

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation into)
U S WEST COMMUNICATIONS, INC.'s) Docket No. UT-003022
Compliance with Section 271 of the)
Telecommunications Act of 1996)

_____)
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In the Matter of U S WEST)
COMMUNICATIONS, INC.'s Statement of) Docket No. UT-003040
Generally Available Terms Pursuant to)
Section 252(f) of the Telecommunications)
Act of 1996)
_____)

WORKSHOP 4 RESPONSE TESTIMONY

OF

TIMOTHY H. PETERS

On Behalf of

Electric Lightwave, Inc.

June 7, 2001

1 **Q. PLEASE STATE YOUR NAME, EMPLOYER, AND BUSINESS ADDRESS.**

2 A. My name is Timothy H. Peters. I am employed by Electric Lightwave, Inc. ("ELI") as
3 Director - Regulatory & Industry Affairs. My business address is 4400 N.E. 77th
4 Avenue, Vancouver, WA 98662.

5 **Q. ARE YOU THE TIMOTHY H. PETERS THAT PROVIDED TESTIMONY IN**
6 **WORKSHOP 3 OF THIS DOCKET?**

7
8 A. Yes, I am.

9 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY FOR WORKSHOP 3?**

10 A. The purpose of my testimony is to address Qwest's failure or refusal to provide
11 unbundled loops as required by applicable Washington and federal law.

12 **Q. HOW HAS QWEST REFUSED TO PROVIDE UNBUNDLED LOOPS?**

13
14 A. The testimony I submitted in Workshop 3 details the problems ELI has experienced with
15 Qwest's provisioning of unbundled network element ("UNE") combinations that include
16 loops, and that experience is equally applicable to Qwest's provisioning – or failure to
17 provision – loop facilities alone. In addition, the testimony prepared by Rex Knowles on
18 behalf of XO Washington, Inc., describes many of the same problems ELI has had with
19 Qwest's loop provisioning and repair. Accordingly, ELI shares the concerns that Mr.
20 Knowles discusses with respect to Qwest's provisioning and repair of loop facilities, as
21 well as with the loop provisions in Qwest's Statement of Generally Available Terms
22 ("SGAT"). ELI also concurs in the positions XO has taken on the public interest and
23 general terms and conditions issues Mr. Knowles addresses in his testimony.

1 **Q. DO YOU HAVE ANYTHING TO ADD TO MR. KNOWLES' COMMENTS AND**
2 **ANALYSIS?**

3
4 **A.** Yes. ELI has had some recent experience with Qwest's failure to provide unbundled high
5 capacity loops in Washington. ELI placed an order with Qwest on March 1, 2001, for a
6 DS-3 loop in Vancouver. Qwest repeatedly rejected that order because it was submitted
7 as a Local Service Request ("LSR"), rather than as an Access Service Request ("ASR").
8 Section 9.2.4.1 of the SGAT provides, "Unbundled Loops are ordered via an LSR."
9 Qwest's ordering documentation states that orders for unbundled loops must be submitted
10 via an LSR. When ELI actually tried to order a DS-3 loop via an LSR, however, Qwest
11 rejected the order because it was submitted via an LSR. Only after multiple attempts to
12 escalate the issue did ELI finally get Qwest to process the order and provide a firm order
13 confirmation ("FOC") – on May 29, 2001, almost three months after ELI originally
14 placed the order.

15
16 The Commission has properly determined that Qwest cannot demonstrate compliance
17 with Section 271 solely through a review of Qwest's SGAT. ELI's experience
18 emphasizes the propriety of the Commission's determination. According to the SGAT,
19 Qwest should have provided ELI with a FOC for its DS-3 loop order within three days
20 after ELI originally submitted that order. Qwest's actual order processing, however, is
21 inconsistent with Qwest's SGAT, as well as the Commission-approved interconnection
22 agreement between Qwest and ELI, and effectively undermines CLECs' ability to obtain

1 unbundled loops. The Commission, therefore, cannot evaluate Qwest's compliance with
2 Section 271 without conducting additional proceedings in this docket to determine
3 whether, and the extent to which, Qwest's implementation of its agreements, including
4 the SGAT, is consistent with Qwest's obligations in those agreements.

5 **Q. DOES ELI'S EXPERIENCE WITH QWEST RAISE ANY ADDITIONAL**
6 **ISSUES?**
7

8 A. Yes. Qwest represented in prior workshops that it was developing the order process that
9 would enable CLECs to convert special access or private line circuits to unbundled loops
10 and to order multiplexing in conjunction with unbundled loops but without transport.
11 ELI has two such orders pending, but to date Qwest had yet to process those orders. I
12 have attempted on a weekly, if not daily basis, to obtain some estimate or additional
13 information from Qwest about when it will be able to process these orders, but Qwest has
14 not provided me with any such estimate or any further information.

15
16 Again, Qwest's actual practices are not consistent with its representations at the
17 workshops in this docket. Qwest makes promises in an attempt to mute CLECs' concerns
18 until the workshop process with respect to a particular issue has concluded. Qwest then
19 simply fails to implement its promises or take the action necessary to resolve the issue the
20 CLECs raised, claiming that the issue is now "closed." The Commission should not
21 accept such an approach to the issues in this proceeding. The SGAT and Qwest's
22 promises are meaningless for purposes of Section 271 in the absence of a demonstration

1 that Qwest is fulfilling those legal obligations. At least with respect to provisioning high
2 capacity loops, with or without multiplexing, Qwest is not providing unbundled loops as
3 required by federal and state law and accordingly is not in compliance with Section 271.

4 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

5 **A.** Yes, it does.