

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

QWEST CORPORATION

Petition for Commission Approval of
2007 Additions to Non-Impaired Wire
Center List

DOCKET NO. UT-_____

QWEST CORPORATION'S PETITION
FOR COMMISSION APPROVAL OF
2007 ADDITIONS TO NON-IMPAIRED
WIRE CENTER LIST AND MOTION
FOR EXPEDITED ISSUANCE OF
PROTECTIVE ORDER

I Qwest Corporation (“Qwest”) hereby petitions the Commission to open a docket for approval of Qwest’s 2007 additions to its non-impaired wire center list as set forth in the Commission’s Order No. 06 in Docket No. UT-053025 (the “Order”) and the joint settlement agreement between Qwest and a coalition of CLECs (“the Joint CLECs”) that Qwest has concurrently filed for Commission approval in Docket No. UT-053025. In addition, pursuant to the Order and aforementioned settlement agreement filed for approval in Docket No. UT-053025, Qwest requests that the Commission issue on an expedited basis a protective order based on either Order No. 1 in Docket No. UT-053025 or the model protective order attached hereto as Attachment A. The protective order entered in Docket No. UT-053025 was necessary in order to allow Qwest to file confidential wire center information regarding “business line” counts and the number of “fiber-based collocators” as defined in the FCC’s *Triennial Review Remand*

Order (“TRRO”).¹ It is similarly necessary to allow Qwest to provide data in support of the instant petition.

I. INTRODUCTION AND PERTINENT BACKGROUND

2 This docket opened as a Staff investigation in April 2005. Following a workshop and the receipt of comments from the parties, the Commission entered Order No. 4 on October 5, 2006. Based on multiple petitions for review, the Commission modified its resolution via Order No. 6, entered December 15, 2006. In Order No. 7 (entered February 8, 2007), the Commission upheld Order No. 6. The Commission closed the docket on March 27, 2007, although Qwest and a number of CLECs are (today) jointly requesting the Commission to re-open the docket for the limited purpose of approving the settlement agreement attached with that petition.

3 The primary purpose of Docket No. UT-053025 was for the Commission to determine the quantities of business lines and fiber-based collocators in Washington wire centers so that carriers can implement the Section 251(d)(2) impairment standards set forth in the FCC’s TRRO for high-capacity dedicated transport and loops.

II. SETTLEMENT AGREEMENT FILED WITH COMMISSION IN DOCKET UT-053025 AND PETITION FOR ADDITIONS TO NON-IMPAIRED WIRE CENTER LIST

4 Qwest and the several CLECs recently negotiated and executed a settlement agreement in connection with Docket UT-053025 and throughout the Qwest region that addresses all issues in Docket No. UT-053025 and the other TRRO wire center dockets in Qwest’s region.² Qwest

¹ Order on Remand, *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, WC Docket No. 04-313 (FCC rel. February 4, 2005) (hereafter “Triennial Review Remand Order” or “TRRO”).

² Some or all of the Settling CLECs were parties to similar joint CLEC filings at the state utility regulatory commissions in Arizona (Docket Nos. T-03632A-06-0091, T-03406A-06-0091, 03267A-06-0091, T-03432A-06-0091, T-04302A-06-0091

has filed the settlement agreement in Docket No. UT-053025 concurrently with this filing, and the parties in that docket (Qwest and the Settling CLECs) seek Commission approval of the agreement.

5 As set forth in the settlement agreement that has been submitted for Commission approval in Docket No. UT-053025, the parties to the settlement agreement agree that Qwest may request the addition of non-impaired wire centers based in whole or in part upon line counts at any time up to **July 1st** of each year, based on prior year line count data, and using an agreed-upon methodology.³ The parties to the settlement agreement also agreed that at least **five (5) business days prior to filing** new non-impairment or tier designations for Commission review, Qwest will request a *protective order* from the Commission to govern the handling of confidential information during this new non-impairment proceeding. The parties also agree to seek from the Commission approval of a standing protective order, which is a new protective order, based on an agreed-upon model protective order. Qwest is attaching the agreed protective order as Attachment A to this petition. Qwest requests that the Commission consider entering a protective order based on Attachment A or based upon Order No. 1 from Docket No. UT-053025.

6 Consistent with this process and the requirements of the Order and settlement agreement, Qwest intends to file with the Commission, on Friday, June 29, 2007, the data supporting its list of additional non-impaired wire centers, along with a request for Commission approval of the list. Assuming that the Commission has issued the protective order described above by that date, Qwest also will provide the data supporting the updated list to all CLECs that have

and T-01051B-06-0091), Colorado (Docket No. 06M-080T), Minnesota (Docket Nos. P-5692, 5340, 5643, 5323, 465, 6422/M-06-211), Oregon (Docket UM 1251) and Utah (Docket No. 06-049-40).

³ With respect to fiber-based collocators, Qwest may request the addition of non-impaired wire centers to the Commission-approved wire center list at any time based on the number of fiber-based collocators.

signed the protective order. To facilitate this process and to comply with the requirement in the settlement agreement that Qwest seek Commission approval of a protective order at least five business days prior to filing changes to the list, Qwest now seeks the Commission's expedited issuance of either a standing protective order or a new protective order based on the model protective order attached as Attachment A or Order No. 1 in Docket No. UT-053025. Expedited issuance of the protective order will permit CLECs that sign the order to begin reviewing the confidential wire center data promptly after Qwest files the data on June 29th.

7 The wire centers that Qwest is seeking to add to the list of non-impaired wire centers based on the confidential data it will file on June 29, 2007 are as follows:

STATE	WIRE CENTER	CLLI8	TIER	NO IMPAIREMENT FOR
WA	Bellevue Glencourt	BLLVWAGL	Tier 1	DS1 and DS3 Transport; DF
	Orchards	ORCHWA01	Tier 2	DS3 Transport & DF
	Spokane Walnut	SPKNWAWA	Tier 2	DS3 Transport & DF

III. REASON FOR PROTECTIVE ORDER

8 Finally, the reason that a protective order is needed in this new proceeding is that the information that Qwest will file will include certain highly-confidential wire center data, including highly-confidential CLEC-specific data. Qwest and the Settling CLECs in Docket No. UT-053025 have agreed these data should be protected by a protective order that contains protections and limited disclosures of highly-confidential information. Specifically, Qwest seeks this protective order because Qwest will be filing CLEC-specific wire center data in this proceeding for the purposes of counting business line counts and fiber-based collocators in specific wire centers, and because the settling parties in Docket No. UT-053025 agree that a protective order is needed here. Accordingly, Qwest submits with this petition (Attachment A) a model protective order that the settling parties in Docket No. UT-053025 agreed to

recommend. Qwest respectfully requests that the Commission issue either a standing protective order, or a new protective order, based on the model protective order in Attachment A (or Order No. 1 in Docket No. UT-053025) as soon as possible, but preferably on June 25, 2007.

IV. CONCLUSION

- 9 Accordingly, for the reasons set forth above, Qwest respectfully requests the Commission to open a docket for approval of Qwest's 2007 additions to its non-impaired wire center list listed above for which Qwest will file supporting data on June 29, 2007, and that it issue a protective order as soon as possible.

DATED this 22nd day of June, 2007.

QWEST

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