

ATTACHMENT 1

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

DOCKET NO. UT-043013

Petition of Verizon Northwest Inc. for
Arbitration of an Amendment to Interconnection
Agreements with Competitive Local Exchange
Carriers and Commercial Mobile Radio Service
Providers in Washington Pursuant to Section 252
of the Communications Act of 1934, as
Amended, and the *Triennial Review Order*

AFFIDAVIT OF JOHN S.
WEYFORTH IN SUPPORT OF
SPRINT'S MOTION TO DISMISS

AFFIDAVIT OF JOHN S. WEYFORTH

STATE OF KANSAS)
) ss
COUNTY OF JOHNSON)

I, John S. Weyforth, being duly sworn depose and state:

1. I am a full time employee of Sprint/United Management Services Company performing services on behalf of Sprint Communications Company L.P. ("Sprint"). My position is Manager Wholesale and Interconnection Management.
2. As part of my responsibilities I act as the primary interface for Sprint regarding interconnection negotiations with the Verizon Incumbent Local Exchange Companies ("Verizon") under the Telecommunications Act of 1934, as amended ("Act").
3. On August 21, 2003 the Federal Communications Commission issued its *Triennial Review Order*¹. The TRO became effective on October 2, 2003. Since that time Sprint has attempted to negotiate a mutually acceptable TRO amendment to all of

¹ Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of Section, 751 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978 (2003) ("*Triennial Review Order*" or "TRO"), reversed in part and remanded, *United States Telecom Ass'n v. FCC*, Nos. 00-1012, 00-1015, 03-1310 *et al.* (D.C. Cir).

its interconnection agreements with Verizon. Despite many attempts to negotiate, Verizon has not responded in any meaningful manner to Sprint's attempts to reach resolution on specific issues.

4. On October 2, 2003, Sprint located Verizon's proposed TRO amendment on the Verizon wholesale website. Sprint provided a detailed redlined response to the proposed TRO amendment to Verizon on October 29, 2003 ("Sprint October Response") via email from Shelley Jones, a Sprint employee working under my supervision. A copy of the email and the Sprint October Response are attached to this affidavit as Exhibit 1.
5. Despite repeated efforts by Sprint to resolve outstanding issues, Verizon has not provided substantive feedback on the positions Sprint has offered for modification to the draft Verizon proposed amendment. Verizon has neither accepted nor rejected Sprint proposed modifications as set forth in the Sprint October Response despite repeated requests from Sprint for Verizon's position on these issues.
6. Below is the chronology of calls, emails, letters and conference calls that detail Sprint's efforts to negotiate a TRO amendment and the frustrating results that have materially affected Sprint's business from October 2, 2003 until present. Mr. Gary Librizzi and Mr. Stephen Hughes represented Verizon as negotiators in the negotiation process. Mr. Paul Rich represented Verizon as its attorney. Mr. Joseph Cowin represented Sprint as its attorney. I have indicated below the individuals involved in the particular contacts and who they represented with a "V" for Verizon or a "S" for Sprint.

<u>Date</u>	<u>Party Initiating Contacts</u>	<u>Contact type</u>
10/02/03	From Verizon	E-Mail

Sprint received an email notification that an Industry Letter was available for viewing on Verizon's wholesale website. Sprint found on the website a Verizon TRO Amendment in .pdf format. Sprint immediately began the process of converting the document into a working copy to which changes could be made and began to prepare a response to Verizon's proposal.

10/02/03	From Verizon	U.S. Mail
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Sprint began to receive multiple letters from various Verizon entities with a 30 day notice that detailed all of the services that it would no longer provide. The letters also stated that Verizon was prepared to comply with all other provisions of the TRO subject to negotiation and execution of an appropriate amendment to the interconnection agreement. The letter also stated Verizon's negotiation timeline.

10/07/03 From Jones (S) to Hughes (V), Librizzi (V) E-Mail

Ms. Jones informed Verizon that Sprint was reviewing the Verizon TRO amendment and asked if it was Verizon's intention to hold up other interconnection agreement amendments for line-splitting and EELs that had been requested by Sprint in August 2003 because of the TRO amendment. She received no response from Verizon.

10/10/03 From Hughes (V) to Jones (S) Voice Message

Mr. Hughes informed Ms. Jones that the TRO amendment must be signed before Verizon would agree to the EELs language requested in August 2003.

10/14/03 From Jones (S) to Librizzi (V) Voice Message

Ms. Jones requested a conference call to discuss the Verizon TRO amendment.

10/15, 16, 17/03 From Jones (S) to Hughes (V), Librizzi (V) E-Mail

Ms. Jones sent Verizon a series of emails to schedule a conference call to review the Verizon TRO amendment and to express Sprint's concerns with the proposed draft TRO amendment. She received no response.

