

# OPEN MEETING



0000149735

## ORIGINAL

## MEMORANDUM

TO: THE COMMISSION

Arizona Corporation Commission

DOCKETED

2013 NOV 29 P 3:51

FROM: Utilities Division

NOV 29 2013

AZ CORP COMMISSION  
DOCKET CONTROL

DATE: November 29, 2013

DOCKETED BY 

RE: 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 AND T-01051B-06-0091)

On September 4, 2013, Qwest Corporation dba CenturyLink QC ("CenturyLink") filed a request that the Arizona Corporation Commission ("Commission") approve CenturyLink's 2013 additions to its non-impaired wire center list in accordance with the Federal Communication Commission's ("FCC") *Triennial Review Remand Order* ("TRRO").<sup>1</sup> In the TRRO, the FCC determined that Competitive Local Exchange Carriers ("CLECs") were no longer impaired without unbundled network switching. The FCC also established certain criteria for determining whether CLECs were impaired without access to other Unbundled Network Elements ("UNE"). When wire centers are designated as non-impaired for certain services, CLECs are no longer able to access those UNEs at Total Element Long Run Incremental Cost ("TELRIC") prices, and the CLECs must transition to facilities of their own, to alternative services from another provider, or from ILECs at tariff prices.

According to the process established by the Commission in Decision No. 72178 for future wire center classification filings, CenturyLink is to confer with Staff to develop the mailing list of affected Arizona carriers, as well as a form of notice that CenturyLink is to serve on all affected Arizona carriers at, or before, the time that it files a non-impaired wire center additions request. The notice, to be approved by Staff, is to provide the carriers with information about the proposed designations, is to provide information about how to obtain the information supporting CenturyLink's proposed designations, and is to provide at least 30 days for interested carriers to review the information and to file any objections to CenturyLink's proposed designations.

<sup>1</sup> *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, Order on Remand, (FCC rel. February 4, 2005) (hereafter "Triennial Review Remand Order" or "TRRO").

CenturyLink is to file certification of mailing the notice as soon as practical. If the matter is uncontested, Staff may prepare an Order for the Commission's consideration, or forward the matter to the Hearing Division for the preparation of an Order. Staff is to file a Staff Report and recommendations if it forwards the matter to the Hearing Division. If any carrier, intervenor or Staff objects to CenturyLink's proposed designations, the Hearing Division is to establish procedures for resolving the dispute. In addition, any party may request a Procedural Conference before an Administrative Law Judge to discuss the process or substantive issues raised by the Application at any time.

Pursuant to this established process, CenturyLink conferred with Staff to develop a mailing list of affected Arizona Carriers and Staff approved CenturyLink's proposed form of notice. The notice contains the required information and provided at least 30 days for interested carriers to review the information and to file any objections to CenturyLink's proposed designations.

On October 4, 2013, Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and Electric Lightwave, LLC, all doing business as Integra Telecom (collectively referred to as "Integra") provided comments to CenturyLink's Application. In its comments Integra stated that as part of this review Integra contacted the carriers listed as fiber-based collocators in the three wire centers under review and asked them to confirm whether or not they were a fiber-based collocator. Integra stated that historically, carriers have been responsive to Integra's review process and confirmed whether or not they were a fiber-based collocator consistent with the definition in the TRRO. Based on Integra's review of the highly confidential data and response from carriers, Integra was unable to confirm all of the fiber-based collocations in the three wire centers under consideration. Integra requested that it be given one additional week to attempt to obtain final verifications.

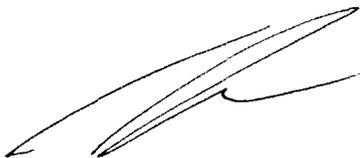
In its October 15, 2013 comments on the CenturyLink Application, Integra received a response from one of the two remaining carriers. This carrier's response verified it is the fourth of the four fiber-based collocators needed in Mesa Main to classify the wire center as Tier 1. According to the FCC's classification of wire centers, Tier 1 wire centers are those with the highest likelihood for actual and potential competitive deployment, including wholesale opportunities. Based on this carrier's response, Superstition West is the only wire center where Integra has been unable to verify the presence of four fiber-based collocations. Integra stated, "Until final verification can be completed, Integra objects to CenturyLink's request to change the classification of the Superstition West (SPRS AZWE) wire center from Tier 2 to Tier 1 on the ground that the record is insufficient to support CenturyLink's request. Integra withdraws its objections to Mesa Main (MESAAZMA) being classified as a Tier 1 wire center. Integra did not object to Tucson Main (TCSNAZMA) being classified as a Tier 1 wire center in its October 4, 2013 comments. Integra requests that it be given additional time to work with CenturyLink to finalize the verification of fiber based collocations in the Superstition West wire center."

