

The language at issue is section 9.3.5.4.1, which states (relevant section bolded) as follows:

CLECs shall notify its account manager at Qwest in writing, including via email, of its intention to provide access to Customers that reside within an MTE. Upon receipt of such a request, Qwest shall have up to ten (10) calendar Days to notify CLEC and the MTE owner whether Qwest believes it or the MTE owner owns the intrabuilding cable. **In the event that there has been a previous determination of on-premises wiring ownership at the same MTE, Qwest shall provide such notification within two (2) business days.** In the event that CLEC provides Qwest with a written claim by an authorized representative of the MTE owner that such owner owns the facilities on the Customer side of the terminal, the preceding ten (10) day period shall be reduced to five (5) calendar Days from Qwest's receipt of such claim.

In Washington, the Washington Utilities and Transportation Commission interpreted the bolded section to mean that, even after a competitive local exchange carrier ("CLEC") has initially requested MTE inside wire ownership information and waited the requisite ten days before accessing the MTE, that same CLEC will be impeded for two more days from capturing a customer, at the same MTE, in order for Qwest to again determine if it owns the inside wire.

Section 9.3.5.4.1, as it reads in Arizona, was crafted by Mr. John Antonuk, the Facilitator for the states of Montana, Iowa, Utah, Wyoming, North Dakota, New Mexico and Idaho. In his report regarding this issue, he clearly specified that the two day interval was for situations where "the issue (of wire ownership) had already been raised by **another CLEC** at the same MTE."¹

Obviously, the Facilitator's interpretation makes sense. When Qwest has already communicated ownership information to a CLEC, there is no reason why that CLEC

¹ *Third Report-Emerging Services* (June 11, 2001) at 35-37.

should have to again contact Qwest and delay servicing its customer in the same MTE for Qwest to purportedly conduct the same ownership determination that it previously conducted and communicated. This is especially true when considering that the current SGAT contemplates that CLEC will have already been advised on how to proceed pursuant to the access protocol, and Qwest will already know the status of the MTE and will be receiving LSRs from that CLEC purportedly to build an inventory. Thus, there is no purpose, except to slow down CLEC entry, for a CLEC to wait two days for Qwest to determine subloop ownership every time it accesses an MTE.

As the Facilitator indicated, it is only when Qwest has conducted an analysis regarding inside wire ownership, and provided that information to a **different** CLEC, should Qwest be allowed two days to provide the information to the different CLEC.²

AT&T had not taken issue to that concept. In order to cure the apparent ambiguity,

AT&T requested the following edit:

CLECs shall notify its account manager at Qwest in writing, including via email, of its intention to provide access to Customers that reside within an MTE. Upon receipt of such a request, Qwest shall have up to ten (10) calendar Days to notify CLEC and the MTE owner whether Qwest believes it or the MTE owner owns the intrabuilding cable. **In the event that there has been a previous determination of on-premises wiring ownership communicated to another CLEC at the same MTE, Qwest shall provide such notification to CLEC within two (2) business days.** In the event that CLEC provides Qwest with a written claim by an authorized representative of the MTE owner that such owner owns the facilities on the Customer side of the terminal, the preceding ten (10) Day period shall be reduced to five (5) calendar Days from Qwest's receipt of such claim.

² *Id.*

Qwest recently acquiesced to the above stated clarifying language on the record in Washington. For the above stated reasons, AT&T requests that the same clarifying language be included in the SGAT in Arizona.

Dated this 1st day of May, 2002.

**AT&T COMMUNICATIONS
OF THE MOUNTAIN STATES, INC.,
AND TCG PHOENIX**

By: Richard S. Wolters

Richard S. Wolters
AT&T
1875 Lawrence Street, Suite 1503
Denver, CO 80202
(303) 298-6741

Gregory H. Hoffman
AT&T
795 Folsom Street, Suite 2116
San Francisco, CA 94107-1243
(415) 442-3776

CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of **AT&T's Reply to Staff's Response to Qwest's and AT&T's Comments on Staff's Final Report on Qwest's Compliance with NIDs and Line Splitting Requirements**, Docket No. T-00000A-97-0238, were sent by overnight delivery on May 1, 2002 to:

Arizona Corporation Commission
Docket Control – Utilities Division
1200 West Washington Street
Phoenix, AZ 85007

and a true and correct copy was sent by overnight delivery on May 1, 2002 to:

Maureen Scott
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Mark A. DiNunzio
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Ernest Johnson
Director - Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, AZ 85007

