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BEFORE THE ARIZONA CORPORATION COMMISSION

8 IN THE MATTER OF U S WEST  
9 COMMUNICATIONS, INC.'S  
10 STATEMENT OF GENERALLY  
11 AVAILABLE TERMS AND  
12 CONDITIONS

DOCKET NO. T-01051B-99-0068

12 IN THE MATTER OF U S WEST  
13 COMMUNICATIONS, INC.'S  
14 COMPLIANCE WITH §271 OF THE  
15 TELECOMMUNICATIONS ACT OF  
16 1996.

DOCKET NO. T-01051B-97-0238

QWEST'S REPLY TO AT&T'S RESPONSE  
TO QWEST'S COMPLIANCE FILING

16 Qwest Corporation ("Qwest") hereby replies to AT&T [and  
17 Joint Intervenors] (hereinafter "AT&T"), which assert that  
18 Qwest's Compliance Filing modifying its SGAT to adopt  
19 collocation provisioning intervals approved by the FCC, does not  
20 comply with the FCC's interim intervals and requests intervals  
21 in excess of those approved by the FCC.<sup>1</sup> Specifically, AT&T  
22

23  
24 <sup>1</sup> See *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of*  
25 *the Local Competition Provisions of the Telecommunications Act of 1996*, Order on Reconsideration and Second  
26 Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Proposed  
Rulemaking in CC Docket No. 96-98, FCC 00-297 (rel. Aug. 10, 2000) ("Order on Reconsideration" or "August  
Order"), as amended by Memorandum Opinion and Order, FCC 00-2528 (rel. Nov. 7, 2000) ("Amended Order" or

1 takes issue with the extent to which Qwest should be permitted  
2 to condition the 90 day collocation interval on receipt of a  
3 timely collocation forecast from a CLEC and the degree of detail  
4 that Qwest may require in CLEC forecasts. AT&T's arguments are  
5 misguided.

6 **I. THE COMMISSION SHOULD ALLOW Quest's SGAT TO BE**  
7 **AMENDED TO INCLUDE THE FCC'S INTERIM COLLOCATION**  
8 **INTERVALS.**

9 In its *November Order*, the FCC approved the following  
10 interim collocation provisioning intervals specifically for  
11 Qwest:

- 12 1. Collocation forecast received at least 60 days in  
13 advance: 90 days;
- 14 2. No timely collocation forecast and no major  
15 infrastructure modifications required: 120 days;  
16 and
- 17 3. No timely collocation forecast and major  
18 infrastructure modifications required: 150  
19 days.<sup>2</sup>

20 In the absence of conflicting provisioning intervals  
21 approved by this Commission or intervals reached by mutual  
22 agreement of the parties, Qwest must be permitted to apply these  
23

24  
25 "*November Order*"). The FCC's *Amended Order* clarified its earlier decision and specifically established interim  
26 standards that apply during the pendency of the FCC's ongoing reconsideration of its *August Order*.

<sup>2</sup> *Amended Order*, at ¶¶ 18-20 and *Qwest Compliance Filing, Attachment B*.

1 interim intervals until such time as the FCC concludes its  
2 reconsideration of the national default standard. Thus, Qwest  
3 must be permitted to amend its SGAT to reflect the FCC's interim  
4 intervals. Qwest only seeks approval of the FCC's actual  
5 interim intervals; Qwest does not, as AT&T suggests, seek to  
6 obtain "unapproved exceptions" to the standard 90 day interval.<sup>3</sup>  
7 Qwest has simply moved this Commission for an order allowing the  
8 FCC approved interim intervals to take effect by operation of  
9 law.<sup>4</sup>

11 **II. THE SUBSTANTIVE ISSUES RAISED BY QWEST IN ITS**  
12 **COMPLIANCE FILING SHOULD BE RESOLVED IN THE COURSE OF**  
13 **SECTION 271 WORKSHOPS AND SGAT APPROVAL PROCEEDINGS.**

14 Qwest reiterates that it did not, in the context of its  
15 Compliance Filing, seek to implement provisioning intervals  
16 longer than those specifically approved by the FCC in its  
17 *November Order*. Far from seeking "numerous opportunities" to  
18 extend intervals, Qwest merely informed this Commission that in  
19 the 271 and SGAT approval proceeding, it will seek longer  
20 provisioning intervals in a few situations when Qwest will be

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21 <sup>3</sup> *AT&T Response*, at 4-5.

