

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

**In the Matter of the Complaint and Request)
for Expedited Treatment of AT&T)
Communications of the Pacific Northwest,) DOCKET NO. UT-991292
Inc. Against U S WEST Communications,)
Inc. Regarding Provisioning of Access)
Services.)**

DIRECT TESTIMONY OF BARBARA M. WILCOX, PH. D.

U S WEST COMMUNICATIONS, INC.

November 17, 1999

TABLE OF CONTENTS
REPLY TESTIMONY OF BARBARA M. WILCOX

IDENTIFICATION OF WITNESS	1
PURPOSE OF TESTIMONY	2
DESCRIPTION OF CARRIER ACCESS SERVICES	3
HISTORY OF SWITCHED ACCESS CHARGES	5
HOW ACCESS SERVICES ARE UTILIZED TO ORIGINATE OR TERMINATE LONG DISTANCE CALLS	6
DETERMINING THE JURISDICTION OF ACCESS SERVICES	14
AT&T'S COMPLAINT CONCERNS PRIMARILY INTERSTATE SERVICES	18
ACCESS TARIFFS GOVERN CONDITIONS FOR PROVISIONING OF ACCESS SERVICES	21
CONCLUSIONS AND RECOMMENDATIONS	26

IDENTIFICATION OF WITNESS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Q. PLEASE STATE YOUR NAME, PRESENT POSITION AND PLACE OF EMPLOYMENT.

A. My name is Barbara M. Wilcox. I work for U S WEST Communications, Inc. ("U S WEST" or "Company"). My title is Director - Product and Market Issues. My responsibilities focus on regulatory strategy and advocacy for U S WEST's products and services. My business address is 1801 California St., Denver, Colorado.

Q. PLEASE DESCRIBE YOUR QUALIFICATIONS AND EXPERIENCE.

A. I have been a member of U S WEST's (formerly Mountain Bell) staff since 1980, working in the areas of market research and analysis, pricing and product management. During my 19 years of experience in the industry, I have dealt with a number of facets of telecommunications services. I have performed customer surveys and market analyses concerning residential and business customer's use of basic telecommunications services, features and optional services. I have analyzed customers' usage patterns for local and long distance calling. For the past 13 years I have worked in the areas of pricing, product management and regulatory advocacy for products and prices. My responsibilities have encompassed, at various times, a wide spectrum of products, including residential basic exchange service, payphone services, features and feature packages, private line services, carrier access services and public access lines provided to independent payphone providers. Since the passage of the Federal 1996 Telecommunications Act (the Act), I have dealt with a number of issues spawned by the Act, including payphone deregulation, access charge reform, universal service reform and the evolution of competition in telecommunications.

Before joining Mountain Bell, I held college and university faculty positions and was a consultant in the fields of market research, behavioral research and psychology. I earned a B.A. degree magna cum laude in psychology from Colorado College. I earned M.A. and Ph.D. degrees in experimental psychology from Brown University as a National Science Foundation Fellow.

Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS OR ANY OTHER COMMISSION?

A. Yes, I appeared before this Commission in Docket Nos. UT-941464, UT-950200, UT-970658, and UT-970325. In addition, I have filed written testimony and/or appeared as an expert witness for U S WEST Communications before the Public Utilities Commissions in Arizona, Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, Oregon, South Dakota, Utah, and Wyoming. A more detailed description of my qualifications and experience is contained in my

1 Exhibit BMW-1.
2

3 **PURPOSE OF TESTIMONY**
4

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

6 A. The purpose of my testimony is to describe and discuss the tariff provisions for
7 the carrier access services that are at issue in this docket. In my testimony, I
8 begin by giving general definitions and descriptions of special access and
9 switched access, and the manner in which access services are used to originate
10 and terminate long distance calls. I describe how it is determined whether a
11 given access service is billed out of the interstate tariff, which is regulated by the
12 FCC, or the Washington state tariff, which is regulated by this Commission. I
13 describe my inspection of the information filed by AT&T to determine the
14 jurisdiction of the services that are the subject of this complaint. I describe the
15 clauses in U S WEST's tariffs that govern the provisioning of switched and
16 special access service.
17

18 **DESCRIPTION OF CARRIER ACCESS SERVICES**
19

20 **Q. WHAT IS CARRIER ACCESS?**

21 A. Carrier access service enables long distance carriers to utilize the facilities of the
22 local exchange carrier for the origination and termination of long distance calls.
23 According to the FCC:
24

25 There are two categories of access service: switched and special.
26 Switched access services share the local switch to route originating and
27 terminating interstate toll calls. Special access services, by contrast,
28 generally provide a dedicated path between an end user and an IXC's
29 [interexchange carrier's] point of presence. The special access category
30 includes a wide variety of facilities and services, such as wideband data,
31 video, and program audio services.¹
32

33 **Q. PLEASE DESCRIBE SPECIAL ACCESS?**

34 A. Special access is a subtype of private line service, which is a dedicated, direct connection
35 between two or more points. Special access services provide direct connections between
36 the interexchange carrier (IXC, or long distance carrier) and its end-user customers. This
37 service provides a facility that is dedicated solely to the use of the customer, and it does
38 not utilize a U S WEST switch. In its complaint, and in the testimony of its witness,

¹ In the Matter of GTE Tel. Operating Cos.; GTOC Tariff No. 1; GTOC Transmittal 114 8, CC Docket No. 98-79; 13 FCC Rcd 22466 (Opinion and Order re. October 30, 1998. ¶ 24. Footnotes omitted.