In its October 17, 2013 comments on the CenturyLink Application, Integra stated that it had completed its evaluation verifying the number of fiber-based collocators in Mesa Main, Superstition West, and Tucson Main, therefore, Integra withdraws its previous objections to

CenturyLink's request to change the classification of Mesa Main and Superstition West from Tier 2 to Tier 1. Integra states that it is unopposed to CenturyLink's Application that the following wire centers will be classified as below, effective the date of the Commission's order in this matter:

Wire Center	CLLI	Tier	Non-Impairment for
Mesa Main	MESAAZMA	Tier 1	DS1, DS3, Transport & DF
Superstition West	SPRSAZWE	Tier 1	DS1, DS3, Transport & DF
Tucson Main	TCSNAZMA	Tier 1	DS1, DS3, Transport & DF

This matter is uncontested. Therefore, Staff recommends approval of CenturyLink's 2013 additions to its non-impaired wire center list.



Steven M. Olea  
Director  
Utilities Division

SMO:WMS:sms\MAS

ORIGINATOR: Wilfred Shand

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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

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 NO. T-03632A-06-0091  
T-03406A-06-0091  
T-03267A-06-0091  
T-03432A-06-0091  
T-04302A-06-0091  
T-01051B-06-0091

DECISION NO. \_\_\_\_\_

ORDER

Open Meeting  
December 17 and 18, 2013  
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On September 4, 2013, Qwest Corporation dba CenturyLink QC (“CenturyLink”) filed a request that the Arizona Corporation Commission (“Commission”) approve CenturyLink’s 2013 additions to its non-impaired wire center list in accordance with the Federal Communication Commission’s (“FCC”)s *Triennial Review Remand Order (“TRRO”)*.<sup>1</sup> In the TRRO, the FCC

<sup>1</sup> *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, Order on Remand, (FCC rel. February 4, 2005) (hereafter “Triennial Review Remand Order” or “TRRO”).*

1 determined that Competitive Local Exchange Carriers ("CLECs") were no longer impaired  
2 without unbundled network switching. The FCC also established certain criteria for determining  
3 whether CLECs were impaired without access to other Unbundled Network Elements ("UNE"s).  
4 When wire centers are designated as non-impaired for certain services, CLECs are no longer able  
5 to access those UNEs at Total Element Long Run Incremental Cost ("TELRIC") prices, and the  
6 CLECs must transition to facilities of their own, to alternative services from another provider, or  
7 from ILECs at tariff prices.

8       2.       According to the process established by the Commission in Decision No. 72178 for  
9 future wire center classification filings, CenturyLink is to confer with Staff to develop the mailing  
10 list of affected Arizona carriers, as well as a form of notice that CenturyLink is to serve on all  
11 affected Arizona carriers at, or before, the time that it files a non-impaired wire center additions  
12 request. The notice, to be approved by Staff, is to provide the carriers with information about the  
13 proposed designations, is to provide information about how to obtain the information supporting  
14 CenturyLink's proposed designations, and is to provide at least 30 days for interested carriers to  
15 review the information and to file any objections to CenturyLink's proposed designations.

16       3.       CenturyLink is to file certification of mailing the notice as soon as practical. If the  
17 matter is uncontested, Staff may prepare an Order for the Commission's consideration, or forward  
18 the matter to the Hearing Division for the preparation of an Order. Staff is to file a Staff Report  
19 and recommendations if it forwards the matter to the Hearing Division. If any carrier, intervenor  
20 or Staff objects to CenturyLink's proposed designations, the Hearing Division is to establish  
21 procedures for resolving the dispute. In addition, any party may request a Procedural Conference  
22 before an Administrative Law Judge to discuss the process or substantive issues raised by the  
23 Application at any time.

24       4.       Pursuant to this established process, CenturyLink conferred with Staff to develop a  
25 mailing list of affected Arizona Carriers and Staff approved CenturyLink's proposed form of  
26 notice. The notice contains the required information and provides at least 30 days for interested  
27 carriers to review the information and to file any objections to CenturyLink's proposed  
28 designations.

1           5.     On October 4, 2013, Eschelon Telecom of Arizona, Inc., Mountain  
2 Telecommunications, Inc., and Electric Lightwave, LLC, all doing business as Integra Telecom  
3 (collectively referred to as "Integra") provided comments to CenturyLink's Application. In its  
4 comments Integra stated that as part of this review Integra contacted the carriers listed as fiber-  
5 based collocators in the three wire centers under review and asked them to confirm whether or not  
6 they were a fiber-based collocator. Integra stated that historically, carriers have been responsive to  
7 Integra's review process and confirmed whether or not they were a fiber-based collocator  
8 consistent with the definition in the TRRO. Based on Integra's review of the highly confidential  
9 data and response from carriers, Integra was unable to confirm all of the fiber-based collocations in  
10 the three wire centers under consideration. Integra requested that it be given one additional week  
11 to attempt to obtain final verifications.

12           6.     In its October 15, 2013 comments on the CenturyLink application, Integra received  
13 a response from one of the two remaining carriers. This carrier's response verified it is the fourth  
14 of the four fiber-based collocators needed in Mesa Main to classify the wire center as Tier 1.  
15 According to the FCC's classification of wire centers, Tier 1 wire centers are those with the  
16 highest likelihood for actual and potential competitive deployment, including wholesale  
17 opportunities. Based on this carrier's response, Superstition West is the only wire center where  
18 Integra has been unable to verify the presence of four fiber-based collocations. Integra stated,  
19 "Until final verification can be completed, Integra objects to CenturyLink's request to change the  
20 classification of the Superstition West (SPRSAZWE) wire center from Tier 2 to Tier 1 on the  
21 ground that the record is insufficient to support CenturyLink's request. Integra withdraws its  
22 objections to Mesa Main (MESAAZMA) being classified as a Tier 1 wire center. Integra did not  
23 object to Tucson Main (TCSNAZMA) being classified as a Tier 1 wire center in its October 4,  
24 2013 comments. Integra requests that it be given additional time to work with CenturyLink to  
25 finalize the verification of fiber based collocations in the Superstition West wire center."

26           7.     In its October 17, 2013 comments on the CenturyLink application, Integra stated  
27 that it had completed its evaluation verifying the number of fiber-based collocators in Mesa Main,  
28 ...

1 Superstition West, and Tucson Main, therefore, Integra withdraws its previous objections to  
 2 CenturyLink's request to change the classification of Mesa Main and Superstition West from Tier  
 3 2 to Tier 1. Integra states that it is unopposed to CenturyLink's Application that the following  
 4 wire centers will be classified as below, effective the date of the Commission's order in this  
 5 matter:

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Superstition West	SPRSAZWE	Tier 1	DS1, DS3, Transport & DF
Tucson Main	TCSNAZMA	Tier 1	DS1, DS3, Transport & DF

10 8. This matter is uncontested. Therefore, Staff has recommended approval of  
 11 CenturyLink's 2013 additions to its non-impaired wire center list.

#### CONCLUSIONS OF LAW

13 1. CenturyLink is an Arizona public service corporation within the meaning of Article  
 14 XV, Section 2 of the Arizona Constitution.

15 2. The Commission has jurisdiction over CenturyLink and over the subject matter of  
 16 this application.

17 3. The Commission having reviewed the Application and Staff's Memorandum dated  
 18 November 29, 2013, concludes that approval of CenturyLink's 2013 additions to its non-impaired  
 19 wire center list discussed herein is reasonable, fair and equitable and therefore in the public  
 20 interest.

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ORDER

IT IS THEREFORE ORDERED that the following wire centers shall be added to the list of Qwest Corporation's dba CenturyLink QC's non-impaired wire centers:

Wire Center	CLLI	Tier	Non-Impairment for
Mesa Main	MESAAZMA	Tier 1	DS1, DS3, Transport & DF
Superstition West	SPRSAZWE	Tier 1	DS1, DS3, Transport & DF
Tucson Main	TCSNAZMA	Tier 1	DS1, DS3, Transport & DF

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

**BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION**

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
JODI JERICH  
EXECUTIVE DIRECTOR

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

SMO:WMS:sms\MAS

1 SERVICE LIST FOR: DIECA COMMUNICATIONS DBA COVAD COMMUNICATIONS  
2 COMPANY, ESCHELON TELECOM OF ARIZONA, INC.,  
3 MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.,  
4 MOUNTAIN TELECOMMUNICATIONS, INC., XO  
COMMUNICATIONS SERVICES, INC. AND QWEST  
CORPORATION

5 DOCKET NOS.: T-03632A-06-0091, T-03406A-06-0091, T-03267A-06-0091, T-03432A-06-  
6 0091, T-04302A-06-0091 AND T-01051B-06-00911

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10 Steven M. Olea  
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12 Arizona Corporation Commission  
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15 Janice M. Alward  
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19 Phoenix, Arizona 85007

20 AT&T Communications of the Mountain States, Inc.  
21 Attn: Cindy Hardy  
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24 Ms Kim Isaacs  
25 Director Carrier Relations  
26 Integra Telecom  
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28 Golden Valley, MN 55416

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- 11 7050 Union Park Ave., Suite 400
- 12 Midvale, UT 84047
- 13 Douglas Denney  
Integra Telecom
- 14 1201 NE Lloyd Boulevard, Suite 500
- 15 Portland, OR 97232
- 16 MCImetro Access Transmission  
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- 17 201 Spear St, 9th Flr
- 18 San Francisco, CA 94105
- 19 Michael W. Patten  
Roshka DeWulf & Patten, PLC
- 20 One Arizona Center  
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- 21 Phoenix, AZ 85004
- 22 WilTel Communications, LLC  
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- 23 Coudersport, PA 16915
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