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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S STATEMENT
OF GENERALLY AVAILABLE TERMS AND
CONDITIONS.

DOCKET NO. T-01051B-99-0068

IN THE MATTER OF U S WEST
COMMUNICATIONS, INC.'S COMPLIANCE
WITH §271 OF THE
TELECOMMUNICATIONS ACT OF 1996.

DOCKET NO. T-01051B-99-0238

**QWEST'S RESPONSE TO AT&T'S MOTION FOR LEAVE TO RESPOND TO
QWEST'S COMPLIANCE FILING CONCERNING COLLOCATION
INTERVALS**

On November 21, 2000, Qwest submitted a compliance filing, which if permitted by this Commission to take effect by operation of law, will modify Qwest's Statement of Generally Available Terms ("SGAT") to adopt interim physical collocation provisioning intervals specifically approved by the Federal Communications Commission ("FCC").¹ AT&T of the Mountain States, Inc. ("AT&T") has moved for leave to respond to Qwest's proposed SGAT modifications. Although Qwest does not oppose this Commission granting AT&T and other interested parties leave to respond to its Compliance Filing,

¹ *Compliance Filing Modifying Qwest's SGAT to Adopt Collocation Provisioning Intervals Set by the FCC ("Compliance Filing")*. This filing was in response to the FCC's requirements set out in two recent orders. See *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Order on Reconsideration and Second 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 "Order"), as amended by Memorandum Opinion and Order, FCC 00-2528 (rel. Nov. 7, 2000) ("Amended Order").

Qwest requests that all such responses be filed well before December 18, 2000, the date suggested by AT&T. This matter must be resolved by January 21, 2000, the FCC's deadline for compliance with its recent orders; as a result, all responses, if allowed, should be filed forthwith.²

While Qwest does not oppose the filing of responses, Qwest maintains that AT&T's concerns are misplaced. AT&T suggests that the intervals adopted by Qwest are based on Qwest's "own legal contentions" and its own interpretation of the FCC's orders.³ This is simply not so. In its *Amended Order*, the FCC expressly approved specific interim provisioning intervals that apply to Qwest. In granting Qwest a temporary waiver from its newly established national default standards and approving Qwest's proposed provisioning intervals, the FCC stated:

To a large extent, the application processing and provisioning intervals Qwest proposes are equal to or shorter than the intervals adopted as national standards in the *Collocation Reconsideration Order*. Accordingly, this set of relatively short intervals meets our waiver criterion. . . . Subject to these conditions, we find that the intervals Qwest proposes meet our criterion for an interim waiver of the national standards. Accordingly, pending Commission action on reconsideration of the *Collocation Provisioning Order*, Qwest need not file SGAT or tariff amendments pursuant to that *Order* in those states where Qwest implements these interim standards in accordance with the procedures set forth in part III.C.3 below.⁴

Thus, the FCC exempted Qwest from filing SGAT amendments that adhere to a 90 day collocation interval irrespective of the circumstance so long as Qwest implements the interim standards that the FCC approved. The FCC approved, on an interim basis, longer

² In the state of Washington, the parties including AT&T negotiated the following briefing schedule: AT&T's Brief due December 12, 2000 with Qwest's Brief due December 22, 2000. This schedule allows adequate time for briefing, if deemed necessary oral argument, and for the Commission to act.

³ *Motion for Leave to Respond to Qwest's Revision Concerning Collocation Intervals*, at ¶ 2.

⁴ *Amended Order*, at ¶ 19-20.

intervals (120 or 150 days) when CLECs fail to provide a timely and complete collocation forecast. In approving Qwest's proposals, the FCC noted:

150 days is the maximum time a carrier that submits a timely forecast would have to wait between the forecast's submission and completion of a collocation arrangement. . . .For purposes of Qwest's interim plan, we think this maximum should also apply in the absence of a forecast, unless the state commission specifically approves a longer interval.⁵

The interim provisioning intervals are clearly not a matter of Qwest's interpretation, as AT&T suggests. They were expressly considered and approved by the FCC. Thus, if allowed to take effect by operation of law, the current SGAT physical collocation intervals will be:

1. 90 days if the CLEC adheres to Qwest's forecasting requirements;⁶
2. 120 days if CLEC fails to adhere to the collocation forecasting requirements and the collocation does not require major infrastructure modifications involving HVAC and/or DC power;⁷
3. 150 days if CLEC fails to adhere to the collocation forecasting requirements and the collocation requires major infrastructure modifications involving HVAC and/or DC power.⁸

The procedures for implementing the interim standards require Qwest to "file with the state commissions any amendments necessary to bring its SGATs or collocation tariffs into compliance with the interim standards. . . . The interim standards shall take effect within 60 days after the amendments' filing for SGATs. . ." In its Compliance

⁵ *Amended Order*, at ¶ 19, n.36.

⁶ *See Amended Order*, Attachment B. Attached to Qwest's Compliance Filing as *Exhibit 2*.

⁷ *Id.*

⁸ *Amended Order* at ¶19.

Filing, Qwest requested this Commission to allow its SGAT to be amended by operation of law, within 60 days, to reflect the interim intervals approved by the FCC.

Qwest recognizes that it must comply with the interim provisioning intervals adopted by the FCC unless state commissions adopts longer intervals. Qwest has indicated that it will seek longer intervals under certain circumstances, during the course of section 271 workshops. While Qwest provided the Commission with notice of this intention and the basis of its position, it did not request that the Commission adopt longer provisioning intervals in the context of its Compliance Filing. To the extent that AT&T wishes to respond to these issues, Qwest believes that this discussion is most appropriate in the context of ongoing section 271 proceedings.

For the foregoing reasons, Qwest does not oppose AT&T's motion for leave to respond, but respectfully requests that any responses be filed forthwith in order to assure that issues raised will be resolved by January 21, 2000, the deadline by which Qwest's SGAT must be in compliance with the FCC's interim intervals. Qwest recommends the following schedule specifically negotiated with AT&T in Washington section 271 proceedings: AT&T's Brief due December 12, 2000 with Qwest's Brief due December 22, 2000. Qwest respectfully repeats its request that the Commission allow section 8.4 of the SGAT to be amended by operation of law to reflect the intervals set forth in the FCC's *Amended Order*.

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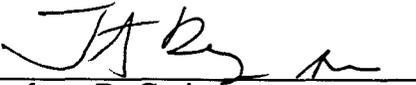
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RESPECTFULLY SUBMITTED this 5th day of December, 2000.

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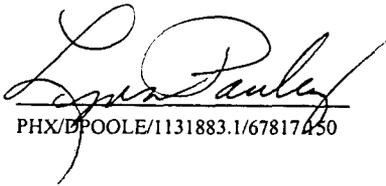
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