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

8 QWEST CORPORATION,

9 Complainants,

10 v.

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12 LEVEL 3 COMMUNICATIONS, LLC,
13 PAC-WEST TELECOMM, INC.,
14 NORTHWEST TELEPHONE INC., TCG
15 SEATTLE, ELECTRIC LIGHTWAVE, INC.,
16 ADVANCED TELCOM, INC. D/B/A
17 ESCHELON TELECOM, INC., FOCAL
COMMUNICATIONS CORPORATION,
GLOBAL CROSSING LOCAL SERVICES
INC., AND, MCI WORLDCOM
COMMUNICATIONS, INC.,

18 Respondents.

DOCKET NO. UT-063038

MOTION TO ALLOW RESPONSE TO
STAFF RESPONSE TO BENCH REQUEST
NO. 2

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20 1. The Washington Independent Telephone Association (WITA) hereby requests the

21 opportunity to file a brief response to the Commission Staff Response to Bench Request No. 2.

22 2. The purpose of this request is not to challenge the substance of Staff's response, but to point
23 out that Staff's response is incomplete in that it does not include a discussion of transport from rural
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26 MOTION TO ALLOW RESPONSE
TO STAFF RESPONSE TO BENCH
REQUEST NO. 2 – Page 1

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1 telecommunications company territory involving VNXX traffic. The WITA response is set forth
2 below.

3 RURAL TRANSPORT DISCUSSION

4 3. The Commission Staff Response to Bench Request No. 2 appears to center on a discussion
5 of transport in Qwest territory involving traffic originating from Qwest retail customers. It assumes
6 that Section 252 Interconnection Agreements are in place between Qwest and the various CLECs
7 offering VNXX services. The Response is also then predicated on the concept of providing
8 transport at TELRIC rates in an interconnection environment.

9 4. There are three things that are generally true about the rural telephone companies:¹

- 10 1. Rural companies do not have interconnection agreements with CLECs;
- 11 2. Rural companies do not have TELRIC pricing developed or available to them; and
- 12 3. Rural companies are not directly connected to CLECs that offer VNXX services.

13 5. When a CLEC offers VNXX services, such as for the provision of dial-up Internet service,
14 they do not provision that service within rural telephone company territory. Instead, the rural
15 telephone companies are affected because their customers have access to the VNXX number by use
16 of an extended area service (EAS) network. This means that the traffic that is originated from
17 independent company territory flows over EAS trunks from the rural telephone company to Qwest
18 and then from Qwest to the CLEC holding the VNXX number. This has several ramifications for
19 transport.
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25 ¹ Of course, there are some exceptions. For example, CenturyTel has interconnection agreements with some CLECs.

1 6. In addition, the point of interconnection (POI) that CLECs establish in a LATA, as
2 referenced by Commission Staff, are for purposes of their interconnection and exchange of traffic
3 with Qwest. The POI is established through the interconnection agreement with Qwest. There is no
4 corresponding POI between the CLEC and the rural telephone companies.

5 7. The POI that the rural telephone companies have established with Qwest is generally, but
6 not in all cases, at the company's exchange boundary. For those cases where it is not at the
7 company's exchange boundary, it is most often at some other point within the rural company's
8 exchange.

9 8. WITA's position is that VNXX services should not be allowed, even for dial-up Internet
10 services. As stated in WITA's briefing in this matter, WITA believes that the public interest
11 reasons advanced for creating a dial-up Internet exception for VNXX services do not hold up when
12 faced with critical examination. WITA will not repeat those arguments at this point. However, if
13 the Commission is inclined to create an exception for dial-up Internet services or to otherwise
14 authorize VNXX services, the transport issues involved with rural telephone companies should be
15 considered. This is an item Commission Staff overlooked in its response to Bench Request No. 2.

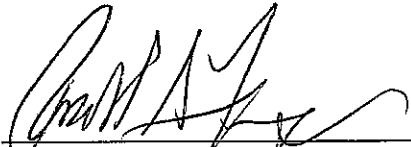
16 9. WITA's suggestion is that the CLEC offering VNXX services should be treated as though a
17 POI has been established between that CLEC and the affected rural telephone company at the rural
18 telephone company's exchange boundary. The CLEC should be responsible for one hundred
19 percent of the cost of transport to that POI. Further, since the CLEC is the one receiving benefit of
20 the VNXX service, the CLEC should then pay for the portion of the route from the POI to the rural
21 company's switch based upon the proportion of traffic that is originated to the CLEC's dial-up
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1 Internet service compared to the total traffic on that trunk. The rate for such service should be at the
2 rural company's tariffed rate for special access services.

3 **CONCLUSION**

4 10. WITA respectfully requests that the Commission accept the above-referenced discussion as
5 a response to Commission Staff's Response to Bench Request No. 2, so that VNXX service
6 transport issues involving rural telephone companies are before the Commission.
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8 Dated this 20th day of August, 2007.

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10 RICHARD A. FINNIGAN, WSB #6443
11 Attorney for the Washington Independent
12 Telephone Association