

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF)	
)	Docket No. UT-003013
)	PART A
)	
THE CONTINUED COSTING AND PRICING OF UNBUNDLED NETWORK ELEMENTS AND TRANSPORT AND TERMINATION)	REPLY BRIEF OF TELIGENT SERVICES, INC.
_____)	

1. TELIGENT SERVICES, INC., ("Teligent") hereby submits its Reply Brief in the above-referenced matter. This brief deals exclusively with the issues surrounding microwave collocation, which are designated as items V(A)(6) and V(B)(7) in the case brief outline.

INTRODUCTION

2. In their Opening Briefs, both Qwest and Verizon maintain that microwave collocation arrangements be offered and priced on an individual case basis ("ICB")¹. As Teligent explained in its Opening Brief, ICB pricing is appropriate only where an application or elements are so unique as to warrant a new process and costing analysis. According to the testimony presented in this case, there is ample evidence that standard rates for microwave collocation can be readily determined by the cost information already before the Commission.² Alternatively, these costs can be determined based upon a costing analysis done to support prior requests for microwave collocation. Indeed, in

¹ See Qwest's Part A Opening Brief at ¶ 170 and Verizon's Part A Opening Brief at ¶ 136.

² See Teligent's Part A Opening Brief at ¶ 12.

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its Opening Brief, and in its testimony, Qwest conceded that it has received at least one request for this type of collocation.³ Given the substantial similarities between microwave collocation arrangements and traditional collocation arrangements, neither Qwest nor Verizon presents a compelling reason as to why these arrangements must be subject to ICB pricing.

3. As Teligent explained in its Opening Brief, ICB pricing would subject fixed-wireless service providers to significant uncertainty and delay, both of which will serve as real barriers to competition. As is the procedure with physical collocation, it is possible for the ILECs to identify the cost elements associated with microwave collocation. Accordingly, standard costs for microwave collocation should be adopted in order to ensure that this form of collocation is available in a timely manner and on terms and conditions that are just, reasonable, and nondiscriminatory.

~~In their Opening Briefs, both Qwest and Verizon maintain that microwave collocation arrangements be offered and priced on an individual case basis (“ICB”).⁴ As Teligent explained in its Opening Brief, ICB pricing is appropriate only where an application or elements are so unique as to warrant a new process and costing analysis. According to the testimony presented in this case, there is ample evidence that standard rates for microwave collocation can be readily determined by the cost information already before the Commission.⁵ Alternatively, these costs can be determined based upon a costing analysis done to support prior requests for microwave collocation. Indeed, in its Opening Brief, and in its testimony, Qwest conceded that it has received at least~~

³ See Qwest’s Part A Opening Brief at ¶ 170.

~~one request for this type of collocation.⁶ Given the substantial similarities between microwave collocation arrangements and traditional collocation arrangements, neither Qwest nor Verizon presents a compelling reason as to why these arrangements must be subject to ICB pricing.~~

II. RESPONSE TO QWEST'S OPENING BRIEF

4. In its Opening Brief, Qwest states that it addresses microwave collocation as an “ICB offering” because it has had very few requests for this type of collocation compared with hundreds of “traditional” collocation requests. The relatively small number of microwave collocation requests alone do not serve as any justification for failing to offer standard costs, particularly when all of the elements comprising such requests are already standard elements. Handling any collocation request on an ICB is reasonable only when the ILEC cannot initially identify the cost elements involved in such a request. It is unreasonable and discriminatory for Qwest to base their failure to offer standard costs solely on the number of microwave collocation requests. If the Commission accepts Qwest’s reasoning on this point, CLECs with emerging technology will surely drown in a sea of ICB exceptions to what the ILECs term “traditional collocation.”

III. RESPONSE TO VERIZON'S OPENING BRIEF

5. Substantially the same points made above with respect to Qwest can be made with respect to Verizon. Accordingly, Teligent incorporates herein the general arguments made above

with respect to Qwest in Section II.

6. Verizon feels that microwave collocation should be costed and priced on a case-by-case basis because there are numerous ways to provide microwave arrangements and costs depend specifically on the type of arrangement. Verizon argues that while certain cost elements may be used from its collocation cost study, others, such as coring and roof preparation, are very site-specific.⁴ Teligent reiterates its position stated in paragraphs 17 and 18 of its Opening Brief with regard to this matter. If a particular application or element has never been contemplated before, and the elements comprising it are such that a new provisioning process and costing analysis must be conducted, handling the request for a specific elements on a special case basis would be appropriate. However, most of the elements required for microwave collocation can easily be provided with standard terms, conditions and prices for collocation elements provided for fiber-based physical collocation arrangements.

7. For example, Verizon mentions “site-specific” costs associated with coring, and roof preparation. As Qwest’s witness explained in his testimony, coring is no different than bringing a collocator’s cable up through the floor of a building, as is the case with an entrance facility.⁵ Thus, there is no real difference between bringing the “cable” up from an entrance on the ground at the bottom of the building, as is done with a fiber-based provider, or the top of the building, as is done through coring with a fixed wireless provider. Thus, Teligent fails to understand how the costs associated with coring would be so unique as to warrant ICB pricing.

⁴ See Verizon’s Part A Opening Brief at ¶ 136.

⁵ See Teligent’s Part A Opening Brief at ¶ 11.

8. With respect to Verizon's claim concerning "roof preparation," it is not necessary in most cases and thus should not serve as a basis for which to avoid developing standard prices for microwave collocation arrangements.

9. Lastly, Verizon's concerns regarding the need for escorted rooftop access are unfounded. Although Verizon claims that such visits would be "completely out of the ILEC's control," it fails to mention that escort service rates are typically tariffed services over which the ILEC exercises full control. Other non-fixed wireless collocators may also require escort services and it is unreasonable and discriminatory for Verizon to fail to establish standard rates and costs for microwave collocation based solely on the need for escort services. Indeed, in microwave collocation provisions contained in many of Teligent's interconnection agreements, including Verizon's Washington agreement, Teligent's access to the rooftop space, whether secure or escorted, is governed by rates, terms and conditions already tariffed by Verizon.⁶ Thus, Verizon offers no reasonable explanation as to why microwave collocation arrangements must be costed and priced on an ICB basis.

IV. CONCLUSION

10. For the foregoing reasons, and in the interests of effective competition, Teligent requests that the Commission order Qwest and Verizon to develop a tariffed offering for microwave collocation that provides standard, non-ICB terms, conditions and rates, so that fixed wireless CLECs have advance notice of all of the costs and conditions associated with microwave collocation

⁶ See Interconnection Agreement between Teligent, Inc., and GTE, Appendix K, Section 4, Page K-8.

and so that they can obtain such microwave collocation on a timely and nondiscriminatory basis. As with many competitive issues which were not addressed prior to the 1996 Telecommunications Act, it is vital that ILECs address microwave collocation with specific and standard procedures which serve as a competitive foundation by which to conduct business.

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RESPECTFULLY SUBMITTED this 23rd day of October 2000.

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