

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation ) DOCKET NO. UT-053025  
Concerning the Status of Competition )  
and Impact of the FCC's Triennial )  
Review Remand Order on the ) ORDER NO. 02  
Competitive Telecommunications )  
Environment in Washington State )  
 ) ORDER REQUIRING DISCLOSURE  
 ) OF INFORMATION  
..... )

**BACKGROUND**

- 1 On February 4, 2005, the Federal Communications Commission (FCC) released its Order on Remand, also known as the Triennial Review Remand Order (TRRO), in CC Docket No. 01-338, and WC Docket No. 04-313.<sup>1</sup> The Triennial Review Remand Order adopts new rules concerning unbundled network elements, addressing unbundled access to certain network elements, including unbundled network element (UNE) loops, high-capacity circuits and interoffice transport.
  
- 2 The Washington Utilities and Transportation (Commission) held a workshop on February 1, 2006, in this proceeding concerning competition in the telecommunications industry and challenges facing telecommunications carriers after the TRRO. One of the primary issues interested persons identified in the workshop was the proper designation of wire centers in Washington State meeting the FCC’s non-impairment standards for UNE loops, high-capacity circuits and transport. In particular, competitive local exchange carriers (CLECs) attending the workshop questioned whether Qwest Corporation (Qwest) and

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<sup>1</sup> *In the Matter of Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313, CC Docket No. 01-338, Order on Remand, FCC 04-290 (rel. Feb. 4, 2005) [Hereinafter “*Triennial Review Remand Order or TRRO*”].

Verizon Northwest Inc. (Verizon) had correctly designated certain wire centers as non-impaired for purposes of unbundled access to UNE loops, high-capacity circuits and transport.

- 3 Following the workshop, the Commission held a scheduling conference on February 6, 2006, to establish a schedule for obtaining information from Qwest and Verizon about the wire centers in question. The Commission also entered Order No. 01 in this proceeding, a protective order, to allow interested persons, such as CLECs who have filed appropriate exhibits to the protective order, access to that information.

### DISCUSSION AND DECISION

- 4 Pursuant to RCW 80.36.610, the Commission is authorized to "take actions, conduct proceedings, and enter orders as permitted or contemplated for a state commission under the federal telecommunications act of 1996, P.L. 104-104 (110 Stat. 56)." Section 251(d)(3) of the 1996 Act provides that:

In prescribing and enforcing regulations to implement the requirements of this section, the [FCC] shall not preclude the enforcement of any regulation, order, or policy of a State commission that—

- (A) establishes access and interconnection obligations of local exchange carriers;
- (B) is consistent with the requirements of this section; and
- (C) does not substantially prevent implementation of the requirements of this section and the purposes of this part.

- 5 In the Triennial Review Remand Order, which implements provisions of the 1996 Act, the FCC established criteria for access to wire centers for unbundled access to UNE loops, high-capacity circuits and transport. *See, TRRO*, ¶¶ 126-32; ¶¶ 174-81. The FCC recognized state commission authority to resolve disputes over

whether UNEs in certain wire centers meet the factual criteria for non-impairment. *Id.*, ¶ 234.

- 6 We exercise our authority under state and federal law to take action as required under the Act, and under the FCC's direction in the TRRO that state commissions may resolve disputes concerning access to network elements. In order to advise telecommunications carriers in this state of our interpretation of the TRRO concerning the proper designation of wire centers in Washington State and other matters, we will consider whether to issue an interpretive or policy statement in this proceeding under RCW 34.05.230 and WAC 480-07-920.
- 7 In order to address the CLECs' concerns over the proper designation of non-impaired wire centers, the Commission requires information from Qwest and Verizon. The nature of the Commission's inquiry in this proceeding requires masking identifying information for certain data, a method the Commission has used in the past when collecting wire center data. After consulting with participants in the workshop and scheduling conference, the Commission requests that Qwest and Verizon provide the identify of fiber-based collocators as confidential information, but mask the identity of CLEC business lines by masking the data or assigning the CLEC a code. While Qwest and Verizon must provide Commission staff with access to all codes, Qwest and Verizon must only provide each CLEC seeking access to the information with the individual CLEC's assigned code.
- 8 To prevent disclosure or dissemination of individual CLEC information in a manner that would be to the CLEC's competitive disadvantage, the information Qwest and Verizon provide in response to this Order will be covered by the protective order entered in this docket, Order No. 01, which includes provisions for confidential and highly confidential information. The protective order provides an opportunity for Qwest, Verizon or CLECs to object to the disclosure

of information to certain persons. The protective order is posted for public review on the Commission's web site at [www.wutc.wa.gov/053025](http://www.wutc.wa.gov/053025).