Christopher Kempley
Arizona Corporation Commission
Legal Division
1200 West Washington Street
Phoenix, AZ 85007

Jane Rodda
Administrative Law Judge
Arizona Corporation Commission
400 West Congress
Tucson, AZ 85701-1347

and a true and correct copy was sent by U. S. Mail on May 1, 2002 to:

Thomas F. Dixon
WorldCom, Inc.
707 – 17th Street, #3900
Denver, CO 80202

Terry Tan
WorldCom, Inc.
201 Spear Street, 9th Floor
San Francisco, CA 94015

K. Megan Doberneck
Covad Communications Company
7901 Lowry Blvd.
Denver, CO 80230

Bradley Carroll
Cox Arizona Telcom, L.L.C.
20401 North 29th Avenue
Phoenix, AZ 85027-3148

Michael M. Grant
Gallagher and Kennedy
2575 East Camelback Road
Phoenix, AZ 85016-9225

Gena Doyscher
Global Crossing Local Services, Inc.
1221 Nicollet Mall, Suite 300
Minneapolis MN 55403

Traci Kirkpatrick
Davis Wright Tremaine LLP
1300 S.W. Fifth Avenue
Portland, OR 97201

Michael W. Patten
Roshka Heyman & DeWulf, PLC
400 North Fifth Street, Suite 1000
Phoenix, AZ 85004-3906

Joyce Hundley
United States Dept. of Justice
Antitrust Division
1401 H Street NW, Suite 8000
Washington, DC 20530

Daniel Pozefsky
Residential Utility Consumer Office
2828 North Central Ave., #1200
Phoenix, AZ 85004

Mark N. Rogers
Excell Agent Services, L.L.C.
2175 W. 14th Street
Tempe, AZ 85281

Mark P. Trincherro
Davis Wright Tremaine
1300 SW Fifth Ave., Suite 2300
Portland OR 97201-5682

Penny Bewick
New Edge Networks
3000 Columbia House Blvd., Suite 106
Vancouver, WA 98661

Andrea P. Harris
Senior Manager, Regulatory
Allegiance Telecom, Inc.
2101 Webster, Suite 1580
Oakland, CA 94612

Karen L. Clauson
Eschelon Telecom, Inc.
730 2nd Avenue South, Suite 1200
Minneapolis, MN 55402

Joan S. Burke
Osborn Maledon, P.A.
2929 N. Central Avenue, 21st Floor
Phoenix, AZ 85067-6379

Eric S. Heath
Sprint Communications Company L.P.
100 Spear Street, Suite 930
San Francisco, CA 94105

Charles Kallenbach
American Communications Services, Inc.
131 National Business Parkway
Annapolis Junction, MD 20701

Jeffrey W. Crockett
Snell & Wilmer, LLP
One Arizona Center
Phoenix, AZ 85004-0001

Todd C. Wiley
Gallagher & Kennedy, P.A.
2575 East Camelback Road
Phoenix, AZ 85016-9225

Michael B. Hazzard
Kelley, Drye & Warren, LLP
1200 19th Street, NW, Fifth Floor
Washington, DC 20036

Daniel Waggoner
Davis Wright Tremaine
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

Timothy Berg
Fennemore Craig, P.C.
3003 North Central Ave., #2600
Phoenix, AZ 85012

Raymond S. Heyman
Randall H. Warner
Roshka Heyman & DeWulf
Two Arizona Center
400 N. Fifth Street, Suite 1000
Phoenix, AZ 85004

Diane Bacon, Legislative Director
Communications Workers of America
Arizona State Council
District 7 AFL-CIO, CLC
5818 N. 7th Street, Suite 206
Phoenix, AZ 85014-5811

Andrew Crain
Qwest Corporation
1801 California Street, Suite 4900
Denver, CO 80202

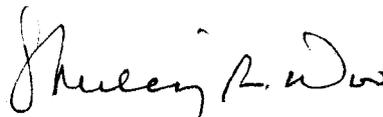
Janet Livengood
Regional Vice President
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd., Suite 220
Tampa, FL 33602

Charles W. Steese
Qwest Corporation
1801 California Street, Suite 4900
Denver, CO 80202

Bill Haas
Richard Lipman
McLeodUSA Telecommunications
Services, Inc.
6400 C Street SW
Cedar Rapids, IA 54206-3177

Brian Thomas
Vice President – Regulatory
Time Warner Telecom, Inc.
520 S.W. 6th Avenue, Suite 300
Portland, OR 97204

Executed on May 1, 2002 in San Francisco, California.



Shirley S. Woo