

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

In the Matter of the Investigation into)	DOCKET NO. UT-003022
U S WEST COMMUNICATIONS, INC.'S)	
Compliance with Section 271 of the)	
<u>Telecommunications Act of 1996</u>)	
In the Matter of)	
U S WEST COMMUNICATIONS, INC.'s)	DOCKET NO. UT-003040
Statement of Generally Available Terms)	
Pursuant to Section 252(f) of the)	
<u>Telecommunications Act of 1996.</u>)	

**QWEST'S NOTICE OF SGAT FILING AND MOTION TO
ADMIT SGAT CHANGES**

Qwest Corporation ("Qwest") submits this notice of SGAT filing and motion to admit proposed language to Qwest's SGAT in Washington.

On March 22, 2000, Qwest filed its original SGAT in Washington. Following workshops 1 and 2, the Administrative Law Judge ("ALJ") designated by the Washington Utilities and Transportation Commission to oversee the workshops on

Qwest's compliance with Section 271 of the Telecommunications Act of 1996 entered two separate Orders pertaining to Qwest's proposed SGAT language—the Revised Initial Order for Workshop 1 on checklist items 3, 7, 8, 9, 10, 12, and 13 and the Initial Order Finding Noncompliance in the Areas of Interconnection, Number Portability and Resale for Workshop 2 on checklist items 1, 11 and 14.

Pursuant to Orders of the ALJ, Qwest submits an attached SGAT that includes language changes in compliance with the ALJ's two workshop orders. The attached SGAT also notes sections in which the ALJ specifically approved SGAT language. For the convenience of the parties and the Commission, Qwest has footnoted the SGAT to indicate the ALJ's position regarding specific SGAT provisions.¹ Qwest reserves its rights under the Commission's processes and procedures to further challenge those provisions that have been decided adversely to it.

For checklist item 3, addressed in the Workshop 1 Revised Initial Order, the ALJ identified two issues affecting Qwest's compliance: providing Qwest's agreements relating to access to multi-dwelling units to CLECs and the interval for responding to requests for access to poles, ducts, conduits, and rights-of-way. On the first issue, the ALJ requested that the parties negotiate this issue further. Pursuant to the Revised Initial Order, Qwest's SGAT and Exhibit D include language Qwest proposes to resolve this issue. Specifically, Qwest proposes language that is consistent with language it has proposed in Arizona workshops that does not require the property owner to notarize the Consent to Disclosure form, that does not require the CLEC to obtain landowner consent if the agreement has no confidentiality provision and no other restriction on disclosure of information, and that provides a

¹ Specifically these sections include, 1.8, 4.11.2, 4.39, 4.57, 5.17, 6.2.2, 6.2.3, 6.4.1, 7.1.2, 7.2.2, 7.3.1, 7.3.4, 7.4.5, 10.1, 10.2.2, 10.2.5, 10.3.1, 10.4, 10.5, 10.7, 10.8, 14.1.

limited waiver of Qwest's confidentiality rights in MDU agreements so long as certain conditions are met.

For the second issue, Qwest has revised the language of Section 10.8 and Exhibit D consistent with the ALJ's Revised Initial Order. Qwest notes, however, that since the Washington workshops, Qwest has proposed language from Southwestern Bell Telephone Company's Texas Master Agreement that limits the size of an order, but provides a 45-day response time. Specifically, Qwest has proposed the following language, which is taken almost verbatim from Southwestern Bell's Master Agreement in Texas,² for Section 2.2 of Exhibit D:

No more than 300 poles shall be the subject of any single pole attachment Order.

No more than 20 manholes shall be the subject of any single conduit occupancy Order.

In approving Southwestern Bell's Section 271 application, especially its compliance with checklist item 3, the FCC has implicitly endorsed this approach to providing access to poles, ducts, and conduits as consistent with the Act and the requirements of Section 271(c)(2)(B)(iii).³ Accordingly, this SGAT language is consistent with Qwest's checklist item 3 obligations.

² T2A, Master Agreement For Access To Poles, Ducts, Conduits, And Rights-Of-Way (Texas), § 9.03(c) ("No more than 300 poles shall be the subject of any single pole attachment license application") and § 9.03(d) ("No more than 20 manholes shall be the subject of any single conduit occupancy license application.").

³ The *SBC Texas Order* notes that Southwestern Bell relies upon the Texas Master Agreement to demonstrate Southwestern Bell's compliance with checklist item 3. See Memorandum Opinion and Order, *Application of SBC Communications, Inc. Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, FCC 00-238 ¶ 245 n. 694 (June 30, 2000) ("*SBC Texas Order*").