- 9 Where confidentiality of proprietary information is claimed, please stamp each page of the response "**Confidential (or Highly Confidential) Pursuant to Protective Order in Docket No. UT-053205**" and submit the confidential portions of the response in a separate sealed envelope with a cover letter stating that the attached material is confidential or highly confidential. *See, WAC 480-07-160.*

### ORDER

- 10 **THE COMMISSION ORDERS** That Qwest Corporation and Verizon Northwest Inc. file with the Commission, and serve on CLECs that file appropriate exhibits to the protective order, Order No. 01, the information listed below. **Please provide your responses to the following requests for information via the Commission's Records Center Web portal or via e-mail by 4:00 p.m. on Tuesday, February 28, 2006, with an original and eight paper copies of the responses filed with the Commission by Noon on Wednesday, March 1, 2006.**
- 11 **REQUEST FOR INFORMATION NO. 1:** Please provide a list of wire centers in the Company's service territory in Washington that will be designated as "non-impaired" pursuant to the final rule in Appendix B of the FCC's Triennial Review Remand Order (TRRO) and specifically identify each wire center on the list for DS1 and DS3 Loops, and DS1, DS3 and Dark Fiber transport.
- 12 **REQUEST FOR INFORMATION NO. 2:** Please identify for each wire center whether it is classified as a tier 1 or tier 2 wire center, and whether the calculation is based on the number of fiber-based collocators ( include the names of the collocators), or the number of business lines (line counts by each carrier) or both.

13 **REQUEST FOR INFORMATION NO. 3:** For each of the wire centers listed as “non-impaired”, please provide a descriptive explanation and data necessary for the Commission and other participants to validate the listing of a wire center as “non-impaired”. The underlying data, at minimum, should include the following:

- (i) The total number of fiber-based collocators as defined in 47 C.F.R. § 51.5.
- (ii) The date on which the number of fiber-based collocators was determined.
- (iii) The name of each fiber-based collocator.
- (iv) If the ILEC requested affirmation from a carrier regarding whether or not the carrier, if included in part (iii) above, was a fiber-based collocator, please provide documents to support whether the carrier affirmed, denied or did not respond to the ILEC’s request.
- (v) The total number of business lines as defined in 47 C.F.R. § 51.5.
- (vi) The date on which the business line count data was calculated.  
*Note:* If different components of the business line counts come from sources representing different points in time, then each component should be identified and the corresponding date for each component provided.
- (vii) Total ILEC business switched access lines.
- (viii) If the methodology used to determine the line counts in (vii) above differ from the methodology used to determine switched business line counts for ARMIS 43-08, describe the differences and any data that would allow the Commission or participants to reconcile this data.
- (ix) Total UNE Loops for each CLEC.
- (x) Number of UNE Loops, for each CLEC, provided in combination with ILEC switching (e.g., UNE-P, QPP, or other ILEC Commercial arrangement).
- (xi) Number of UNE Loops, for each CLEC, where the ILEC does not provide switching.
- (xii) If different from (x) above, the number of business loops, for each CLEC, provided in combination with ILEC switching (e.g., UNE-P, QPP, or other ILEC Commercial arrangement). If this information is not available, indicate whether the response to (x) includes both business and residential loops.

- (xiii) If different from (xi) above, the number of switched business loops, for each CLEC, where the ILEC does not provide switching. If this information is not available, indicate whether the response to (xi) includes both business and residential loops, switched and non-switched loops.
- (xiv) If the total of UNE Loops in (x) and (xi) above does not equal (ix) above, explain the difference, including any data that would allow participants to reconcile this data.
- (xv) Provide all underlying data, calculations and any description used to count digital access lines on a 64-kbps-equivalent basis for the counts in (vii) and (xi) above.
- (xvi) Verify that line counts associated with remote switch locations are associated with the remote and not the host switch. If this is not the case, explain why not.

14 **REQUEST FOR INFORMATION NO. 4:** If the calculation of the number of lines (or inclusion of certain lines) is based on a directive from the FCC as Qwest has indicated during the workshop, please provide the detailed citations of the FCC's decision(s).

DATED at Olympia, Washington, and effective this 21st day of February, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner