

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

In the Matter of the Petition of Sprint Communications )  
Company L.P. for Arbitration of Interconnection Rates, ) Docket No. UT-003006  
Terms, Conditions and Related Arrangements with )  
U S WEST Communications, Inc. )

**LARRY B. BROTHERSON**

**SURREBUTTAL TESTIMONY**

**ON BEHALF OF**

**U S WEST COMMUNICATIONS, INC.**

**MAY 26, 2000**

**PUBLIC VERSION**

1                                   **I            IDENTIFICATION OF WITNESS**

2    **Q. PLEASE STATE YOUR NAME.**

3    A. My name is Larry Brotherson.

4    **Q. HAVE YOU TESTIFIED PREVIOUSLY IN THIS PROCEEDING?**

5    A. I filed direct testimony on April 26, 2000 and rebuttal testimony on May 10, 2000 in this  
6       proceeding on behalf of U S WEST Communications, Inc.

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8                                   **II.        RESPONSE TO TESTIMONY OF DAVID STAHLY**

9    **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

10   A. The purpose of my testimony is to respond to various assertions in the rebuttal testimony of  
11       Sprint witness David E. Stahly in this proceeding. Specifically, my testimony responds to  
12       Mr. Stahly's suggestion that Internet traffic cannot be interstate, since U S WEST, which  
13       does not have authority to carry interstate traffic in Washington, has its own Internet service  
14       provider. I also refute his statement that U S WEST is unable to measure ISP traffic and his  
15       statement that the "Koehler Memo" attached to my confidential direct testimony as exhibit  
16       LBB-2 confirms this.

17   **Q. MR. STAHLY ASSERTS [AT PAGE 6] THAT " IF U S WEST'S POSITION IS THAT**  
18       **INTERNET TRAFFIC IS INTERSTATE TRAFFIC, THEN IT APPEARS TO BE**  
19       **OFFERING 'INTERSTATE' INTERNET SERVICE THROUGH U S WEST.NET IN**  
20       **VIOLATION OF THE ACT." IS MR. STAHLY'S ASSERTION CORRECT?**

1 A. No. Internet-bound traffic is interstate traffic, but because U S WEST is not the party  
2 that provides the interLATA transport, U S WEST is not providing interstate service. A  
3 customer of U S WEST.net purchases access to the Internet from U S WEST.net. The  
4 actual interstate transport, however, is not provided by U S WEST.net but is provided by  
5 a third party, T-Netix, which is a global service provider. Each customer's bill contains a  
6 separate charge from T-Netix, with whom the customer has an independent relationship.  
7 The separate charge is set solely by T-Netix. Because U S WEST.net does not transport  
8 this traffic across LATA boundaries, U S WEST.net is not providing interstate service.  
9 The FCC (the same agency that ruled that ISP service is interstate) has been aware for  
10 several years that all RBOCs offer Internet service and has not ruled that any RBOC is in  
11 violation of the Act. Accordingly, there is no merit to Sprint's suggestion that if Internet-  
12 bound calls are interstate calls, U S WEST.net must necessarily be violating section 271  
13 of the Act.

14 **[PROPRIETARY DATA BEGINS]**

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**[PROPRIETARY DATA ENDS]**

4 **Q. DOES THIS CONCLUDE YOUR SURRBUTTAL TESTIMONY?**

5 A. Yes it does.

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