1 AT&T refers to special access as “dedicated access.”²
2

3 **Q. WHEN A LONG DISTANCE CARRIER BUYS SPECIAL ACCESS, WHAT DOES**
4 **U S WEST ACTUALLY PROVIDE?**

5 A. U S WEST provides a dedicated transmission path within the Local Access Transport
6 Area (LATA) between the end-user customer’s premises and the long distance carrier's
7 premises (point of presence or POP).
8

9 **Q. PLEASE DESCRIBE SWITCHED ACCESS SERVICE.**

10 A. Switched access service utilizes U S WEST's local switched network to allow long
11 distance carriers to reach their end-user customers. Because the service is switched, it
12 utilizes shared facilities.
13

14 **Q. WHEN A LONG DISTANCE CARRIER BUYS SWITCHED ACCESS, WHAT**
15 **DOES U S WEST ACTUALLY PROVIDE?**

16 A. U S WEST provides a switched transmission path between the end user and the long
17 distance carrier (see Exhibit BMW-2). The switched access transmission path extends
18 between the long distance carrier's POP and the end user via U S WEST's switched
19 network within a LATA. The transmission path is set up for the duration of the call.
20 These paths provide both originating and terminating access.
21

22 **HISTORY OF SWITCHED ACCESS CHARGES**
23

24 **Q. PLEASE BRIEFLY DESCRIBE THE HISTORY OF SWITCHED ACCESS**
25 **CHARGES.**

26 A. Switched access charges were initiated at the onset of divestiture of the Bell System.
27 These charges replaced the settlements process that was previously used between
28 AT&T’s long distance service and AT&T’s local telephone subsidiaries. Access charges
29 were established to allow all long distance carriers the opportunity to purchase access
30 service from local exchange companies on an equal footing.
31

32 **Q. WHEN WERE ACCESS CHARGES FIRST PUT INTO EFFECT?**

33 A. Both interstate and intrastate access charges began in 1984. The FCC established the
34 interstate charges, which apply to interstate calls, using jurisdictional cost separations
35 rules and newly established access rules. U S WEST filed and gained this Commission’s
36 approval for intrastate access charges which mirrored the first interstate tariffed prices.
37 Since that time, changes have occurred to both interstate and Washington intrastate access
38 charges. However, the basic structure and purpose of interstate and intrastate access

1 ² Complaint and Request for Expedited Treatment of AT&T Communications of the Pacific Northwest, Inc.,
2 (Complaint) ¶ 7.

1 charges have remained the same.
2

3 **Q. HOW HAS THE TELECOMMUNICATIONS INDUSTRY CHANGED SINCE**
4 **THE ACCESS SERVICE ARRANGEMENTS WERE FIRST INITIATED IN 1984?**

5 A. Significant developments in competition, technology and regulation have taken place
6 since the access charges were implemented at divestiture. Fundamental changes now
7 taking place include the proliferation of competitive providers of basic local exchange
8 telephone service and carrier access services and of alternate means of communicating,
9 such as email and computer-based systems.

10
11 Perhaps the most fundamental change that has occurred is the advent of competition for
12 local telephone service, as authorized by the federal Telecommunications Act of 1996.
13 Competition for local telephone service has a substantial impact on switched access
14 service. If the competitive local exchange carrier (CLEC) serves both the end user and
15 the long distance carrier, U S WEST is entirely bypassed and does not collect any access
16 charges.
17

18 All of these changes, including new technologies and new business alliances, are creating
19 alternative methods for end-users to communicate with each other and for long distance
20 carriers to reach their end-user customers. Ms. Halvorson describes some of the specific
21 alternatives that are currently available in Washington in her testimony.
22

23 **HOW ACCESS SERVICES ARE UTILIZED TO ORIGINATE OR TERMINATE LONG**
24 **DISTANCE CALLS**

25
26 **Q. PLEASE DESCRIBE HOW THE CARRIER ACCESS SERVICES ARE USED IN**
27 **THE TRANSMISSION OF A TYPICAL LONG DISTANCE CALL.**

28 A. The typical long distance call starts with an access link. This first link, known as
29 originating access, connects the end user who places the call with his/her long distance
30 carrier. The long distance carrier then transmits the call to a second access link, which
31 serves to complete the call to the called party. This second link is known as terminating
32 access. Exhibit BMW-3 shows how this scenario would look if both the originating and
33 terminating access links were switched access. Of course, either the originating or
34 terminating access, or both, could be special access instead of switched access.
35

36 It is important to note that the origination and termination of the call are entirely separate
37 activities from the point of view of the LEC. When U S WEST originates a call for a
38 long distance carrier, U S WEST delivers that call to the carrier's POP and has no way of
39 knowing how the carrier transports the call, or how it terminates the call. Similarly, when
40 a long distance carrier delivers a call to U S WEST for termination to an end-user
41 customer, U S WEST has no information on how that call was originated or how it was

1 transported by the long distance carrier. This is the reason why the diagram in BMW-3
2 shows a dotted line in the middle. The dotted line stands for the functions performed by
3 the long distance carrier, which are invisible to the LEC.
4

5 In fact, the origination and termination of the call may or may not be performed by the
6 same LEC. For example, if a U S WEST customer in Seattle called a U S WEST
7 customer in Spokane or Denver, then U S WEST would be the LEC providing both the
8 originating and the terminating access service. However, if the U S WEST customer in
9 Seattle called a Bell Atlantic customer in New York, then U S WEST would provide the
10 originating access and Bell Atlantic would provide the terminating access. Similarly a
11 call could be originated or terminated by a competitive local exchange carrier (CLEC), if
12 the end-user customer purchases his/her local service from a CLEC rather than from the
13 incumbent LEC.
14

