

SERVICE DATE

OCT - 8 2001

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AT&T COMMUNICATIONS OF THE)	
PACIFIC NORTHWEST, INC.,)	DOCKET NO. UT-003120
)	
Complainant,)	
)	
v.)	
)	
QWEST CORPORATION,)	THIRD SUPPLEMENTAL
)	ORDER DISMISSING COMPLAINT
Respondent.)	WITHOUT PREJUDICE
.....)	

BACKGROUND

1 This is a dispute between AT&T Communications of the Pacific Northwest, Inc., (AT&T) and Qwest Corporation (Qwest) that relates to an interconnection agreement under which they operate. The complaint alleges that Qwest denied AT&T access to inside wiring in multiple dwelling units (MDUs). Qwest answered the complaint, denied its allegations, and argued that the complaint must be dismissed because the actions about which AT&T complains are governed not by state law, but rather by the Section 252 of the Telecommunications Act of 1996.

2 On April 5, 2001, the Commission entered an order denying Qwest's Motion for Summary Determination. The Commission directed Qwest to promptly provide access to AT&T, and ordered the parties to continue the *bona fide* request (BFR) process to negotiate the compensation due Qwest for that access. The Commission ordered the parties to report back to the Commission the status of their negotiations.

3 The parties provided the Commission with status reports in June, July, and August, 2001, on the progress of their negotiations in the BFR process. At the status conference held on August 23, 2001, AT&T and Qwest agreed that the remaining issues in dispute would be addressed in the SGAT proceedings, Docket Nos. UT-003022/UT-003040, and Section D of the Cost Docket, UT-003013. AT&T moved for the admission of Exhibit 1, which identifies the issues that will be addressed in the SGAT and Cost dockets. A copy of Exhibit 1 is attached to this Order.

4 AT&T and Qwest also agreed that an additional issue, not contained in Exhibit 1, should be addressed in the Cost Docket. The parties each frame the issue differently. AT&T questions whether Qwest would be able to invoice CLECs for retroactive charges for rate elements not yet established by this Commission. Qwest asks what is

Qwest's ability to invoice the CLECs for rate elements that have not been either proposed by Qwest or established by the Commission if, in fact, the CLEC is availing itself of the underlying services prior to the time that rates are proposed or established by the Commission.

5 Having concurred that there is an appropriate forum for resolution of each of the remaining contested issues in this proceeding, either in the SGAT proceeding or the Cost Docket, AT&T and Qwest agreed that the Commission should dismiss the complaint without prejudice.

6 The Commission finds that an appropriate process exists for resolution of all remaining disputes and finds that dismissal of this proceeding would be consistent with the public interest.

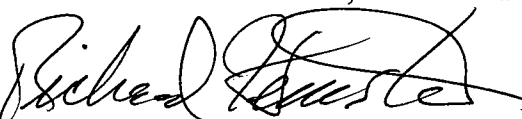
ORDER

7 THE COMMISSION ORDERS That the Complaint filed by AT&T Communications of the Pacific Northwest, Inc. against Qwest Corporation in Docket UT-003120 be, and is, dismissed without prejudice.

DATED at Olympia, Washington, and effective this 8th day of October, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION


MARILYN SHOWALTER, Chairwoman


RICHARD HEMSTAD, Commissioner


PATRICK OSHIE, Commissioner

UT-3022/UT-3040 ISSUES

Is Qwest's provisions for access to subloop elements, including requirements found in a Qwest issued access protocol consistent with the Telecommunications Act of 1996? WA-SB3

Whether CLECs must submit LSRs to obtain access to on-premises wiring? WA-SB4

Whether Qwest can require the CLEC to create an inventory and charge the CLEC for that inventory WA-SB5

COST ISSUES

9.3.6.1.1 Monthly Subloop Recurring Charge (referenced as attached in Exhibit A) unidentified for what, for each Subloop ordered by CLEC. This should be the per line per month charge for the "on premises" wiring.

9.3.6.1.2 Subloop Trouble Isolation Charge

9.3.6.3.1 Cross-Connect Collocation Charge

9.3.6.3.3 Subloop Non-Recurring Jumper Charge

9.3.6.4.2. Subloop Non-Recurring Charge (for inventorying)

9.3.6.4.2. Subloop Non-Recurring Jumper Charge (when Qwest runs the jumper).

9.3.1.2. Should cabling between buildings be priced as a separate

9.3.2.1. subloop element.

W/ITC		
DOCUMENT NO. <u>UT-003120</u>		
EXHIBIT # <u>1 (AT+T)</u>		
ADMIT	W/D	REJECT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>