10/21/03 Hughes, Librizzi (V) Conf. call
Weyforth, Cowin, Jones (S)

Sprint reviewed the Verizon TRO amendment and detailed its concerns and questions to Verizon. There were no definitive responses from Verizon, merely an occasional "we'll look at that".

10/27/03 From Hughes (V) to Jones, Weyforth (S) Call

Verizon finally sent line splitting amendments to Sprint but not before raising a possible roadblock that they could decide to change the amendments if they felt the amendments did not conform to the TRO. These are the amendments that were requested in August of 2003.

10/29/03 From Jones (S) to Hughes, Librizzi (V) E-Mail

Ms. Jones sent to Verizon Sprint's redlined version of the proposed Verizon TRO amendment marked for Sprint proposed changes ("Sprint October Response"). This was Sprint's initial written formal response to Verizon's TRO amendment. Sprint did not receive any response to this email.

11/05/03

From Jones (S) to Hughes, Librizzi (V)

E-Mail

Ms. Jones inquired of Verizon about the status of Sprint's October Response. She stated that Verizon should be able to provide a quick response because the changes that Sprint requested did not materially affect the integrity of the Verizon document. She also requested a meeting with Verizon, because Verizon had asserted that the Verizon TRO amendment was required before Verizon would permit Sprint to launch any services that require combinations or EELs in several Verizon states. Sprint has not received a response from Verizon to these inquiries.

11/10/03

From Jones (S) to Hughes (V)

Call

Ms. Jones discussed the status of the August 2003 line splitting amendments and the adoption of the ATT interconnection agreement in Virginia. Mr. Hughes had no news or status when asked about Verizon's review of the Sprint October Response to Verizon's TRO amendment.

11/12/03

From Weyforth (S) to Librizzi (V)

Call

I informed Mr. Librizzi how unhappy Sprint was with the length of time it was taking for Verizon to review the August 2003 line splitting amendments and the adoption of the ATT interconnection agreement in Virginia. I then asked when Sprint could expect to see Verizon's response to the Sprint October Response. Mr. Librizzi told me Verizon was working on it and it should be coming shortly, however, Mr. Librizzi could not provide a specific date or commitment for a response.

11/21/03

Weyforth (S) to Librizzi (V)

Call

I again inquired about when Verizon would respond to the Sprint October Response. Mr. Librizzi was unable to provide any estimate of when Verizon would respond.

12/09/03

Shelley Jones (S) to Hughes, Librizzi (V)

E-Mail

Ms. Jones inquired regarding the status of Verizon's response to the Sprint October Response to Verizon's TRO amendment. Ms. Jones expressed her concern that Verizon would hold up Sprint's business plans and requested a written statement that Verizon would allow Sprint to order EELs stating that Sprint had complied in a timely manner in everything including its submission of Sprint's redlined TRO amendment but Verizon was not responding. Sprint again received no response.

2/12/04

Weyforth, Cowin, Jones (S)
Hughes, Librizzi, Rich (V)

Conf. call

Sprint reviewed the Verizon TRO amendment and the Sprint October Response with the Verizon team, including its attorney. Sprint answered questions about the Sprint October Response. Verizon did not at any time make a counter-offer or agree to any of Sprint's

proposals. Nor did they specifically reject any Sprint proposed change. The Verizon representative told Sprint that they would have to go back to "higher attorneys" before committing to or rejecting any specific proposal. We remarked that such a position was not negotiating in good faith as required under the law. Sprint received no response from Verizon and no commitment on when it would respond to the Sprint October Response.

2/13/04 Shelley Jones (S) to Hughes (V) E-Mail

Ms. Jones expressed her complete dissatisfaction concerning the conference call on February 12th indicating that it was a rehash of a previous call, no negotiations took place, and that Verizon did not address any of our proposals set forth in the Sprint October Response. Nor did Verizon make any commitment to when Sprint would see a response so that negotiations could move forward. No response.

2/19/04 Weyforth (S) Librizzi (V) Call

I called to discuss why Verizon was refusing to provision UNE Loop orders in Texas. Verizon stated that because Sprint had not signed Verizon's TRO Amendment, Verizon would not provision the requested services. I then asked about when Sprint could expect to see the response to the Sprint October Response. I was told that I would receive an answer on Friday the 20th. No other response was provided.

2/20/04 Hughes (V) to Weyforth (S) Call

Mr. Librizzi informed me that Verizon could not provide me the information which I was promised would be delivered on Friday, February 20, but that it would be delivered the following Monday. Sprint did not receive any response from Verizon regarding these inquiries.