15 **Q. PLEASE SUMMARIZE THE SIMILARITIES AND DIFFERENCES BETWEEN**
16 **SWITCHED ACCESS AND SPECIAL ACCESS SERVICES.**

17 **A.** Both are carrier access services, offered to long distance carriers by a local exchange
18 carrier. Both utilize facilities of the local exchange carrier to connect the long distance
19 carrier with its end user customers. Both can be used to either originate or terminate
20 calls. Both services are offered in interstate and intrastate tariffs.
21

22 The two types of carrier access services differ in whether or not the service is switched by
23 the LEC. Special access is not switched by the LEC, and the connection between end
24 user and long distance carrier is continuous, dedicated entirely to the use of that customer
25 and carrier. Switched access is, of course, switched by the LEC, and the transmission
26 path is set up through the switch only for the duration of the call, after which the
27 connection between end user and carrier is broken. This means that use of portions of the
28 switched transmission path can be shared with other services, such as local service or the
29 long distance service of a different long distance carrier. Other portions of the switched
30 access service, namely the entrance facilities and any direct-trunked transport and
31 associated multiplexers ordered by the carrier, are dedicated to the use of the particular
32 long distance carrier that orders the service.
33

34 Generally, a carrier orders special access service to serve an end-user customer who
35 generates large volumes of long distance traffic. In these cases, it is economical to
36 purchase a facility dedicated to the use of the one customer. Customers who generate
37 smaller amounts of long distance traffic are generally served via switched access.
38

39 **Q. DOES THE USE OF SWITCHED OR SPECIAL ACCESS TO ORIGINATE THE**
40 **CALL DETERMINE WHAT KIND OF ACCESS WILL BE USED TO**
41 **TERMINATE THE CALL?**

1 A. No. The long distance carrier makes the decision as to how to connect with each end-user
2 customer independently. So, you can have up to four different scenarios.
3

4 (1) If a low-volume customer calls another low-volume customer, then switched access is
5 likely to be used to both originate and terminate the call. This is what happens when
6 most residential customers place a call to another residential customer, for example, when
7 I call my sister-in-law in Oregon from my home phone in Denver.
8

9 (2) If a low-volume customer calls a customer who receives a high volume of calls, then
10 the originating access is likely to be switched, and the terminating access is likely to be
11 special. This would likely be the case if I called an 800 number from my home phone to
12 order from a catalog. AT&T's witness Charlotte Field refers to this type of application as
13 a "nodal application" in her testimony.³
14

15 (3) If a high-volume customer calls a customer who does not receive a high volume of
16 calls, then the originating access is likely to be special, while the terminating access
17 would likely be switched. This is what happens when a telemarketer calls me at home
18 (and interrupts my dinner). According to Ms. Field, this would be another example of a
19 "nodal application."⁴
20

21 (4) If one high-volume customer calls another high-volume customer, then both the
22 originating and terminating access could be special. This might be the case if an
23 employee of a large company like Boeing calls another large company or a government
24 agency in another city. Ms. Field describes the fact that a "nodal application" can be used
25 to either originate or terminate a call in this manner.⁵
26

27 **Q. YOU HAVE INDICATED THAT THREE OF THE FOUR SCENARIOS YOU**
28 **JUST DESCRIBED ARE INCLUDED IN MS. FIELD'S DESCRIPTION OF WHAT**
29 **SHE CALLS "NODAL APPLICATIONS." DO YOU HAVE ANY FURTHER**
30 **COMMENT ON MS. FIELD'S EXHIBIT 1, WHICH IS A DIAGRAM OF AT&T**
31 **NODAL SERVICES?**

32 A. Yes. I would note that this diagram is of AT&T services, which it can offer using various
33 combinations of access services. It appears to me that the diagram includes both special
34 (dedicated) access and switched access services. The PBXs, located on the left side and
35 at the bottom of the diagram, appear to be connected to AT&T's network via dedicated
36 connections, since they are not shown as going through a U S WEST end office switch;
37 therefore, I assume the diagram depicts special access services connecting the PBXs to

¹ ³ Direct Testimony of Charlotte Field, p. 8, ll. 3-12.

¹ ⁴ Ibid., p. 8, l. 18 – p. 9, l. 7.

¹ ⁵ Ibid. p. 9, ll. 13-20.

1 AT&T's network. The diagram labels these special access links as "U S WEST access",
2 so I assume the diagram shows a situation in which AT&T is purchasing special access
3 from U S WEST. I would note that AT&T could purchase these same links from a
4 different supplier, or could provision the links itself using its own facilities.
5

6 On the right-hand side of the diagram, end-user telephones are depicted as being
7 connected to AT&T's POPs in Omaha and Bellevue by links that do pass through
8 U S WEST end office switches. Therefore, I assume AT&T is choosing to use switched
9 access for these links. The heavy line between the AT&T Omaha POP and the
10 U S WEST end office in Omaha would be the switched access entrance facility that
11 AT&T purchases from U S WEST as part of its switched access service in Omaha.
12

13 The point I would like to make is that AT&T is choosing to configure combinations of
14 access services in various ways in order to offer its "Nodal Services" to customers. The
15 specific way in which AT&T chooses to combine originating and terminating access for a
16 given call does not have bearing on the regulatory treatment of the access service itself.
17

18 **Q. WHAT ABOUT THE OTHER TWO APPLICATIONS THAT MS. FIELD**
19 **DESCRIBES IN HER TESTIMONY, PRIVATE LINE AND FRAME RELAY? DO**
20 **THESE UTILIZE SWITCHED OR SPECIAL ACCESS?**