22 <sup>4</sup> *Qwest's Compliance Filing*. Qwest also notes that it has intentionally not filed modified SGAT language for  
23 Section 8.4. The Section 8.4 on file and "in effect," which contains, *inter alia*, collocation intervals, has been  
24 completely rewritten during the 271 process ongoing in several states. Thus, Qwest had three choices: (1)  
25 modifying the old outdated language that has been rewritten in the Section 271 workshops; (2) modifying the  
26 proposed Section 8.4 not currently in effect pursuant to Section 252(f)(3) and subject to ongoing negotiations in  
various 271 proceedings; or (3) simply making clear that Section 8.4 is governed by the FCC's intervals. Given  
that Qwest's SGAT is in a state of flux due to Section 271 workshops or SGAT approval proceedings, Qwest  
thought the third option would generate the least controversy. Therefore, Qwest has so moved before this  
Commission.

1 unable to comply with a standard 90 day interval. AT&T also  
2 asserts that the intervals set forth in Qwest's Compliance  
3 Filing are not supported by the FCC's decisions. This assertion  
4 is baseless. Qwest will not attempt to describe why intervals  
5 in excess of 90 days are necessary in certain circumstances as  
6 it is not seeking such intervals here. Qwest will instead leave  
7 that for the 271 workshops and SGAT approval proceedings.  
8 However, to the extent that AT&T has asserted that Qwest's  
9 interpretation of the FCC Orders are misleading and unsupported  
10 by the evidence, Qwest now responds to these allegations.  
11

12 A. AT&T's Assertion that the FCC Does Not Support Qwest's  
13 Position Regarding Extended Collocation Provisioning  
Intervals is Misplaced.

14 AT&T cites extensively from the FCC's *Order on*  
15 *Reconsideration* to support its assertion that the FCC does not  
16 approve of collocation provisioning intervals that exceed ninety  
17 days. The FCC, however, is currently reconsidering the  
18 intervals established in its *Order on Reconsideration* and has  
19 specifically granted Qwest an interim waiver from its national  
20 default standards pending this reconsideration. AT&T relies  
21 almost exclusively on the FCC's initial *August Order* and ignores  
22 the controlling language in the FCC's *November Order* which  
23 specifically granted Qwest an interim waiver and set interim  
24 provisioning intervals. The *November Order* in fact recognizes  
25  
26

1 that some modification to the FCC's collocation provisioning  
2 intervals may be appropriate. AT&T cites to the FCC's *November*  
3 *Order* only to point out that Qwest cannot "incorporate time  
4 periods of its own choosing into its SGATs."<sup>5</sup> Qwest agrees with  
5 this contention. The time periods that Qwest has chosen to  
6 incorporate into its SGAT have also been specifically approved  
7 by the FCC.

8           Although the FCC still clearly intends to establish  
9 national default collocation provisioning intervals, it is  
10 currently reconsidering those originally established, in part,  
11 due to the fact that they were based on the record that was  
12 before the FCC five months ago. Additional evidence has since  
13 been introduced that supports Qwest's contentions regarding  
14 extended collocation provisioning intervals. As the FCC stated  
15 in its *Amended Order*, "we also note that these petitions for  
16 reconsideration and the comments on them greatly expand the  
17 record on reasonable physical collocation intervals beyond what  
18 was available to the Commission when it adopted the *Collocation*  
19 *Reconsideration Order*. While we express no opinion on the  
20 merits of these petitions for reconsideration or on what action  
21 the Commission might take in response to them, *this greatly*  
22 *expanded record countenances a moment of pause before we insist*  
23  
24

25 \_\_\_\_\_  
26 <sup>5</sup> *AT&T Response*, at 4, quoting *Amended Order*, at ¶ 7.

