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BEFORE THE ARIZONA CORPORATION COMMISSION

BOB STUMP
Chairman

GARY PIERCE
Commissioner

BRENDA BURNS
Commissioner

BOB BURNS
Commissioner

SUSAN BITTER SMITH
Commissioner

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 18 2013

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IN THE MATTER OF THE APPLICATION OF
DIECA COMMUNICATIONS DBA COVAD
COMMUNICATIONS COMPANY,
ESCHELON TELECOM OF ARIZONA, INC.,
MCLEODUSA TELECOMMUNICATIONS
SERVICES, INC., MOUNTAIN
TELECOMMUNICATIONS, INC., XO
COMMUNICATIONS SERVICES, INC. AND
QWEST CORPORATION REQUEST FOR
COMMISSION PROCESS TO ADDRESS KEY
UNE ISSUES ARISING FROM TRIENNIAL
REVIEW REMAND ORDER, INCLUDING
APPROVAL OF QWEST WIRE CENTER
LISTS

DOCKET NOS. T-03632A-06-0091
T-03406A-06-0091
T-03267A-06-0091
T-03432A-06-0091
T-04302A-06-0091
T-01051B-06-0091

QWEST CORPORATION DBA
CENTURYLINK QC MOTION FOR
AN ORDER APPROVING THE 2013
ADDITIONS TO THE NON-
IMPAIRED WIRE CENTER LIST

Qwest Corporation dba CenturyLink QC ("CenturyLink") moves for an order approving the 2013 additions to the non-impaired wire center list, as requested in its Application made on September 4, 2013.

CenturyLink's September 4, 2013 Application to approve additions to the list of non-impaired wire centers is one of a series of filings made to designate certain of CenturyLink's Arizona wire centers as "non-impaired" for purposes of Section 252 of the Telecom Act, under the FCC's 2005 TRRO ruling.¹ The TRRO provided an important standard that all state jurisdictions must follow with regard to ILECs' duty

¹ Order on Remand, *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, WC Docket No. 04-313 (FCC rel. February 4, 2005) (hereafter "Triennial Review Remand Order" or "TRRO").

1 under Section 251(c)(3) to make unbundled network elements (“UNEs” or “network elements”) available to
2 requesting carriers. Section 251(d)(2)(B) provides that in determining which network elements must be
3 made available under Section 251(c)(3), the FCC shall consider whether the failure to provide access to
4 such network element would “impair” the ability of the telecommunications carrier seeking access to
5 provide the services it seeks to offer. Among other things, the *TRRO* set the standards by which high-
6 capacity dedicated transport and loops must be offered as UNEs. Under the *TRRO*, high-capacity dedicated
7 transport will not be required to be offered as UNEs if the connecting wire centers meet certain threshold
8 criteria. Those criteria involve the number of ILEC business lines and fiber-based collocators in those
9 connected wire centers. The *TRRO* adopts different business line and collocator thresholds for DS1, DS3,
10 and dark fiber transport. Similarly, high-capacity loops will not be required to be offered as UNEs if the
11 number of ILEC business lines and fiber-based collocators reach certain identified levels. The *TRRO*
12 adopts different business line and collocator thresholds for DS1 and DS3 loops, and eliminates unbundling
13 requirements for dark fiber loops entirely.² When wire centers are designated as unimpaired for certain
14 services, Competitive Local Exchange Carriers (“CLECs”) are no longer able to access those services at
15 Total Element Long Run Incremental Cost (“TELRIC”) rates, and CLECs must transition to facilities of
16 their own, to alternative services from another provider, or from the ILEC at non-UNE rates.³ Under the
17 *TRRO*, there is no impairment for DS1 transport on routes connecting wire centers where both wire centers
18 are designated as “Tier 1.”

19 By its September 4, 2013 Application, CenturyLink seeks to add three more wire centers to the list
20 of “Tier 1” wire centers. (Each of the wire centers CenturyLink designates in this filing as Tier 1 are
21 currently designated as Tier 2.) The basis for change of designation for the three wire centers in question is
22 that there are now 4 or more fiber based collocators at each of those wire centers. The wire centers to be
23

24 _____
25 ² For a Commission recap of the *TRRO* standards, see Decision No. 70747, ¶ 10.