21 A. As Ms. Field testified, these two applications involve dedicated, or special, access.⁶ Ms.
22 Field's Exhibit 2 is a diagram of a private line multi-point data circuit. Private line
23 services are direct connections and are not switched services. Field's Exhibit 2 depicts an
24 example of a multi-point private line service that could be provisioned utilizing
25 U S WEST's special access service in Tacoma and/or Vancouver. Alternatively, AT&T
26 could purchase these access services from another provider or use its own facilities to
27 connect those customer locations to its network.
28

29 **Q. ARE THE ACCESS SERVICES ASSOCIATED WITH THE FRAME RELAY**
30 **APPLICATION ANY DIFFERENT FROM THOSE YOU HAVE JUST**
31 **DESCRIBED FOR THE PRIVATE LINE APPLICATION?**

32 A. No. The frame relay application that Ms. Field described also utilizes direct, dedicated
33 connections between the customer premises and AT&T's network. In Ms. Field's Exhibit
34 3, an example is shown that includes connections to customer premises in Vancouver,
35 Seattle and Tacoma. Again, these connections do not go through a U S WEST end office
36 switch and, if they are provided by U S WEST, they would be special access and not
37 switched access. The fact that AT&T is performing a frame relay function for the
38 customer has no bearing on the dedicated nature of the service that U S WEST would be
39 providing.

¹ ⁶ Ibid., p. 10, l. 15 – p. 12, l. 12.

1
2 Q. **IN HER TESTIMONY, MS. FIELD MAKES REFERENCE TO “BULK ACCESS**
3 **FACILITIES THAT SUPPORT BOTH SPECIAL AND SWITCHED**
4 **FACILITIES.”⁷ WHAT IS YOUR UNDERSTANDING OF THESE “BULK**
5 **FACILITIES” AND THE MANNER IN WHICH THEY ARE UTILIZED TO**
6 **PROVIDE ACCESS SERVICES?**

7 A. The term “bulk facilities” is not one that is in any of our tariffs, nor is it a term that is
8 commonly used by U S WEST personnel who deal with carrier access services. In order
9 to understand what Ms. Field is referring to, I have looked at the context of her use of the
10 term. I have also reviewed AT&T’s responses to U S WEST’s discovery requests and
11 have discussed with our personnel the nature of the orders that AT&T included on its list
12 of “Held Bulk Facilities Orders” (Discovery Exhibit 11). Although AT&T has provided
13 very little information about “bulk facilities,” I believe that Ms. Field is talking about
14 what U S WEST tariffs refer to as “shared use.”⁸

15
16 Shared use occurs when a customer orders different services to be provided over the same
17 high-capacity facility. For example, a DS3 facility might be ordered to connect a
18 U S WEST serving wire center with an AT&T POP, and then AT&T might request that
19 the DS3 be configured as separate DS1 channels. (See Exhibit BMW-2) Some of the
20 DS1 channels might carry switched access service while other channels carry special
21 access service. In such an application, there would be an interface at the serving wire
22 center where the DS3 is demultiplexed into the separate DS1 channels. At the interface,
23 the switched access channels would be connected to switched access circuits, and the
24 special access channels would be connected to the appropriate direct connections to end-
25 user customer premises.

26
27 Q. **DOES THE FACT THAT SHARED USE OF A FACILITY MIGHT OCCUR**
28 **MAKE ANY DIFFERENCE AS TO HOW THE SWITCHED ACCESS OR**
29 **SPECIAL SERVICE ACTUALLY FUNCTIONS, I.E. PROVIDES SERVICE TO**
30 **THE LONG DISTANCE CARRIER?**

31 A. No. The access service provided is still the same, either switched or special. Each service
32 is billed from the appropriate portion of the tariff. The charge for the high capacity
33 facility itself is prorated, or apportioned, between the switched and special access tariffs
34 according to the number of channels assigned to each use. As I have described earlier,
35 these access services can be used to either originate or terminate calls. The fact that
36 AT&T utilizes shared use facilities for some of the switched and special access services it
37 purchases makes no difference with regard to the issues in this complaint.
38

⁷ Ibid., p. 25, ll. 19-20.

⁸ See WN U-37, § 2.7, also Tariff F.C.C. No. 5, § 2.7.

1 Q. IS A LONG DISTANCE CALL ALWAYS BOTH ORIGINATED AND
2 TERMINATED USING A CARRIER ACCESS SERVICE PURCHASED FROM
3 THE INCUMBENT LOCAL EXCHANGE CARRIER (ILEC)?

4 A. No. Ms. Halvorson explains in her testimony the alternatives that exist for a long
5 distance carrier to connect with its end-user customers in Washington today. Ms. Field
6 also mentions “utilizing access from U S WEST or another LEC”⁹ in connection with her
7 frame relay example. “Another LEC” could easily be a CLEC. It is very possible for a
8 long distance call to or from a Washington customer to be provisioned without utilizing
9 U S WEST's access services on either the originating or terminating end, or both.

10
11

DETERMINING THE JURISDICTION OF ACCESS SERVICES

12

13 Q. YOU TESTIFIED EARLIER THAT U S WEST OFFERS BOTH SWITCHED AND
14 SPECIAL ACCESS IN BOTH ITS INTERSTATE AND ITS WASHINGTON
15 STATE TARIFFS. HOW IS IT DETERMINED IF A GIVEN CARRIER ACCESS
16 SERVICE IS IN THE INTERSTATE JURISDICTION OR THE INTRASTATE
17 JURISDICTION?

18 A. The FCC has, through its orders and rules, established procedures for determining the
19 jurisdiction. These procedures differ for switched versus special access. However, for
20 both types of access, one first has to look at the individual calls to determine whether the
21 call is interstate or intrastate.

