

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

QWEST CORPORATION

For Competitive Classification of
Basic Business Exchange
Telecommunications Services

DOCKET NO. UT-030614

DECLARATION OF SUSAN
BALDWIN

DECLARATION OF SUSAN M. BALDWIN

ON BEHALF OF PUBLIC COUNSEL

I, Susan M. Baldwin, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. My name is Susan M. Baldwin. My business address is 48 Franklin Street, Watertown, Massachusetts. I submitted direct and rebuttal testimony in this proceeding on August 13, 2003 and August 29, respectively and was cross-examined on September 18, 2003.
2. On September 30, 2003, Advanced TelCom, Inc.d/b/a Advanced TelCom Group and Shared Communications Services, Inc. (“ATG”), Integra Telecom of Washington, Inc. (“Integra”), and WorldCom (MCImetro Access Transmission Services, LLC and Metropolitan Fiber Systems of Seattle, Inc.) submitted supplemental responses to the Commission’s data requests regarding the lines they serve in Qwest’s territory.
3. This recently provided supplemental information, provided by three competitive local exchange carriers (“CLECs”), is important because it bears on the validity and relevance of the original CLEC data that Staff compiled and reported. The supplemental responses provide carrier-specific information about the percentages of the lines that they originally

reported that are analog and digital, respectively. These responses, although carrier-specific, underscore fundamental concerns with the original CLEC data.

4. These supplemental responses are important because they provide valuable information about the relevance and validity of the Staff-compiled information, which is based on CLECs' responses. The supplemental responses raise serious questions about the reliability of various aspects of the data: the *quantity* of CLEC lines in the *analog* market; the location of CLEC lines (i.e. the level of competition within the wide range of *geographic markets* that exist throughout Qwest's serving territory); and the level of competition within the different analog *product markets* that CLECs serve (business line, PBX, and Centrex).
5. Qwest's petition seeks competitive classification of its analog lines. If CLEC responses include digital lines *and* analog lines, the Staff's aggregation of CLEC data, Staff's testimony, and Staff's exhibits overstate competitive presence in Qwest's markets.
6. In their supplemental responses, the carriers indicate that they did not distinguish between analog and digital lines in their original responses.¹
7. It is not the intent of my declaration to comment on the merits of defining the market as constituting solely analog lines (as Qwest requests in its petition) or as comprising analog and digital lines, but rather to address whether the data gathered by Staff is useable and reliable for the purposes of this proceeding.
8. In the highly confidential exhibit to this declaration, I summarize and analyze the data provided in the supplemental responses.

¹ Declaration of Karen J. Johnson, Integra Telcom of Washington, Inc., September 30, 2003, ¶ 3. Ms. Johnson states that "Integra failed to distinguish between analog and digital services as the data requests and worksheets did not ask for information on analog services only. Qwest's information included all services that Integra purchases from Qwest." *Id.* Declaration of Daniel Swanson, Advanced TelCom, Inc., ¶ 3. See attachments to Declarations of Haleh S. Davary, separately filed on behalf of MCImetro Access Transmission Services, LLC and Metropolitan Fiber Systems of Seattle, Inc., September 30, 2003.

9. My exhibit computes the reductions in the original CLEC line counts that the supplemental responses represent. The revised numbers for the relevant products demonstrate that the original responses are invalid and unreliable. My exhibit shows that for one category, a carrier substantially revised its response and that for another category, a different carrier substantially revised its numbers. Without a comprehensive resurveying of the carriers, I cannot conclusively determine whether these substantial changes in the CLEC data are indicative of a larger pattern.
10. Furthermore, the original, uncorrected data significantly overstate the geographic presence of CLECs. See Exhibit 1.
11. Based on my analysis of the supplemental responses, Staff's exhibits, and the source data for Staff's exhibits, I conclude that the data gathered by Staff are unreliable. The changes in the CLEC data are significant, and indicate that there may be systemic mis-reporting throughout the original CLEC responses. The Commission should not rely on these data for the purpose of assessing the merits of Qwest's petition.

DATED and SIGNED at Watertown, Massachusetts, this 10th day of October, 2003.

SUSAN M. BALDWIN