The Texas Master Agreement does not include a timeline for responding to requests for access to rights-of-way owned or controlled by Southwestern Bell Telephone. To cover these access requests, Qwest proposed the following language to respond to requests for access to rights-of-way over which Qwest has ownership or control:

No more than three (3) miles shall be the subject of any single ROW Order not relating to multi-unit buildings. This provision assumes a maximum of seventeen (17) properties per mile or fifty-one (51) owners in three (3) miles.

No more than one campus shall be the subject of any single Order for access to ROW within multi-unit buildings. This provision assumes a maximum of fifteen (15) buildings.

This language is based upon Qwest's reasonable and good faith estimate of its ability to respond to requests for access to "open land" right-of-way and "in building" right-of-way by providing ROW matrices and copies of agreements within 45 days.

Moreover, since the date of Qwest's initial filing in Washington and following the conclusion of Workshops 1 and 2, Qwest and competitive local exchange carriers ("CLECs") participating in Section 271 workshops in Washington and elsewhere have agreed to modifications of SGAT language to resolve disputes or clarify SGAT obligations. By this motion, Qwest also submits attached proposed modifications to SGAT Sections 2, 3, 4, 6, 7, 8, and 10⁴ to reflect SGAT modifications Qwest and

⁴ Specifically these modification are in the following sections: 2.3, 3.4, 4.24, 4.61, 4.62, 6.2.1, 6.2.5, 6.2.14, 7.1.1, 7.1.2.3, 7.1.2.3.1, 7.1.2.3.2, 7.1.2.3.3, 7.1.2.3.4, 7.2.2.1.2.2, 7.2.2.1.5, 7.2.2.1.6, 7.2.2.8.4, 7.2.2.8.9, 7.2.2.8.13, 7.2.2.9.1, 7.2.2.9.1.1, 7.2.2.9.3.1, 7.4.1, 7.4.2, 7.4.7, 8.1.1.8.1, 8.2.1.2.4, 8.2.1.2.3, 8.2.1.10, 8.2.1.11, 8.2.1.23.1.1, 8.2.4.7, 8.2.5.1, 8.2.6.1.1, 8.4.1.1, 8.4.1.7, 8.4.1.7.1, 8.4.1.7.2, 8.4.1.7.2.1, 8.4.1.7.3, 8.4.1.7.4, 8.4.1.8, 8.4.1.8.1, 8.4.1.8.2, 8.4.1.8.3, 8.4.1.8.4, 8.4.1.8.5, 8.4.1.8.6, 8.4.1.8.7, 8.4.1.8.7.1, 8.4.1.8.7.2, 8.4.1.8.7.3, 8.4.1.8.8, 8.4.2.4, 8.4.2.4.1, 8.4.2.4.2, 8.4.2.4.3, 8.4.2.4.4, 8.4.5.3, 8.4.7.4, 8.4.7.4.2, 8.4.8.1, 8.4.8.1.1, 8.4.8.2, 8.4.8.3, 8.4.8.3.1, 8.4.8.3.2, 8.4.8.4, 8.4.8.4.1, 8.5.1.1, 8.5.3.1, 8.6.4.1, 8.6.5, 10.2.5.2, 10.2.5.4, 10.2.5.4.7, 10.5.2.10.1, 10.8.1.2, 10.8.2, 10.8.2.1, 10.8.2.4, 10.8.2.5, 10.8.2.6, 10.8.2.7, 10.8.2.6, 10.8.2.10, 10.8.2.10.1, 10.8.2.10.2, 10.8.2.10.3, 10.8.2.11, 10.8.2.12, 10.8.2.13, 10.8.2.14, 10.8.2.18, 10.8.2.19,

participating CLECs have agreed upon in Section 271 workshops in other states relating to checklist items 1,3, 7, 8, 9, 10, 12, 13 and 14, 47 U.S.C. § 271(c)(2)(B)(i), (iii), (vii), (viii), (ix), (x), (xii), (xiii) and (xiv). So long as no Washington CLEC objects to these modifications, Qwest will agree to incorporate them in the Washington SGAT.

Qwest believes that ten (10) days should be sufficient time to permit CLECs to review these consensus changes and lodge any objections with the Commission. Accordingly, Qwest requests that any Washington CLEC that opposes these modifications present its objections in writing by March 30, 2001. If no CLEC opposes these modifications, then the Commission should consider Qwest's SGAT modified as set forth in the attached document.

RESPECTFULLY SUBMITTED this 20th day of March, 2001.

By /s/ Charles Steese

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