22

23 Q. HOW DO YOU DETERMINE IF A GIVEN CALL IS INTERSTATE OR
24 INTRASTATE?

25 A. Quite simply, one looks at the location of the calling party and of the recipient of the call.
26 If the two are in the same state, it is an intrastate call. If the two are in different states, it
27 is an interstate call. It makes no difference how the call is routed between the two end
28 points.

29

30 As I testified earlier, the carrier access service provided by the LEC is only one piece of
31 the entire transmission of the long distance call, and the access link is physically confined
32 to the LATA. Therefore, one has to look to the entire length of the call to determine
33 whether the call is interstate or intrastate.

34

35 Q. DOES A LONG DISTANCE CARRIER BUY SEPARATE ACCESS FACILITIES
36 FROM A LEC TO CARRY INTERSTATE VERSUS INTRASTATE CALLS?

37 A. No. Both interstate and intrastate calls are carried on the same access facility. This is the
38 reason why the FCC had to establish procedures for determining the jurisdiction of the

¹ ⁹ Ibid., p. 11, ll. 21-22.

1 access services. Those procedures are based on the percentage interstate usage (PIU) of
2 the traffic carried on the access facility. In other words, of the total minutes-of-use
3 carried on the facility, the percentage of those minutes that are made up of interstate calls
4 is calculated. In general, the majority of the traffic carried on U S WEST's carrier access
5 services is interstate, and the minority is intrastate. The PIU for an individual access
6 facility can be anywhere from 0% to 100%. In Washington the switched access PIUs
7 generally average around 80%.

8
9 **Q. HOW IS PIU USED TO DETERMINE JURISDICTION OF SWITCHED ACCESS**
10 **SERVICE?**

11 A. The jurisdiction for a switched access service or facility is split between interstate and
12 intrastate, according to the PIU. The exact processes for determining PIU for the various
13 portions of the switched access service are specified in Section 2.3.10 of both the
14 interstate tariff (F.C.C. No. 5) and the Washington state tariff (WN U-37). Charges are
15 prorated between state and interstate tariffs depending on PIUs derived from
16 measurements made by U S WEST and reported by the long distance carrier.

17
18 **Q. HOW IS PIU USED TO DETERMINE JURISDICTION OF A SPECIAL ACCESS**
19 **SERVICE?**

20 A. Special access service is not split between jurisdictions, but rather the entire facility is
21 assigned to either the interstate or the intrastate jurisdiction. The FCC's mixed-use
22 facilities rule, popularly known as the "10% rule", governs the jurisdiction of private line
23 and special access services. This rule is found in Part 36 of the FCC's rules:

24
25 Subcategory 1.2 - Interstate private lines and interstate WATS lines. This
26 subcategory shall include all private lines and WATS lines that carry exclusively
27 interstate traffic as well as private lines and WATS lines carrying both state and
28 interstate traffic if the interstate traffic on the line involved constitutes more than
29 ten percent of the total traffic on the line.¹⁰

30
31 This rule was established in 1989¹¹ and was more recently reaffirmed by the FCC.

32
33 The Commission found that special access lines carrying more than *de minimis*
34 amounts of interstate traffic to private line systems should be assigned to the
35 interstate jurisdiction. Interstate traffic is deemed *de minimis* when it amounts to
36 ten percent or less of the total traffic on a special access line.¹²

1 ¹⁰ 47 CFR §36.154 (a)

1 ¹¹ 4 FCC Rcd No. 15, Decision and Order, FCC 89-224 (July 20, 1989).

1 ¹² In the Matter of GTE Tel. Operating Cos.; GTOC Tariff No. 1; GTOC Transmittal 114 8, CC Docket No.
2 98-79; 13 FCC Rcd 22466, Opinion and Order, rel. October 30, 1998. ¶ 23, footnotes omitted.

1 Thus, special access facilities are assigned entirely to the interstate jurisdiction if as little
2 as 10% of the traffic carried on that facility is interstate traffic. This 10% rule applies to
3 the cost separations as well as the tariff and billing procedures.
4

5 **Q. HOW IS THE PIU OF A SPECIAL ACCESS FACILITY DETERMINED?**

6 A. The long distance carrier ordering the special access facility must declare the PIU at the
7 time it places the order. U S WEST cannot determine the PIU on a special access facility,
8 because traffic on the facility does not pass through a U S WEST switch and U S WEST
9 therefore has no way of recording the nature of the calls.
10

11 **Q. HOW IS THE JURISDICTION OF A SHARED USE FACILITY DETERMINED?**

12 A. The jurisdiction is determined of each service riding on the shared use facility according
13 to the rules appropriate for that service. For example, if a DS3 facility is carrying both
14 switched access and special access channels, the jurisdiction of the switched access
15 channels would be allocated between state and interstate jurisdictions according to the
16 PIU reported by the long distance carrier for those channels. The jurisdiction of the
17 special access channels would be either state or interstate, as determined by the 10% rule.
18

19 **AT&T'S COMPLAINT CONCERNS PRIMARILY INTERSTATE SERVICES**

20
21 **Q. WHAT ARE THE SERVICES WHICH AT&T IS COMPLAINING ABOUT?**

22 A. In its Complaint, AT&T states, "This Complaint addresses both dedicated and switched
23 access services."¹³ It further states, "Although this Complaint addresses DS0 and DS1
24 service, the problems and concerns that are discussed herein also apply when customers
25 order higher bandwidth service from AT&T."¹⁴ However, in the evidence presented in
26 the testimony of AT&T's witness, there are specific allegations for special access orders
27 only. Although Ms. Field mentions switched access in her testimony, she presents no
28 specific allegations regarding orders for switched access service.
29

30 **Q. WHAT IS AT&T ALLEGING IN ITS COMPLAINT?**

31 A. The allegations of the complaint seem to revolve around two concerns, (1) held orders
32 and (2) orders not processed by the desired due date. AT&T stated in its Complaint,
33 dated August 18, 1999, that "at least 70 of AT&T's orders for access facilities are
34 currently held in this state."¹⁵ Ms. Field attached a list of held orders as Exhibit 4 to her
35 testimony, which are presumably the 70 orders referred to in the complaint. These orders
36 are identified as service types DS0, DS1 or DS3, which would indicate that they are
37 orders for dedicated facilities, i.e. special access.

