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AZ CORP COMMISSION
DOCKET CONTROL

Via UPS Overnight Delivery

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

RE: In the Matter of the Application of Dieca Communications dba Covad
Communications Company, et al.
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

Arizona Corporation Commission

DOCKETED

JUL 24 2015

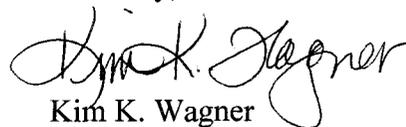
DOCKETED BY 

Dear Docket Control:

Enclosed are the original and 13 copies of the Comments and Public Exhibit A of Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and Electric Lightwave, LLC, all doing business as Integra Telecom, in connection with the above-referenced docket.

Please feel free to contact me should you have any questions.

Sincerely,



Kim K. Wagner
Legal & Regulatory Administrator
Integra Telecom
763-745-8468 (direct)
763-745-8459 (department fax)
Kim.Wagner@integratelecom.com

Enclosures

cc: Parties of Record

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 SUSAN BITTER SMITH
Chairman

3 BOB STUMP
Commissioner

4 BOB BURN
Commissioner

5 DOUG LITTLE
Commissioner

6 TOM FORESE
Commissioner

7
8 IN THE MATTER OF THE APPLICATION
9 OF DIECA COMMUNICATIONS DBA
10 COVAD COMMUNICATIONS COMPANY,
11 ESCHELON TELECOM OF ARIZONA, INC.,
12 MCLEODUSA TELECOMMUNICATIONS
13 SERVICES, INC., MOUNTAIN
14 TELECOMMUNICATIONS, INC., XO
15 COMMUNICATIONS SERVICES, INC. AND
16 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

COMMENTS OF ESCHELON
TELECOM OF ARIZONA, INC.,
MOUNTAIN
TELECOMMUNICATIONS, INC.,
AND ELECTRIC LIGHTWAVE,
LLC, ALL DOING BUSINESS AS
INTEGRA TELECOM

17
18 Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., and
19 Electric Lightwave, LLC, all doing business as Integra Telecom (collectively referred to
20 as "Integra") respectfully provide these comments to Qwest Corporation dba:
21 CenturyLink QC's ("CenturyLink"), June 24, 2015 Application for Approval of 2015
22 Additions to the Non-Impaired Wire Center List.

23
24 **Background**

25 On June 24, 2015 CenturyLink filed with the Commission an Application for
26 Approval of 2015 Additions to the Non-Impaired Wire Center List ("2015 Application").
27 In its 2015 Application, CenturyLink requested the Phoenix Cactus (PHNXAZCA) wire
28

1 center classification be changed from Tier 2 to Tier 1, based on the number of fiber-based
2 collocations in the wire center.

3 On June 17, 2015 CenturyLink sent a notice to Competitive Local Exchange
4 Carriers (“CLECs”) informing them that it would be filing data with the Commission in
5 support of its non-impairment request, and that, “Affected carriers must review the
6 information and file any objections to the proposed designations on or before July 24,
7 2015 in Docket Number T-03632A-06-0091.”¹

9 Integra received the highly confidential information on June 30, 2015, at which
10 time Integra began a data verification process. The 2007 multi-state settlement in the
11 Matter of the Investigation into Qwest Wire Center Data² contemplated that the parties
12 would have 30 days to review the confidential supporting data in future wire center
13 proceedings.
14

15 **Discussion**

16 A change in a wire center’s non-impairment classification, as CenturyLink is
17 requesting, would permanently alter the availability of unbundled network elements such
18 as dark fiber, unbundled DS3 transport, and unbundled DS1 transport, by limiting which
19 unbundled elements the ILEC must make available to CLECs.³ DS1 transport is not
20 available as an unbundled network element (“UNE”) between wire centers classified as
21 Tier 1, and Dark Fiber and DS3 transport are not available as UNEs between a Tier 1
22 wire center and another wire center classified as either Tier 1 or Tier 2. In order to be
23 classified as a Tier 1 wire center there must be at least four fiber-based collocators in the
24

25
26 1 See CenturyLink’s Network/Contract Notice regarding its filing in Arizona:
27 [NETW.ANNC.06.10.15.F.13615.AS_TRRO_2015.doc](#)

28 2 Arizona Docket T-03632A-06-0091, Decision No. 70355 Exhibit A, Page 11

3 47 C.F.R § 51.319 (3)(i) “...Once a wire center is determined to be a Tier 1 wire center, that wire center is not subject to later reclassification as a Tier 2 or Tier 3 wire center”

