 2001. The terms and conditions of this policy are not included in XO’s interconnection agreement in Washington or in the latest version of the collocation section of Qwest’s SGAT that was filed in this proceeding. Qwest did not offer to negotiate the terms and conditions of this policy with XO prior to announcing the policy’s effectiveness. The policy nevertheless states that it “will be effective regardless of whether it is explicitly stated in a particular Interconnection Agreement.”

4. XO offers these documents as evidence in the record in this case. XO did not previously attempt to offer these documents because XO only became aware of these Qwest policies on February 23, 2001, after the workshops and briefing on collocation issues had been completed. These documents are offered to demonstrate that Qwest unilaterally imposes terms

and conditions on CLECs without regard to the provisions of the SGAT or Commission-approved interconnection agreements. These documents are also offered to demonstrate that the Commission should place no reliance on the SGAT until Qwest proves that it is actually providing service in compliance with the terms and conditions of the SGAT and is imposing only those terms and conditions.

REQUEST FOR RELIEF

WHEREFORE, XO respectfully requests that the Commission grant the following relief:

- A. Admit the documents identified as “Collocation Cancellation Policy 3-15-01,” “Collocation Decommissioning Policy 3-15-01,” and “Collocation Change of Responsibility Policy 3-15-01” into the record in these dockets;
- B. Permit parties to address this documents in supplemental proceedings, briefing or in any other manner or procedure the Commission deems appropriate; and
- C. Consider these documents when resolving disputed issues in this proceeding.

RESPECTFULLY SUBMITTED this 27th day of February, 2001.

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By _____
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