1 ¹³ Complaint, ¶ 7.

1 ¹⁴ Complaint, ¶ 13.

1 ¹⁵ Complaint, ¶ 39.

1

2 **Q. IN WHAT JURISDICTION ARE THE FACILITIES THAT ARE LISTED BY**
3 **AT&T AS HELD ORDERS?**

4 A. According to the notations in the last column on Ms. Field's Exhibit 4, 67 of the 70
5 orders are for interstate services; the jurisdiction is not identified for the remaining three
6 orders.

7

8 **Q. HAS U S WEST ATTEMPTED TO CONFIRM WHETHER ANY OF THE AT&T**
9 **HELD ORDERS FALL IN THE INTRASTATE JURISDICTION?**

10 A. Yes. Our staff has reviewed the Access Service Requests (ASRs) that AT&T submitted
11 to U S WEST for the 70 orders listed on Ms. Field's Exhibit 4. All but one of those
12 orders were for interstate services.¹⁶ None of the other exhibits attached to Ms. Field's
13 testimony gave sufficient information for the jurisdiction of the orders to be determined.

14

15 **Q. DID U S WEST SEEK ADDITIONAL INFORMATION ABOUT THE ORDERS**
16 **THAT ARE THE SUBJECT OF ITS COMPLAINT IN DISCOVERY REQUESTS**
17 **TO AT&T?**

18 A. Yes. In response to U S WEST's discovery requests, AT&T provided three additional
19 exhibits that list orders for access service which AT&T claims represent either missed
20 dates or held orders. Discovery Exhibits 2 and 10 list "Missed Orders," and Discovery
21 Exhibit 11 lists "Held Bulk Facility Orders." At this point in time, it is not clear if the
22 information contained in AT&T's Discovery Exhibits 2 and 10 corresponds with the
23 information in Ms. Field's amended Exhibit 11. The information on "held bulk facility
24 orders" contained in AT&T's Discovery Exhibit 11 is not contained in or attached to Ms.
25 Field's testimony.

26

27 **Q. EVEN THOUGH THE INFORMATION ON AT&T'S DISCOVERY EXHIBITS IS**
28 **NOT IN ITS COMPLAINT OR TESTIMONY, WHAT INFORMATION DID**
29 **AT&T GIVE IN RESPONSE TO DISCOVERY ABOUT THE JURISDICTION OF**
30 **THE ORDERS ON ITS "MISSED ORDERS" LIST?**

31 A. AT&T lists 98 "missed orders" for DS1 service on Discovery Exhibit 2; only three of
32 these 98 orders are shown as being intrastate, and the rest are shown as being interstate.
33 On Discovery Exhibit 10, AT&T lists 59 "missed orders" for DS0 service, all of which
34 are shown as being interstate.

35

36 **Q. WHAT INFORMATION DID AT&T GIVE IN RESPONSE TO DISCOVERY**
37 **ABOUT THE JURISDICTION OF THE "HELD BULK FACILITIES ORDERS"?**

38 A. AT&T gave no information about the ten orders for T3 facilities that it included on this

¹ ¹⁶ The ASR for the order PON VWS01790560 was submitted by AT&T with a PIU of 0 and as an order
² type F, even though it is listed on Fields' Exhibit 4 as order type G.

1 list (Discovery Exhibit 11). U S WEST staff members have checked the ASRs for these
2 ten orders, and all were designated by AT&T as having a PIU of 100, which classifies
3 them as interstate.
4

5 **Q. GIVEN THE INFORMATION YOU HAVE JUST DESCRIBED, WHAT DO YOU**
6 **CONCLUDE ABOUT THE JURISDICTION OF THE ACCESS SERVICES ON**
7 **WHICH AT&T APPARENTLY IS BASING ITS COMPLAINT?**

8 A. I conclude that the vast majority of the orders are in the interstate jurisdiction. If I look at
9 all of the orders listed by AT&T in response to discovery requests and in testimony, I find
10 that only four are intrastate. Since there are a total of 237 orders on AT&T's lists, less
11 than two percent of the orders fall in the intrastate jurisdiction and the vast majority are
12 interstate.
13

14 **ACCESS TARIFFS GOVERN CONDITIONS FOR PROVISIONING OF ACCESS**
15 **SERVICES**
16

17 **Q. DO U S WEST'S ACCESS TARIFFS CONTAIN PROVISIONS THAT WOULD**
18 **GOVERN THE SITUATIONS THAT AT&T POINTS TO IN ITS COMPLAINT?**

19 A. Yes. Both interstate and Washington state tariffs contain such provisions.
20

21 **Q. WHAT PROVISIONS ARE THERE IN THE TARIFFS THAT WOULD SPEAK TO**
22 **THE POSSIBILITY OF HELD ORDERS?**

23 A. The tariffs make it clear that U S WEST will provide the services listed in the tariff,
24 subject to availability of facilities. Tariff F.C.C. No. 5 governs provision of interstate
25 switched and special access. It contains the following provision:
26

