

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition for	)	DOCKET UT-063061
Arbitration of an Interconnection	)	
Agreement Between	)	
	)	ORDER 17
QWEST CORPORATION	)	
	)	ARBITRATOR’S REPORT
and	)	ESTABLISHING PROCEDURES
	)	FOR FILING PETITIONS FOR
ESCHELON TELECOM, INC.	)	REVIEW, REQUESTS FOR
	)	APPROVAL, AND AN
Pursuant to 47 U.S.C. Section 252(b).	)	INTERCONNECTION
	)	AGREEMENT
	)	
.....	)	

1 **Synopsis.** *The Arbitrator establishes procedures for filing petitions for review, requests for approval, and an interconnection agreement after the issuance of Order 05 in Docket UT-073035 addressing the wire centers issues that affect this proceeding.*<sup>1</sup>

**I. BACKGROUND**

**A. Procedural History.**

2 On August 9, 2006, Qwest Corporation (Qwest) filed with the Washington Utilities and Transportation Commission (Commission) a request for arbitration of an interconnection agreement with Eschelon Telecom, Inc. (Eschelon), pursuant to 47 U.S.C. §252(b) of the Telecommunications Act of 1996 (Act).<sup>2</sup> Qwest asserted that the parties agreed to extend the timeframes in Section 252(b) of the Act including the formal negotiating period, the period for initiating arbitration, and the time in which a state commission must resolve open issues.

<sup>1</sup> Docket UT-073035, *In the Matter of the Petition of Qwest Corporation For Investigation Concerning the Status of Competition and Impact of the FCC’s Triennial Review Remand Order On the Competitive Telecommunications Environment in Washington.*

<sup>2</sup> 47 U.S.C. §151 *et.seq.*

3 On January 18, 2008, the Arbitrator entered a Report and Decision resolving all disputed issues except those pertaining to wire centers. In a separate proceeding, Docket UT-073035,<sup>3</sup> the parties reached agreement on the wire center issues and filed a settlement for Commission consideration. By Order 12 entered June 21, 2007, the Arbitrator, among other things, granted the Joint Motion for a Single Compliance Filing and allowed the parties to file a single interconnection agreement (ICA) after issuance of an order in the docket addressing the merits of the settlement.

4 On March 21, 2008, the Commission entered Order 05 in Docket UT-073035, Accepting, Subject to Conditions, Multi-Party Settlement Agreement.

#### **B. Standards for Arbitration.**

5 The Act provides that in arbitrating interconnection agreements, the state commission is to: (1) ensure that the resolution and conditions meet the requirements of Section 251, including the regulations prescribed by the Federal Communications Commission (FCC) under Section 251; (2) establish rates for interconnection services, or network elements according to Section 252(d); and (3) provide a schedule for implementation of the terms and conditions by the parties to the agreement.<sup>4</sup> The following issues were stayed by Order 16 in this proceeding and resolved in the Settlement accepted in Docket UT-073035:

- **Issue 9-37: Definition of “Commission-Approved Wire Center List” and “Wire Center Docket” – Wire Center List**
- **Issue 9-37(a): Wire Center List – Additional Non-impaired Wire Centers**
- **Issue 9-38: Processing of High Capacity Loop and Transport Requests**
- **Issue 9-39: Review of Wire Center list**

---

<sup>3</sup> See n. 1.

<sup>4</sup> 47 U.S.C. §252(c).

- **Issue 9-40: NRCs for Conversions**
- **Issue 9-41: Length of time period**
- **Issue 9-42: Rate During Time Period**

Accordingly, the Arbitrator did not establish an implementation schedule in the Arbitrator's Report and Decision.

### **C. Implementation Schedule**

6 Pursuant to 47 U.S.C. §252(c)(3), the Arbitrator is to “provide a schedule for implementation of the terms and conditions by the parties to the agreement.” This matter will be addressed after the parties submit a complete compliance filing. In preparing an agreement for submission to the Commission for approval, the parties may include an implementation schedule.

