

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

JOINT PUBLIC COUNSEL AND
WEBTEC RESPONSE TO STAFF
MOTION REQUESTING THE
COMMISSION ORDER CLECS TO
PRODUCE INFORMATION

The Public Counsel Section of the Washington Attorney General and the Washington Electronic Business and Telecommunications Coalition (“WEBTEC”) submit the following joint response to the Commission Staff Motion Requesting the Commission Order CLECs to Produce Information.

Public Counsel and WEBTEC support the Staff’s request that the Commission order CLECs to produce relevant information for the above-referenced proceeding; however, the joint parties believe that the Staff’s proposed questions do not request all of the needed information and, to some extent, could inadvertently be misleading to CLECs attempting to answer in good faith. Experience from the detailed analysis undertaken in prior competitive classification dockets indicates that it will be essential to ensure that the information obtained through this process from competitors is both broad enough, and sufficiently precise. This is particularly true given the short timelines of the docket. Staff is uniquely situated to obtain this information from non-parties who are not available for discovery from intervenors.

Accordingly, Public Counsel and WEBTEC respectfully request that questions which Staff proposes for the order be amended as follows:

RE STAFF PROPOSED QUESTION NO. 1

1. In addition to “basic business telecommunications, PBX, or centrex service,” CLECs should be asked to identify each of the business local exchange services they provide, including all analog and digital switched services, and the price charged for each service.
2. CLECs should be asked to identify the geographic areas in which they provide service today, since the statutory test refers to existing competition. Any future service plans should be separately identified. Also, to the extent possible, CLECs should be asked to identify geographic areas by reference to Qwest wire centers.

RE STAFF PROPOSED QUESTIONS 2 AND 3

3. CLECs using UNE loops should be asked to specify which type of loops (analog, digital, high-capacity) they use. The reference in subpart (d) to “facilities owned by your company” should be clarified to say “loops owned by your company” to avoid confusion and possible duplication with other answers. Without the clarification, a CLEC using a UNE loop and its own switching or transport may report the same lines under both subparts (b) and (d) because the switches and transport represent “facilities owned by” it. In such a case, the information provided would be misleading and give a false impression about the extent to which CLECs have been able to self-provision loops.

ADDITIONAL QUESTIONS

4. CLECs should be asked to also identify the number of lines provided or locations served through Qwest special access service and to further identify the type or capacity of the special access circuits used (e.g., analog, DS-0, DS-1, DS-3, OC-levels).
5. CLECs providing service using Qwest special access service also should be asked what service installation and repair intervals they experience from Qwest.
6. CLECs should be asked to identify all Qwest central offices in which they are collocated and which Qwest wire centers or exchange areas they serve by purchasing transport services from Qwest.
7. CLECs should be asked whether they are currently EBITDA positive
8. CLECs should be asked to identify what types of business customers they target (e.g., small, medium, or large) and what criteria, if any, they utilize in deciding whether to target or serve those customers (e.g., minimum number of lines, type of service ordered (analog or digital), or minimum quantity of service ordered at the location (e.g., DS-3 in a high-rise office building)).

9. CLECS should be asked to provide an ordinal description of the number of lines per customer in each wire center. (e.g. number of customers with 100 lines, 500 lines, 1000 lines, 10,000 lines).
10. CLECs should be asked to provide documentation regarding service installation and repair delays or other type of provisioning problems experienced with Qwest in connection with any service purchased, and documentation of any disputes regarding enforcement of interconnection agreements.

In addition to these additions and changes to the proposed questions, the Commission should order that the actual responses submitted by CLECs, including the identity of the responding CLECs, be made available, with the appropriate confidentiality protection, to the parties to the proceeding. Disclosure should not be limited to an aggregation or an interpretation of the data prepared by the Staff. With these proposed changes, Public Counsel and WEBTEC support the Staff's Motion.

Respectfully submitted, this 17th day of June, 2003.

CHRISTINE O. GREGOIRE
Attorney General

Simon J. ffitc
Assistant Attorney General
Public Counsel

ATER WYNNE LLP

Arthur A. Butler
Attorneys for WEBTEC