27 2.1.4 Provision of Services
28

29 The Telephone Company, to the extent that such services are or can be made
30 available with reasonable effort, and after provision has been made for the
31 Telephone Company's telephone exchange services, will provide to the customer
32 upon reasonable notice service offered in other applicable sections of this Tariff at
33 rates and charges specified therein.
34

35 In other words, the FCC tariff indicates that the Company is not obligated to undertake
36 unreasonable effort to provide access service. Nor is the Company to give precedence to
37 an order for carrier access service over an order from an end-user customer for basic
38 telephone exchange service.
39

40 **Q. DO THE WASHINGTON TARIFFS ALSO HAVE PROVISIONS THAT WOULD**
41 **PERTAIN TO HELD ORDERS?**

1 A. Yes. In Washington, U S WEST has separate tariffs for switched access and special
2 access. Special access services are offered in the Private Line Transport Services tariff,
3 (WN U-33). Section 1.1 of that tariff contains the following language.

4
5 The Company will make every reasonable effort to provide the services delineated
6 in Section 5, following, upon reasonable notice of request for the service from the
7 customer. All rates and charges shown in this Tariff provide for the furnishing of
8 service, where suitable facilities are available. Where special construction of
9 channel facilities is necessary, special construction charges may apply.

10
11 In Section 2.1, Undertaking of the Company, the following language is found:
12

13 2.1.2 LIMITATIONS
14

15 A. The installation and restoration of service shall be in accordance with the rules
16 for Telecommunications Service Priority as set forth in Access Service Tariff,
17 WN U-25, Section 13 and the WAC.

18 The provision or continuation of Private Line Transport may be limited, in
19 order to comply with orders issued under wartime authority of the President
20 of the United States or, in order to comply with procedures for the
21 restoration of vital private line services during emergency situations, such
22 as major natural or man-made disasters.
23

24 B. Subject to compliance with the above mentioned rules, where a shortage of
25 facilities exists at any time either for temporary or protracted periods, the
26 services offered herein will be provided to customers on a first come, first serve
27 basis.
28

29 C. The furnishing of service under this Tariff will require certain physical
30 arrangements of the facilities of the Company and is therefore subject to the
31 availability of such facilities.

32 The switched access tariff (WN U-37) contains similar language in section 2.1.2, as
33 follows.
34

35 B. The installation and restoration of services shall be subject to the regulations
36 set forth in section 13, following, concerning the Telecommunications Service
37 Priority (TSP) System.
38

39 C. Subject to compliance with the rules mentioned in B., preceding, the services
40 offered therein will be provided to customers on a first-come, first-served basis.
41

1 Thus, the Washington tariffs also refer to reasonableness of the effort required. The state
2 tariffs also refer to availability of facilities and to priorities determined by the TSP
3 system, which governs in emergency situations.
4

5 **Q. DO THE TARIFFS REQUIRE U S WEST TO BUILD FACILITIES TO FILL A**
6 **SWITCHED ACCESS OR SPECIAL ACCESS ORDER, IF FACILITIES ARE NOT**
7 **CURRENTLY AVAILABLE?**

8 A. No, there is no such tariff requirement.
9

10 **Q. ARE THERE PROVISIONS IN THE TARIFFS CONCERNING THE TIME**
11 **INTERVALS BETWEEN THE PLACING OF AN ORDER AND THE ACTUAL**
12 **INSTALLATION OF THE SERVICE?**

13 A. Yes. These provisions are contained in the tariff sections that deal with the ordering
14 process. In fact, the tariffs contain lengthy instructions concerning the ordering process,
15 including the obligations of the Company and the carrier customer. I am attaching these
16 sections from the interstate and Washington state access tariffs as Exhibits to my
17 testimony for ease of reference.
18

19 **Q. WHAT TARIFF PROVISIONS DETERMINE THE SERVICE DATE**
20 **INTERVALS?**

21 A. In the interstate tariff, Section 5.2.1 governs Access Order Service Date Intervals. This
22 tariff section refers to the U S WEST Communications Service Interval Guide as the
23 document that provides tables of service date intervals. Mr. Perry Hooks explains this
24 document and its use in his testimony. After referring to the Service Interval Guide, the
25 interstate tariff goes on to say:
26

27 To the extent the Access Service can be made available with reasonable effort, the
28 Company will provide the Access Service in accordance with the customer's
29 requested interval, subject to the following conditions:
30

31 The tariff then goes on to describe procedures for determining standard intervals,
32 according to the Service Interval Guide, and the conditions under which negotiated
33 intervals will apply. (See Exhibit BMW-4 for the complete text.)
34

35 **Q. DO THE WASHINGTON STATE TARIFFS ALSO REFER TO THE U S WEST**
36 **SERVICE INTERVAL GUIDE?**

37 A. Yes, they do. The switched access tariff contains the following language in Section 5.1.1.
38

39 The time required to provision the service (i.e. the interval between the Application
40 Date and the Service Date) is known as the service interval. Such intervals will be
41 established in accordance with the service date interval guidelines as set forth in the

1 Service Interval Guide mentioned in 5.2.1, following, and, where possible, will
2 reflect the customer's requested service date.
3

4 The special access tariff contains the following language in Section 3.2.2 (L).
5

6 The Company assures that all provisioning requests for DDS, DS1 and DS3
7 Service will be installed on the customer requested service date (due date)
8 providing it is equal to or greater than the standard intervals published in the
9 Service Interval Guide.
10

11 See Exhibit BMW-5 for the complete text of Section 5 of WN U-37 for switched access,
12 and Exhibit BMW-6 for the complete text of the relevant portions of WN U-33 for
13 special access.
14

