

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition for Arbitration of	)	DOCKET NO. UT-043013
an Amendment to Interconnection)	
Agreements of	)	ORDER NO. 02
)	
VERIZON NORTHWEST INC.	)	ORDER GRANTING
	)	EXTENSION OF TIME TO FILE
with	)	RESPONSES TO PETITION
	)	(Due Tuesday, April 13, 2004);
COMPETITIVE LOCAL EXCHANGE	)	NOTICE OF OPPORTUNITY TO
CARRIERS AND COMMERCIAL MOBILE	)	SUBMIT ISSUES LIST AND
RADIO SERVICE PROVIDERS IN	)	COMMENTS (By Noon,
WASHINGTON	)	Thursday, March 25, 2004);
	)	NOTICE OF OPPORTUNITY TO
Pursuant to 47 U.S.C. Section 252(b), and the	)	FILE RESPONSES TO MOTION
<i>Triennial Review Order.</i>	)	TO DISMISS OF SPRINT
	)	CORPORATION; (Responses
	)	due April 6, 2004; Replies due
	)	April 13, 2004)
.....)	

1 **NATURE OF PROCEEDING:** This proceeding involves a petition Verizon Northwest Inc. (Verizon) filed with the Washington Utilities and Transportation Commission (Commission) requesting arbitration pursuant to 47 U.S.C. § 252(b)(1) of the Telecommunications Act of 1996, Public Law No. 104-104, 101 Stat. 56 (1996) (Act), and the Federal Communications Commission’s Triennial Review Order.¹ The petition was served on all competitive local exchange carriers (CLECs) and Commercial Mobile Radio Service (CMRS) providers in Washington that have entered into interconnection agreements with Verizon.

¹In the matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket Nos. 01-338, 96098, 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (Rel. August 21, 2003) [Hereinafter “Triennial Review Order”].

- 2 **PROCEDURAL HISTORY.** On February 26, 2004, Verizon filed with the Commission a petition requesting a consolidated arbitration of an amendment to its interconnection agreements with all CLECs and CMRS providers that have entered into interconnection agreements with Verizon in Washington State. Verizon served the petition on 77 such companies.
- 3 Verizon notified the Commission and all affected carriers on Friday, March 12, 2004, that it might file with the Commission by March 19, 2004, a revised Exhibit 2 to the petition, the proposed amendment to the interconnection agreements. In its letter, Verizon proposed that the Commission allow CLECs and CMRS providers to respond to the revised petition for arbitration within 25 days after March 19, 2004, rather than the usual 25 days after filing of the petition.
- 4 On Monday, March 15, 2004, the Commission entered an Order on Arbitration Procedure, Order No. 01 in this proceeding, establishing a procedural schedule for the arbitration, including a response date of March 22, 2004, based on the original filing date of February 26, 2004. The Order also established a prehearing conference for March 29, 2004, to review disputed issues, discuss the hearing schedule and format, and the need for any remaining discovery.
- 5 Also on March 15, 2004, the Commission issued a notice allowing interested persons an opportunity to respond to Verizon's request for an extension of time to respond to the revised petition. On March 18, 2004, AT&T of the Pacific Northwest, Inc. and its TCG affiliates (collectively AT&T), WorldCom, on behalf of its regulated subsidiaries in Washington (MCI), and XO Washington, Inc. (XO) filed responses to Verizon's proposed amendment and extension of time to file responses.
- 6 On March 17, 2004, Sprint Communications Company, L.P (Sprint) filed with the Commission a motion to dismiss Verizon's petition.