1 wire center. The FCC defines a fiber-based collocator as follows:

2 A fiber-based collocator is any carrier, unaffiliated with the incumbent
3 LEC, that maintains a collocation arrangement in an incumbent LEC wire
4 center, with active electrical power supply, and operates a fiber optic cable
5 or comparable transmission facility that (1) terminates at a collocation
6 arrangement within the wire center; (2) leaves the incumbent LEC wire
7 center premises; and (3) is owned by a party other than the incumbent
8 LEC or any affiliate of the incumbent LEC except as set forth in this
9 paragraph. Dark fiber obtained from an incumbent LEC on an indefeasible
right of use basis shall be treated as non-incumbent LEC fiber-optic cable.
Two or more affiliated fiber-based collocators in a single wire center shall
collectively be counted as a single fiber-based collocator. For purposes of
this paragraph, the term affiliate is defined by 47 U.S.C. § 153(1) and any
relevant interpretation in this Title.⁴

10 Therefore, when scrutinizing a wire center petition such as the one presented in this
11 docket, it is imperative that the Commission confirm with certainty that the FCC's
12 collocation criteria have been met.

13
14 As Integra has done with every Non-Impairment filing by CenturyLink, Integra
15 initiated a careful review of the highly confidential data provided by CenturyLink once
16 the confidential data was received on June 30, 2015. This verification includes
17 contacting the fiber-based collocators identified by CenturyLink in order to verify
18 whether their collocations meet the FCC's definition of a fiber-based collocator.

19
20 As of the filing of these comments, Integra has been able to verify three of the
21 four carriers identified as fiber-based collocators by CenturyLink. Integra is in
22 discussions with the fourth carrier and expects a response shortly. The attached highly
23 confidential Exhibit A contains the results of Integra's review.

24
25 Based on Integra's review of the highly confidential data and responses from
26 carriers, at this time, Integra objects to CenturyLink's request to reclassify the Phoenix

27
28

4 47 C.F.R. § 51.5

1 Cactus (PHNXAZCA) wire center as Tier 1. Integra requests two additional weeks to
2 complete the verification of CenturyLink's data. Integra will update the Commission as
3 soon as its verification is complete, and if appropriate, remove its objection to
4 CenturyLink's request.

5
6 **Conclusion**

7 Due to the permanency and impact of changes in wire center classifications,
8 careful scrutiny of CenturyLink's petition is warranted before granting its requests.
9 Integra has not yet completed its review of the fiber-based collocation data submitted by
10 CenturyLink for the Phoenix Cactus (PHNXAZCA) wire center. As of this filing Integra
11 has only been able to verify three of the four carriers identified by CenturyLink as fiber-
12 based collocators, and as a result, objects to CenturyLink's application to change Phoenix
13 Cactus (PHNXAZCA) wire center from a Tier 2 wire center to a Tier 1 wire center.
14 However, Integra is in discussions with the final carrier and requests up to two weeks to
15 finalize its verifications, and either identify the basis of its continued dispute, or remove
16 its objection to CenturyLink's application.
17
18

19 RESPECTFULLY submitted this 23rd day of July, 2015.

20
21 

22
23 _____
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1 **An Original and 13 copies were filed**
2 **via UPS overnight delivery this**
3 **23rd day of July, 2015, with:**

4 Docket Control Center
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8 **Copies of the foregoing delivered**
9 **via UPS overnight delivery this**
10 **23rdst day of July, 2015 to:**

11 Jane Rodda
12 Administrative Law Judge
13 1200 West Washington Street
14 Phoenix, Arizona 85007

15 Steven M. Olea
16 Director, Utilities Division
17 Arizona Corporation Commission
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Copies of the foregoing sent via U.S.

1 **Copies of the foregoing sent via U.S.**
2 **Mail this 23st day of July, 2015, to:**

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4 Associate General Counsel
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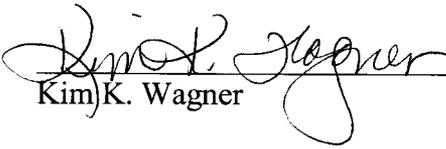
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Rex Knowles

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6115 South Kyrene Road, Suite 103
Tempe, AZ 85283



Kim K. Wagner

Exhibit A – PUBLIC/REDACTED

Integra Fiber-Based Collocator Verification

| Wire Center Name | Wire Center CLLI | CLEC Name | Verification Status |
|-------------------------|-------------------------|------------------|----------------------------|
| Phoenix Cactus | REDACTED | | |