

1 maintain monopolies over local service. Two years before the Act, the Washington courts had  
2 confirmed that the Company did not have a *de jure* monopoly in Washington.<sup>10</sup> The Commission  
3 and the FCC have found that Qwest can no longer “leverage...monopoly power into the  
4 competitive markets” from which the MFJ barred it; ~~the~~ Commission and FCC have concluded  
5 QC has satisfied the fourteen-point check-list required under section 271 of the Act to show that  
6 Qwest has opened its network to competition in Washington. Qwest now provides access to its  
7 network and sells its competitors unbundled network elements and retail services at wholesale  
8 prices. Cable television companies continue to offer telephony to more customers every day. And  
9 many people rely on their pocket size PCS wireless telephones as their primary source of local and  
10 long distance voice telephony.

11 In 1982, virtually none of the Company’s services were competitive. Washington law now allows  
12 telecommunications companies to petition to have services classified as competitive  
13 telecommunications services (CTS). Among the Qwest services that the WUTC has classified as  
14 CTS statewide are: Centrex Features; Speed Calling; Intracall (Intercom); Calling Card; Toll; Toll  
15 Operator Surcharges; and Directory Assistance. Among the services the WUTC has classified as  
16 CTS by location are: High Capacity Circuits (DS1, DS3, SONET, SHARP, SHNS, etc.) at  
17 Seattle Elliott, Main, Campus, Duwamish, Bellevue Glencourt, and Downtown Spokane; and  
18 Business Basic Exchange Services (all access line arrangements and vertical features that are  
19 technically provisioned over DS1’s or above) at Seattle, Bellevue, Spokane, and Vancouver.

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<sup>10</sup> *In the Matter of the Consolidated Cases Concerning the Registration of Electric Lightwave, Inc. and Registration and Classification of Digital Direct of Seattle, Inc. Electric Lightwave, Inc., et. al, Respondents, Washington Independent Telephone Association, et. al, Appellants, v. The Washington Utilities and Transportation Commission*, 123 Wn.2d 530; 869 P.2d 1045 (1994).