1 on absolute compliance with that Order."<sup>6</sup> Thus, it is AT&T, not  
2 Qwest, that has taken liberties in its interpretation of the  
3 FCC's Order. The intervals Qwest seeks to include in its SGAT  
4 come directly from the FCC's November Order.

5 B. Qwest's Forecasting Requirements are Supported by  
6 the FCC's Interim Intervals.

7 Despite AT&T's protestations to the contrary, the interim  
8 intervals approved by the FCC specifically "allow Qwest to  
9 increase the provisioning interval [90 days] for a proposed  
10 physical collocation arrangement no more than 60 calendar days  
11 in the event a competitive CLEC fails to timely and accurately  
12 forecast the arrangement, unless the state commission  
13 specifically approves a longer interval."<sup>7</sup> Thus, the FCC  
14 unequivocally stated that this maximum 150 day standard should  
15 apply "unless the state commission specifically approves a  
16 longer interval." Nonetheless, Qwest recognizes that it must  
17 "use its best efforts to minimize any such increases;"<sup>8</sup> and, as  
18 a result, Qwest recommended to the FCC, and continues to  
19 recommend here, that a 120 day interval apply when an  
20 unforecasted collocation does not require major modifications.<sup>9</sup>

22 By allowing Qwest to increase the provisioning interval by  
23

24 <sup>6</sup> *Amended Order*, at ¶ 10 (emphasis added).

25 <sup>7</sup> *Id.* at ¶ 19. Qwest notes that the FCC envisions that states may provide for a longer interval to supercede its own,  
not a shorter interval.

26 <sup>8</sup> *Id.*

<sup>9</sup> See *Exhibit 2* to Qwest's Compliance Filing (*Attachment B* to Qwest's Petition for Waiver with the FCC).

1 reasonable as an interim measure."<sup>10</sup> Although the FCC has not  
2 commented on the nature of the forecast that an incumbent may  
3 require, clearly it has on an interim basis approved the use of  
4 forecasts as a prerequisite to the 90 day interval. To the  
5 extent that AT&T asserts that Qwest's forecasting requirements  
6 are merely an extension of the collocation application process,<sup>11</sup>  
7 Qwest responds by stating that the parties are in the process of  
8 resolving this issue in the context of Section 271 Workshops and  
9 SGAT approval proceedings and Qwest will continue to negotiate  
10 in an attempt to resolve this issue. Moreover, Qwest vehemently  
11 disagrees that its collocation forecasting process is  
12 inappropriate. Unlike a Collocation Application, submission of  
13 a collocation forecast does not require payment any money or  
14 commitment to order the collocation. Qwest must assess the CLEC  
15 forecasts and do what is necessary to prepare for the potential  
16 collocation. For these reasons alone, a collocation forecast is  
17 not simply an extension of the application process.

19 Far from taking liberties with the FCC's Orders, Qwest's  
20 Compliance Filing comports in all respects with the FCC's  
21 Orders, including its most recent, *November Order*. The  
22 intervals Qwest proposes were all specifically adopted by the  
23 FCC and should be adopted here.

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25 <sup>10</sup> *Amended Order*, at ¶ 19.

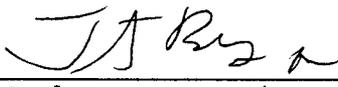
26 <sup>11</sup> *AT&T Response*, at ¶ 8-9.

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CONCLUSION

Qwest hereby seeks to bring its SGAT in compliance with the FCC's recent collocation Orders. Qwest requests that this Commission allow it to modify its SGAT consistent with the aforementioned collocation intervals by issuing an Order allowing Section 8.4 of the SGAT to be amended on January 21, 2001, by operation of law to reflect the intervals set forth in the FCC's *Amended Order*. With respect to whether Qwest should be allowed extended intervals under certain circumstances as outlined in its Compliance Filing, this is an issue to be resolved in the course of the Section 271 Workshops and SGAT approval proceedings.

DATED this 22nd day of December, 2000.

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