

QWEST CORPORATION

STATE: Washington
DOCKET NO: Docket UT-073035 (bifurcated)
CASE DESCRIPTION: In the Matter of the Petition of Qwest Corporation for Investigation Concerning the Status of Competition and Impact of the FCC's Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State
INTERVENOR: Bench Requests
REQUEST NO: BCH 02-004S1

REQUEST:

According to the Joint CLEC comments filed in response to Bench Request No. 1, both Qwest and the Joint CLECs request approval of the Settlement Agreement in this proceeding only for the signatories of the document rather than all CLECs in Washington. If the use of the Settlement Agreement business count methodology and the business count methodology established by UT-053025 result in different wire center impairment status or result in different Tier levels, how will the conflict be resolved in Qwest's filing of non-impaired wire centers with the Federal Communications Commission?

1/10/08 NOTICE OF REQUIREMENT TO SUPPLEMENT RESPONSE TO BENCH REQUEST NO. 4 (Due by January 14, 2008)

On January 9, 2008, Qwest timely responded to Bench Request Nos. 3 and 4. While Qwest's response to Bench Request No. 4 appears to be true and accurate, it is not responsive to the inquiry posed. Please assume the *status quo* and respond to the following original Bench Request No. 4:

According to the Joint CLEC comments filed in response to Bench Request No. 1, both Qwest and the Joint CLECs request approval of the Settlement Agreement in this proceeding only for the signatories of the document rather than all CLECs in Washington. If the use of the Settlement Agreement business count methodology and the business count methodology established by UT-053025 result in different wire center impairment status or result in different Tier levels, how will the conflict be resolved in Qwest's filing of non-impaired wire centers with the Federal Communications Commission?

RESPONSE:

While Qwest is requesting approval of the Settlement Agreement as pertaining to the signatories of that document, there is nothing to preclude the Commission from independently changing its earlier methodology to be consistent with the methodology contained in the Settlement Agreement. Both Qwest and the CLECs agreed on a simplified methodology for calculating business lines. This methodology has been found to be appropriate by the Commissions in three states thus far, Minnesota, Oregon and Utah. Qwest believes that altering the methodology in Order No. 6 would provide for a consistent process across states and would provide both Qwest and CLECs with an efficient and effective process for designation of future wire centers in the state of Washington.

Respondent: Carolyn Hammack

SUPPLEMENTAL RESPONSE DATED 1/11/08:

Absent the Commission modifying its current methodology requirement, Qwest anticipates running the business line calculations using both the

Washington-specific methodology and the methodology contained in the Settlement Agreement to determine if different wire centers designations result. To the extent there are differences, Qwest would attempt to resolve the inconsistency at the state level and would file any necessary changes to its FCC non-impaired wire center list at the conclusion of such state proceeding. Qwest has not yet determined how it will handle any inconsistency, however, its approach may be to seek a waiver of the application of the Washington-specific methodology for those few wire centers where a difference in designation may occur.

Qwest understands that the request for approval of the settlement methodology is limited to that docket and to the parties to the settlement agreement. While the Commission may not be able to directly order the methodology contained in the Settlement Agreement to apply to non-settlement parties, the Commission does have independent authority to adopt a methodology consistent with that contained in the Settlement Agreement to apply generally to the designation of wire centers in the state. In other words, if the Commission considers the settlement methodology to be consistent with the public interest, Qwest supports and encourages modification of the previously adopted methodology so that it is consistent with the settlement agreement and so that only methodology is used in the state for Qwest wire center determinations.

Respondent: Carolyn Hammack