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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF THE REVIEW OF UNBUNDLED LOOP AND SWITCHING RATES AND REVIEW OF THE DEAVERAGED ZONE RATE STRUCTURE	) ) ) ) ) )	DOCKET NO. UT-023003  QWEST'S STATEMENT OF SUPPLEMENTAL AUTHORITY AND REPLY TO AT&T/MCI'S ANSWER
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Qwest Corporation hereby requests leave to file this Statement of Supplemental Authority and Reply in regard to the issues under review in this matter. As grounds therefore, Qwest states as follows:

On August 12, 2003 Qwest filed a Motion to Compel AT&T and MCI to respond to certain data requests. Specifically, Qwest sought to compel responses to data requests seeking access to information and algorithms used in the AT&T/MCI-sponsored cost model in this proceeding, HM 5.3. In addition to presenting arguments on the merits about why the information should be produced, Qwest pointed out a recent decision in Oregon compelling AT&T/MCI to produce the very same information Qwest had requested in this proceeding.

On August 22, 2003, AT&T and MCI answered in opposition to Qwest's motion. They pointed out that the Oregon decision cited by Qwest was on appeal to the Oregon Commission and was not final. However, on August 28, 2003 the Oregon Commission entered a final order on this issue that affirmed the ALJ's ruling. The Commission noted specifically that:

1 Here, AT&T and WorldCom have taken the illogical position that  
2 fundamental elements of their cost model should be shielded from  
3 discovery when the model itself is the focus of this docket. As the  
4 ALJ emphasized in his June 11 ruling, the Commission and other  
5 parties must be able to examine fully all of the formulas and  
6 algorithms essential to the operation of the model. Absent such  
7 information, the model is little more than a "black box," and cannot  
8 be accorded substantial weight.

9 \* \* \*

10 . . . AT&T and WorldCom's decision to employ a third party to  
11 supply important model inputs should not insulate them from the  
12 duty to disclose relevant information about their model. Under the  
13 circumstances, it was both logical and reasonable to expect that the  
14 commission and other parties would require access to the customer  
15 location data and clustering algorithm.

16 \* \* \*

17 . . . AT&T and WorldCom have a fundamental obligation to make  
18 essential elements of their model available to the Commission and  
19 other parties for review and analysis. Without such information, the  
20 commission does not have an adequate basis upon which to judge  
21 the merits of the model. While there is certainly nothing improper  
22 about retaining a third party to develop model inputs, it does not  
23 relieve AT&T and WorldCom of their duty to produce data  
24 underlying their model.

25 Public Utility Commission of Oregon, UM-1025, Order No. 03-533, August 28, 2003, attached.

26 In addition to the supplemental authority provided here, Qwest would like to briefly reply  
to one point in the AT&T/MCI answer. At page 9 of the answer, AT&T/MCI seem to concede the  
point that Qwest is entitled to test the accuracy the customer location process employed by HM 5.3  
However, they would limit Qwest's ability to do so. They describe at length how Qwest could test  
the accuracy of the data, but miss two fundamental points. First, Qwest is entitled to test the  
accuracy of the customer location data through methods it finds to be most probative, not through  
methods recommended by the sponsors of the model. Second, the methods suggested by  
AT&T/MCI allow an analysis only of the outputs of the TNS results – what Qwest is seeking is to  
test is the accuracy of the inputs and methodology employed by TNS in producing the clusters in  
the first instance. What Qwest ought to be permitted to do is to test the accuracy of the customer

1 location process by attempting to replicate the creation of the clusters. In order to do that, Qwest  
2 needs both the customer location data and the algorithms that produce the clusters – the very data  
3 that AT&T/MCI have refused to provide.

4 No prejudice will fall upon any party to this proceeding from including the attached  
5 Oregon decision in the materials reviewed. As such, Qwest asks that the Administrative Law  
6 Judge and Commission consider the final order from the Oregon Public Utility Commission in  
7 their deliberations on the motion to compel.

8 Respectfully submitted this 5th day of September, 2003.

9 QWEST CORPORATION

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