³ Description by the Commission, Decision No. 70747, ¶ 11.

1 added to the Tier 1 list are Mesa Main (MESAAAZMA), Superstition West (SPRSAZWE), and Tucson
2 Main (TCSNAZMA).

3 Requests for approval of additions to the non-impaired wire center list, and the process for such
4 requests, are familiar to the Commission.⁴ This is the fifth time since the FCC adopted the *TRRO* that
5 conditions have been met for adding wire centers to the list in Arizona. The Commission has approved all
6 of the previous requests for additions.⁵ In the previous orders, the Commission ordered that procedures
7 established therein shall apply to subsequent requests for additions to the non-impaired wire center list.

8 The Application should be approved, for the following reasons:

9 1. The number of fiber based collocators at each of the three wire centers has been verified, as
10 evidenced by the sworn statements filed with the Application, and the independent verification conducted
11 by Integra Telecom.⁶

12 2. CenturyLink's Application conforms to the provisions of the *TRRO*, the Settlement
13 Agreement with the named parties, and Decisions Nos. 70355, 70747 and 72178.

14 3. Pursuant to Decision No. 72178, CenturyLink and Staff worked together to develop a
15 mailing list of affected Arizona carriers, as well as the form of notice to be sent. CenturyLink sent the
16 notice to those carriers, all as described in the Application.

17 4. Integra was the only carrier filing comments, in which Integra objected only insofar as it had
18 not at that time been able to independently verify the presence of two fiber based collocators in the affected
19 wire centers. Integra has subsequently notified the Commission that it has verified the presence of the fiber
20

21 ⁴ The basic process for CenturyLink to seek approval of additions to the non-impaired wire center list
22 was determined by the Commission in Docket Nos. T-03632A-06-0091, T-03406A-06-0091, T-03267A-
23 06-0091, T-03432A-06-0091, T-04302A-06-0091, T-01051B-06-0091 (collectively, the "*TRRO* Wire
24 Center Dockets") on May 16, 2008, Decision No. 70355 ("*TRRO* Settlement Order"). The basis for the
25 process was a joint settlement agreement ("*Settlement Agreement*") between and among CenturyLink
and a coalition of joint CLECs, whose names are listed in the caption of this proceeding.

⁵ Decision Nos. 70355, 70747 and 72178.

⁶ Comments of Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and Electric
Lightwave LLC, All Doing Business as Integra Telecom, docketed October 17, 2013.

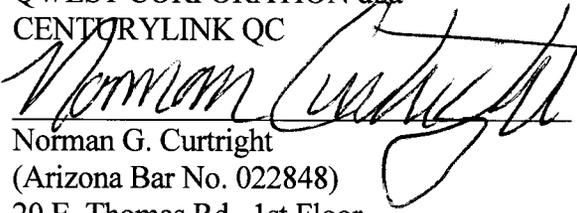
1 based collocators in all three of the affected wire centers, and has withdrawn its objection, stating that
2 “Integra is unopposed to CenturyLink’s application[.]”⁷

3 5. The Settlement Agreement contemplates that CLECs shall have 30 days from the filing date
4 to object to the wire center designations, and that in the absence of objections, the filing should be
5 approved. No affected carrier maintains an objection to the Application, which has been noticed to all
6 carriers and on file for 44 days, as of this date.

7 6. The process is simply a matter of counting and verifying the presence of fiber based
8 collocators in the wire centers. No dispute or controversy exists with regard to the simple facts, and
9 accordingly, CenturyLink respectfully submits that no further Commission action is required, save for the
10 entry of an order in this uncontested matter.

11 Accordingly, for the reasons set forth above, CenturyLink requests that the Commission enter its
12 order approving the 2013 additions to the non-impaired wire center list.

13 RESPECTFULLY SUBMITTED this 18th day of October, 2013.

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25 ⁷ Comments of Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and Electric
Lightwave LLC, All Doing Business as Integra Telecom, docketed October 17, 2013.

1 ORIGINAL and 13 copies hand-delivered
2 for filing this 18th day of October, 2013, to:

3 Docket Control
4 ARIZONA CORPORATION COMMISSION
5 1200 West Washington Street
6 Phoenix, AZ 85007

7 COPY of the foregoing hand delivered
8 this 18th day of October, 2013, to:

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