15 **Q. DO THE TARIFFS DEAL WITH WHAT HAPPENS IF U S WEST FAILS TO**
16 **MEET A DUE DATE FOR INSTALLATION OF AN ACCESS SERVICE?**

17 A. Yes. Under the Service Guarantee provisions of the tariffs, the carrier customer receives
18 a credit of 100% of the total nonrecurring charge if U S WEST fails to meet the due date
19 that the Company has committed to. This Service Guarantee for Provisioning is
20 described in Section 5.2.1 (C) of the interstate tariff (Exhibit BMW-4) and applies to both
21 switched and special access. The Service Guarantee can be found in Section 3.2.2 (L) of
22 the Washington state special access tariff (Exhibit BMW-6).
23

24 **Q. DO THESE TARIFFED SERVICE GUARANTEES FOR PROVISIONING GIVE**
25 **U S WEST A MOTIVATION FOR ACTUALLY INSTALLING ACCESS**
26 **SERVICES ON TIME?**

27 A. Absolutely. If the Company has to waive nonrecurring charges because it missed a due
28 date, then this is money out of U S WEST's pocket.
29

30 **Q. DOES AT&T PAY THE TARIFFED RATES FOR ACCESS SERVICES IT**
31 **RECEIVED FROM U S WEST?**

32 A. Yes, AT&T pays the tariffed rates approved by and/or on file with the FCC and the
33 Washington Commission for access services.
34

35 **Q. DO THE TARIFFS AND THE TARIFFED RATES CONTEMPLATE**
36 **PROVISIONING IN THE MANNER THAT AT&T REQUESTS?**

37 A. No, they do not. U S WEST provisions in accordance with the established tariffed terms
38 and conditions, which do not encompass the special provisioning requested by AT&T.
39

40 **Q. HOW WOULD YOU SUMMARIZE THE TARIFF PROVISIONS SURROUNDING**
41 **THE ORDERING AND INSTALLING OF SWITCHED AND SPECIAL ACCESS**

SERVICES?

1
2 A. The tariff provisions are detailed and specific and govern many aspects of the ordering
3 and installation process. U S WEST's Service Interval Guide is used to determine due
4 dates for the installation of the service. Conditions are specified under which customer-
5 requested due dates can be honored. The obligations of the customer to supply detailed
6 information about the services being ordered are specified. The obligations of the
7 Company to install the service, and the consequences that the Company suffers if it does
8 not do so by the due date, are all laid out.
9

10 **Q. HAS AT&T PRODUCED ANY EVIDENCE THAT U S WEST HAS VIOLATED**
11 **ANY OF THE TARIFF PROVISIONS YOU HAVE DISCUSSED?**

12 A. No. AT&T's complaint and the testimony of its witness do not deal with the tariffs.
13 Instead, AT&T bases its complaint and testimony on its own Quality Management
14 System, not U S WEST's tariffs. AT&T has not produced any information or data that can
15 be related to the requirements of U S WEST's tariffs. Consequently, AT&T has not
16 produced any evidence that U S WEST may or may not be in violation of its own tariffs.
17

CONCLUSIONS AND RECOMMENDATIONS

18
19
20 **Q. WHAT ARE YOUR CONCLUSIONS?**

21 A. U S WEST provides AT&T both switched and special access in the state of Washington
22 for the origination and termination of long distance calls. The specific allegations that
23 AT&T makes as the basis for its complaint concern orders for special access only, and
24 AT&T makes no specific allegations regarding switched access service. Further, the vast
25 majority of the specific special access orders listed by AT&T in its allegations are
26 provisioned from U S WEST's interstate tariff, not Washington state tariffs. U S WEST's
27 state and interstate tariffs contain detailed provisions governing the ordering and
28 installing of switched and special access service. The tariffs do not require U S WEST to
29 build facilities to fill an order for access service. Tariff provisions include the
30 determination of due dates and the consequences to U S WEST if it misses a due date. If
31 U S WEST misses a date that it has committed to, AT&T does not pay the nonrecurring
32 charges for those facilities. In its complaint, AT&T has not shown that U S WEST has
33 failed to meet any tariff provisions.
34

35 **Q. WHAT ACTION DO YOU RECOMMEND THAT THIS COMMISSION TAKE?**

36 A. I recommend that the Commission find that the services that are the basis for AT&T's
37 complaint are basically interstate in their jurisdiction. Further, I recommend that the
38 Commission find that AT&T has not shown U S WEST to be in violation of its
39 Washington tariffs. Finally, I recommend that the Commission dismiss AT&T's
40 complaint.
41

1 Q. DOES THIS CONCLUDE YOUR TESTIMONY?
2 A. Yes, it does.
3

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

**In the Matter of the Complaint and Request for)
Expedited Treatment of AT&T Communications)
of the Pacific Northwest, Inc. Against U S WEST) DOCKET NO. UT-991292
Communications, Inc. Regarding Provisioning of)
Access Services.)
)**

EXHIBITS OF BARBARA M. WILCOX, PH. D.

U S WEST COMMUNICATIONS, INC.

November 17, 1999

INDEX OF EXHIBITS OF BARBARA M. WILCOX

<u>Number</u>	<u>Description</u>
	Qualifications and Experience
	Switched Access Price Structure
	Switched Access Network Diagram
	Tariff F.C.C. No. 5, Section 5. Ordering Options for Access Services.
	WN U-37, Section 5. Ordering Options for Switched Access.
	WN U-33, Section 3.2.2 (L). Service Guarantee – Provisioning; Section 4. Order Modifications and Miscellaneous Charges.