

II. ARGUMENTS

A. Disputed Issue No. 1: Regeneration Charges

AT&T agrees with Staff's conclusion that Qwest must remove regeneration charges. AT&T would, however, like to point out additional authority to support AT&T's position that it is Qwest that has authority to decide the location of a collocater's space. The Federal Communications Commission ("FCC") recently issued its Fourth Report and Order on remand, wherein it stated that the incumbent local exchange carrier ("ILEC") has control over space assignments, not the competitive local exchange carriers ("CLECs").² Furthermore, the FCC stated that an ILEC "must not assign physical collocation space that will impair the quality of service or impose other limitations on the service a requesting carrier wishes to offer."³

B. Disputed Issue No. 2: EUDIT/UDIT Distinction

The Staff recommends the elimination of the EUDIT product.⁴ AT&T agrees with Staff's conclusion. Staff acknowledges that Qwest fails to provide electronics at the CLEC end of EUDIT.⁵ However, Staff never concludes that Qwest must provide electronics at the CLEC end of dedicated transport, regardless of whether it is called EUDIT or UDIT. This is an important section 271 issue, not a cost issue to be deferred to the cost docket.

² *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Fourth Report and Order, FCC 01-284 (rel. Aug. 8, 2001), ¶¶ 89-91.

³ *Id.*, ¶ 94. *See also, id.*, ¶ 99.

⁴ Staff Report, ¶ 87.

⁵ *Id.*

The FCC has made it clear that dedicated transport includes the electronics to originate and terminate service.⁶ Staff's Report should make it explicit that Qwest must provide electronics at both ends of dedicated transport, regardless of the point of termination, *e.g.*, a CLEC wire center.

C. Disputed Issue No. 3: Local Use Restriction

The Staff Report adopts new language proposed by Qwest for SGAT § 9.6.2.4 and considers the issue raised in TR-13 to be "temporarily resolved." AT&T does not oppose adoption of SGAT § 9.6.2.4 if modified to be consistent with the conclusion in the Staff Report to eliminate the EUDIT product. The word "EUDIT" should be removed and in lieu thereof the following language should be inserted: "UDIT between a Qwest wire center and CLEC's wire center."⁷

D. Verification of Compliance

AT&T recommends striking the words "with resolution of the Impasse Issues as discussed above" in paragraphs 102 and 103 and in lieu thereof inserting the following language contained in paragraph 10 of the Conclusions of Law: "subject to Qwest modifying its SGAT language consistent with resolution of the impasse issues contained above." This language more accurately reflects Qwest's obligation to obtain the recommendations contained in paragraphs 102 and 103.

⁶ *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order, FCC 99-238 (rel. Nov. 5, 1999), ¶¶ 323 and 355-356.

⁷ Staff Report, ¶ 93.

Respectfully submitted on this 24th day of August 2001.

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CERTIFICATE OF SERVICE

I certify that the original and 10 copies of AT&T's Comments on Staff's Report on Checklist Item No. 5-Unbundled Local Transport in Docket No. T-00000A-97-0238 were sent by overnight delivery on August 24, 2001 to:

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