

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

IN THE MATTER OF:

LEVEL 3 COMMUNICATIONS LLC INC.'S
PETITION FOR ENFORCEMENT OF
INTERCONNECTION AGREEMENT WITH
QWEST CORPORATION

DOCKET NO. UT-053039

PAC-WEST TELECOMM, INC.

Petitioner,

v.

QWEST CORPORATION,

Respondent.

DOCKET NO. UT-053036

QWEST'S SUPPORTING DOCUMENTS

1 Pursuant to the Commission's July 31, 2012 Notice, Qwest hereby submits the following information with regard to the express language in the parties' interconnection agreements (ICAs) that refers to and incorporates Qwest's tariffs. Qwest's ICAs with Pac-West and Level 3 incorporate the rates from Qwest's tariffs through the following language.

2 First, both the Pac-West and Level 3 ICAs provide that intraLATA toll traffic will be exchanged under the ICAs. The Pac-West ICA provides in Section (C)2.1.2 and (C)2.1.2.2 that “The traffic types to be exchanged under this Agreement include: ...Exchange Access (IntraLATA Toll) traffic as defined in this Agreement.” The Level 3 ICA provides in Sections 7.2.1.2 and 7.2.1.2.2 that “[t]he traffic types to be exchanged under this Agreement include: ...IntraLATA Toll Exchange Access (IntraLATA Toll) traffic as defined in this Agreement.”

3 Second, both the Pac-West and Level 3 ICAs refer to and incorporate the rates from Qwest’s tariffs. Section (C)2.3.6 of the Pac-West ICA provides as follows:

Applicable USW Switched Access Tariff rates apply to Exchange Access (IntraLATA Toll) traffic routed to an access tandem, or directly to an end office. Relevant rate elements could include Tandem Switching, Tandem Transmission, Interconnection Charge, Local Switching and Carrier Common Line, as appropriate.

The rate sheet contained in Part H(2) of the Pac-West ICA also refers to and incorporates the rates from the Qwest Switched Access Tariffs for intraLATA toll. The first column in part H(2) identifies intraLATA Toll as a category of traffic. The second column in part H(2) in turn provides that the rates applicable to intraLATA Toll shall be those set forth in “USW’s Switched Access Tariff.”¹

4 The rate sheet from the Level 3 ICA refers to and incorporates at a minimum the rates from Qwest’s tariffs. The Table of Contents of the ICA identifies Exhibit A as the document containing “Washington Rates.” Section 7 of the Exhibit A rate sheet entitled “Interconnection” provides in Section 7.11 that for IntraLATA Toll, the Recurring, Recurring Per Mile and Nonrecurring rates that are applicable are contained in “Qwest’s Washington Access Service Tariff.”

¹ In the Pac-West ICA, “USW” refers to U S WEST, Qwest’s predecessor. The Pac-West ICA at issue in this proceeding was originally approved in Docket No. UT-990379. It was adopted by Pac-West in 2001 and was approved by the Commission on February 20, 2001 in Docket No. UT-013009.

- 5 The ICAs differ as to whether additional terms other than the rates from the Qwest switched access tariffs are incorporated into the ICAs. The Pac-West ICA provides in Section (A)3.32 that “[t]he Parties agree that this Agreement involves the provision of USW services in ways such services were not previously available and the introduction of new processes and procedures to provide and bill such services.” This section suggests that the service descriptions in Qwest’s switched access tariffs are not incorporated into the Pac-West ICA. Section (A)2.44 of the Pac-West ICA defines “Switched Access Service” to include: “Feature Group A, Feature Group B, Feature Group D, 8XX access, and 900 access and their successors or *similar Switched Access Services*.”
- 6 The Level 3 ICA differs slightly from the Pac-West ICA. Section 4.67 of the Level 3 ICA includes the same language as the Pac-West ICA that defines “Switched Access Service” to include “Feature Group A, Feature Group B, Feature Group D, 8XX access, and 900 access and their successors or *similar Switched Access Services*.” However, Section 4.67 of the Level 3 ICA also states that “Switched Access Service is a tariffed product and is subject to the terms and conditions of the Qwest Switched Access Tariffs as modified from time to time.”²

² The Level 3 ICA was approved by the Commission in Docket No. UT-023042.

DATED this 3rd day of August, 2012.

QWEST



Lisa A. Anderl, WSBA #13236
1600 7th Avenue, Room 1506
Seattle, WA 98191
Phone: (206) 345-1574
lisa.anderl@centurylink.com

Thomas M. Dethlefs
1801 California, 10th floor
Denver, CO 80202
thomas.dethlefs@centurylink.com

Attorneys for Qwest Corporation