### **D. Conclusion**

7 Parties are directed to submit an interconnection agreement to the Commission for approval pursuant to the following requirements.

#### **1. Petitions for Review and Requests for Approval**

8 Any party may petition for Commission review of Order 16, Arbitrator's Report and Decision, by April 16, 2008. Any petition for review must be in the form of a brief or memorandum, and must state all legal and factual bases in support of arguments that the Arbitrator's Report and Decision should be modified. Replies to any petition for Commission review may be filed by April 28, 2008.

9 By April 28, 2008, the parties must also file a complete copy of the signed interconnection agreement, including any attachments or appendices, incorporating all negotiated terms, all terms requested pursuant to Section 252(i) and all terms intended to fully implement arbitrated decisions. This filing will include the parties' request

for approval, subject to any pending petitions for review.<sup>5</sup> The Agreement must clearly identify arbitrated terms by bold font style and identify by footnote the arbitrated issue that relates to the text.

- 10 Parties that request approval of negotiated terms must summarize those provisions of the agreement, and state why those terms do not discriminate against other carriers, consistent with the public interest, convenience, and necessity, and are consistent with applicable state law requirements, including relevant Commission orders.
- 11 Parties that request approval of arbitrated terms must summarize those provisions of the agreement, and state how the agreement meets each of the applicable requirements of Sections 251 and 252, including relevant FCC regulations, and applicable state requirements, including relevant Commission orders. A party that petitions for review must provide alternative language for arbitrated terms that would be affected if the Commission grants the party's petition.
- 12 Any petition for review, any response, and/or request for approval may reference or incorporate previously filed briefs or memoranda. Copies of relevant portions of such briefs or memoranda must be attached for the convenience of the Commission. The parties are required to file a proposed form of order.
- 13 Any petition for review of this Arbitrator's Report and Decision and any response to a petition for review must be filed (original and eight copies) with the Commission's Secretary and served as provided in WAC 480-07-150(6).<sup>6</sup> Post-arbitration hearing filings and any accompanying materials must be served on the opposing party on the day of filing, unless jointly filed.
- 14 An electronic copy of all post-arbitration hearing filings must be provided by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Electronic versions of all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word), or .wpd (WordPerfect) formats. *See WAC 480-07(6)(b)*.

---

<sup>5</sup> If the parties agree that no petition for review will be filed, the parties may file their joint request for approval and complete interconnection agreement at any time after the date of this Report and Decision.

<sup>6</sup> This rule addresses service in adjudicative proceedings before the Commission. Although this is not an adjudicative proceeding, the Commission adopts the service standards in this rule for this arbitration.

## 2. Approval Procedure

- 15 The Commission does not interpret the approval process as an adjudicative proceeding under the Washington Administrative Procedure Act.<sup>7</sup>
- 16 Any person who wishes to comment on a request for approval may do so by filing written comments with the Commission no later than 10 days after the date a request for approval is filed. Comments must be served on all parties to the Agreement, and parties to the Agreement may file written responses to the comments within 7 days after service.
- 17 The Commission will enter an order approving or rejecting the Agreement within 30 days after a request for approval and the parties' interconnection agreement is filed. (WAC 480-07-640(b)). The Commission's order will include its findings and conclusions.
- 18 **NOTICE TO THE PARTIES That if a party petitions for review of the Initial Order in Docket UT-073035, that party may request that the foregoing deadlines for filing petitions for review, requests for approval, and an interconnection agreement in this proceeding be extended. A petition for review of Order 05, in Docket UT-073035 will constitute "good cause" for a continuance according to WAC 480-07-385, but a party must demonstrate that neither the opposing party nor the Commission will be prejudiced by granting the continuance.**

Dated at Olympia, Washington, and effective March 21, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Arbitrator

---

<sup>7</sup> *Interpretive and Policy Statement Regarding Negotiation, Mediation, Arbitration, and Approval of Agreements Under the Telecommunications Act of 1996*, Docket UT-960269, In the Matter of Implementation of Certain Provisions of the Telecommunications Act of 1996 (June 28, 1996).