2/24/04 Weyforth (S) to/from Hughes (V) Call

I called Mr. Hughes and left him a voice mail in which I inquired about the TRO amendment and Verizon's refusal to provision UNE loop orders in Texas without a signed TRO Amendment. Mr. Hughes returned the call and informed me that Verizon had filed on the 20th of February, in 15 jurisdictions, a consolidated arbitration petition and that Sprint was named as a respondent. I again requested the status of Verizon's response to the Sprint October Response. Again, Verizon provided no response.

2/26/04 Librizzi (V) to Weyforth (S) Call

Mr. Librizzi returned my call to Mr. Hughes and discussed the issues that I had spoken to Mr. Hughes about. He told me that Verizon was working on the Texas orders, the TRO amendment and some other issues, and would get back to me at the end of the week. However, Verizon did not provide an estimated date or commitment for a response to the Sprint October Response.

2/27/04 Hughes (V) to Weyforth (S) Call

Mr. Hughes called to tell me that Mr. Librizzi would not be able to get me the information on the refused Texas orders, the TRO redline or another dispute.

3/01/04 Hughes (V) to Weyforth (S) Call

Mr. Hughes called to tell me that Mr. Librizzi would soon answer why Verizon refused to provision the Texas orders. I asked again about when Verizon would reply to the Sprint October Response, but was not provided a response.

3/02/04 Weyforth (S) to Hughes, Librizzi (V) E-Mail

I sent an email to Mr. Hughes and Mr. Librizzi requesting a complete list of where consolidated arbitrations had been filed and copies of those documents since Sprint had never been provided any notice of Verizon's actions. I brought up the fact that we would be answering the filing to show Verizon's complete lack of good faith negotiations. No response.

3/02/04 Hughes (V) to Weyforth (S) Call
Weyforth(S) to Librizzi (V)

Mr. Hughes called to arrange a call between Mr. Librizzi and myself to receive Verizon's answer to its refusal to provision UNE loop orders in Texas. Verizon's answer was that because Sprint had not signed the TRO amendment Verizon would not provision the orders. I asked if Verizon planned to respond to the Sprint October Response, as the refusal to provide service was based on Sprint not having executed Verizon's TRO amendment. I did not receive any firm response to my inquiries. I stated that it was unconscionable for Verizon to refuse orders based on the lack of a TRO amendment agreement since Verizon would not negotiate. No response.

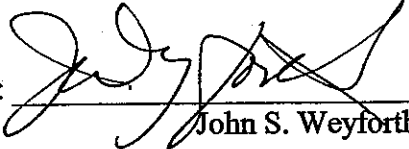
3/09/04 Librizzi (V) to Weyforth (S) E-Mail

I received an e-mail from Mr. Librizzi indicating that it was Verizon's "intent to provide a response to Sprint's proposed changes to the TRO Amendment". Mr. Librizzi also indicated that "it is Verizon's intention to provide, as part of its response to Sprint's redline, changes that have occurred to the proposed TRO Amendment since Sprint's initial download from Verizon.com of the version it redlined." Despite these statements and similar statements made by Verizon since October of 2003, Verizon has not provided a response to the Sprint October Response.

7. I was only notified of Verizon's intent to file its petition for arbitration as set forth in the above captioned matter ("Petition") on Tuesday February 24, 2004. It is my understanding that this may have been after the Petition in this proceeding had already been filed. At no time prior to this did Verizon give any indication to me of its intent to file the Petition or any urgency in finalizing negotiations.

8. On February 24th Verizon informed Sprint that it had already filed petitions in fifteen (15) states and intended to file shortly covering all thirty (30) states in which it serves.
9. To date Verizon has not accepted or rejected any of the recommended changes Sprint proposed in the Sprint October Response to Verizon's TRO amendment.

I certify that the foregoing is true and accurate to the best of my recollection and belief.

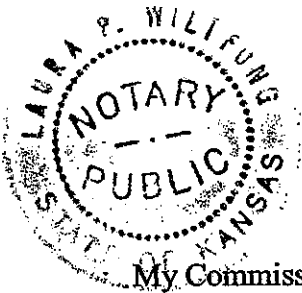
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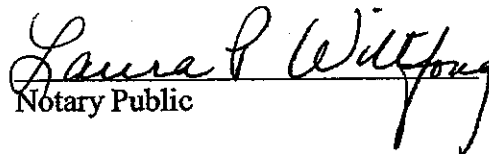
 John S. Weyforth

Dated: March 9, 2004

STATE OF KANSAS)
)
 COUNTY OF JOHNSON) ss

Subscribed and sworn to before me, a Notary Public, this 12th day of March, 2004.





 Notary Public

My Commission Expires:

January 23, 2007