- 7 On March 19, 2004, Verizon filed with the Commission an Update to Petition for Arbitration of Verizon Northwest, Inc. Verizon's filing amends Exhibit 2 to the petition filed on February 26, 2004, its proposed amendment to interconnection agreements in effect in Washington State between Verizon and 77 competitive local exchange carriers (CLECs) and commercial mobile radio service (CMRS) providers.
- 8 On March 19, 2004, Advanced Telecom Group Inc., BullsEye Telecom Inc., Comcast Phone of Washington LLC, DIECA Communications Inc. d/b/a Covad Communications Company, Global Crossing Local Services Inc., KMC Telecom V Inc., and Winstar Communications LLC (collectively "Competitive Carriers Coalition," or "Coalition") filed with the Commission an answer to Verizon's petition for consolidated arbitration.
- 9 **VERIZON'S UPDATED PETITION AND REQUEST FOR EXTENSION OF TIME TO FILE RESPONSES.** Verizon's updated version of its proposed amendment to interconnection agreements modifies the proposed amendment to conform with the D.C. Circuit's decision in *United States Telecom Ass'n v. FCC*, Nos. 00-1012 *et al.*, 2004 WL 374262 (D.C. Cir. Mar. 2, 2004) (*USTA II*). As discussed above, Verizon proposes that CLECs and CMRS providers be allowed to respond to the revised petition for arbitration within 25 days after March 19, 2004, rather than the usual 25 days after filing of the petition.
- 10 MCI does not oppose Verizon's request for an extension of time to file responses, but contests Verizon's assertion that the D.C. Circuit's decision gives rise to change in law provisions in interconnection agreements. The D.C. Circuit stayed its decision for 60 days, and MCI asserts that it intends to seek a further stay of the decision.
- 11 Likewise, AT&T does not oppose the request for an extension of time to file responses, but asserts that it is inappropriate to conduct a consolidated

arbitration based upon Verizon's interpretation of the Triennial Review Order. AT&T suggests that the Commission consider whether any necessary adjustments as a result of the Triennial Review Order ought to be addressed in the Commission's proceeding to develop a model Verizon interconnection agreement, Docket No. UT-011219.

- 12 XO does not object to Verizon's proposed extension of time to file responses. XO objects, however, to addressing Triennial Review Order requirements that remain at issue in judicial appeals. XO proposes that the Commission establish a list of issues properly raised in Verizon's petition prior to the date responses are due. XO proposes that interested persons submit a list of proposed issues by March 24, 2004, and that the Commission address the scope of issues during the prehearing conference scheduled for March 29, 2004. XO proposes that any excluded issues be addressed in the Verizon model interconnection agreement proceeding in Docket No. UT-011219.
- 13 In its answer, the Coalition requests that the Commission reject Verizon's petition, but docket a proceeding and assert jurisdiction over the matters at issue. The Coalition also requests that the Commission issue a standstill order to maintain the status quo of interconnection agreements until the Commission approves an interconnection agreement amendment, require Verizon to amend its proposal in light of *USTA II*, and "implement the FCC's clarification that Verizon must perform routine network modifications to provision UNE orders and address Verizon's section 271 access and pricing obligations." *Answer at 17.*
- 14 The Commission interprets Verizon's request for an extension of time to file responses to include a waiver of the statutory period to complete the arbitration within a 90-day period, and will extend the procedural schedule in this proceeding by 90 days. **The Commission grants Verizon's request, extending the time for responses to Verizon's petition for arbitration to Tuesday, April 13, 2004.**

15 Given the Coalition's answer and the comments filed by others, the Commission grants XO's request that the Commission work to narrow the issues in the proceeding. In order to assist the Commission in properly scoping the arbitration proceeding, **the Commission requests that interested persons submit to the Commission by Noon on Thursday, March 25, 2004, a list of proposed issues that are properly raised by Verizon's update to its petition for arbitration.** In addition, the Commission requests comments by the same date from interested persons addressing whether any issues raised in this proceeding are more appropriately addressed in the Verizon model interconnection agreement proceeding in Docket No. UT-011219.

16 **SPRINT'S MOTION TO DISMISS.** Sprint moves for the Commission to dismiss Verizon's petition, or in the alternative dismiss the petition with respect to Sprint, asserting that Verizon has failed to negotiate in good faith, that Verizon's petition is procedurally defective, and that Verizon has failed to follow effective change in law provisions in its interconnection agreement with Sprint.

17 In order to resolve Sprint's motion expeditiously, **responses to Sprint's motion must be filed with the Commission by Tuesday, April 6, 2004. Any replies to responses to Sprint's motion to dismiss must be filed with the Commission by Tuesday, April 13, 2004.**

DATED at Olympia, Washington, and effective this 22nd day of March, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge