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**Cronan O'Connell**  
Vice President-Federal Regulatory

***EX PARTE***

February 13, 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., TW-A325  
Washington, DC 20554

RE: CC Docket Nos. 01-338, 96-98 and 98-147, In the Matters of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability

Dear Ms. Dortch:

On Wednesday, February 12, 2003, Cronan O'Connell, John Morabito and Gary Lytle representing Qwest Communications International Inc., ("Qwest") met with Commissioner Kevin Martin, and his Legal Advisor Daniel Gonzalez of the Federal Communications Commission ("FCC"). The purpose of the discussion was to review the Qwest LATA Proposal<sup>1</sup>, a framework for transitioning unbundled switching from the list of required Unbundled Network Elements. During the discussion and attached hereto as attachment 1, Qwest illustrated multiple examples of the extensive switch deployment in various states in its region and highlighted the fact that Competitive Local Exchange Customers ("CLECs") routinely route traffic to switches within a Local Access and Transport Area ("LATA"), to switches located in another LATA within the same state and to switches located in other states. The conclusion is that CLECs are not impaired without access to switching as is demonstrated by the fact that in the Qwest region there are over 174 CLEC switches (using our conservative count from our filing) reflecting a competitive switching marketplace.

Qwest also discussed the NARUC Proposal<sup>2</sup> and our discussion was consistent with a joint ex parte filed by Qwest and SBC<sup>3</sup> urging the Commission not to support a zone market definition.

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<sup>1</sup> See letter dated January 30, 2003 to the FCC's Chairman, Michael K. Powell from R. Steven Davis; and letter dated January 31, 2003 to Ms. Marlene H. Dortch, Secretary of the FCC from Cronan O'Connell (in attachment 2)

<sup>2</sup> See NARUC, UNE Triennial Review: Principles and Standards for State Commissioners, appended to ExParte letter of James B. Ramsey, NARUC (FCC filed February 6, 2003) ("NARUC Proposal").

Ms. Marlene H. Dortch, Secretary  
February 13, 2003

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In particular, Qwest showed in the attached presentation (attachment 3), by state, how the zones were developed, resulting in inconsistent outcomes as illustrated by wire centers with similar characteristics being allocated to different zones depending on the individual state objectives. Finally, Qwest emphasized that the impairment analysis for unbundled switching as well as all other UNEs, should be an FCC role with support from the state commissions. Qwest emphasized that its LATA Proposal included a balanced approach which responds to the collective needs of both the FCC and the state commissions. Qwest also discussed its Enhanced Extended Loop Proposal and how it enables a smooth transition from UNE-P to UNE-Loops (attachment 4).

In accordance with FCC Rule 1.49(f), this *Ex Parte* letter is being filed electronically *via* the Electronic Comment Filing System for inclusion in the public record of the above-referenced dockets pursuant to FCC Rule 1.1206(b)(2).

Sincerely,  
/s/ Cronan O'Connell

cc:

Jonathan Adelstein ([jadelste@fcc.gov](mailto:jadelste@fcc.gov))  
Kathleen Abernathy ([kabernat@fcc.gov](mailto:kabernat@fcc.gov))  
Michael Copps ([mcopps@fcc.gov](mailto:mcopps@fcc.gov))  
Kevin Martin (via e-mail at [kmartin@fcc.gov](mailto:kmartin@fcc.gov))  
Matthew Brill ([mbrill@fcc.gov](mailto:mbrill@fcc.gov))  
Jordon Goldstein ([jgoldste@fcc.gov](mailto:jgoldste@fcc.gov))  
Daniel Gonzalez (via e-mail at [dgonzalez@fcc.gov](mailto:dgonzalez@fcc.gov))  
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Bill Maher ([bmaher@fcc.gov](mailto:bmaher@fcc.gov))  
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Scott Bergmann ([sbergman@fcc.gov](mailto:sbergman@fcc.gov))  
Jeffrey Carlisle ([jcarlisle@fcc.gov](mailto:jcarlisle@fcc.gov))

Attachments

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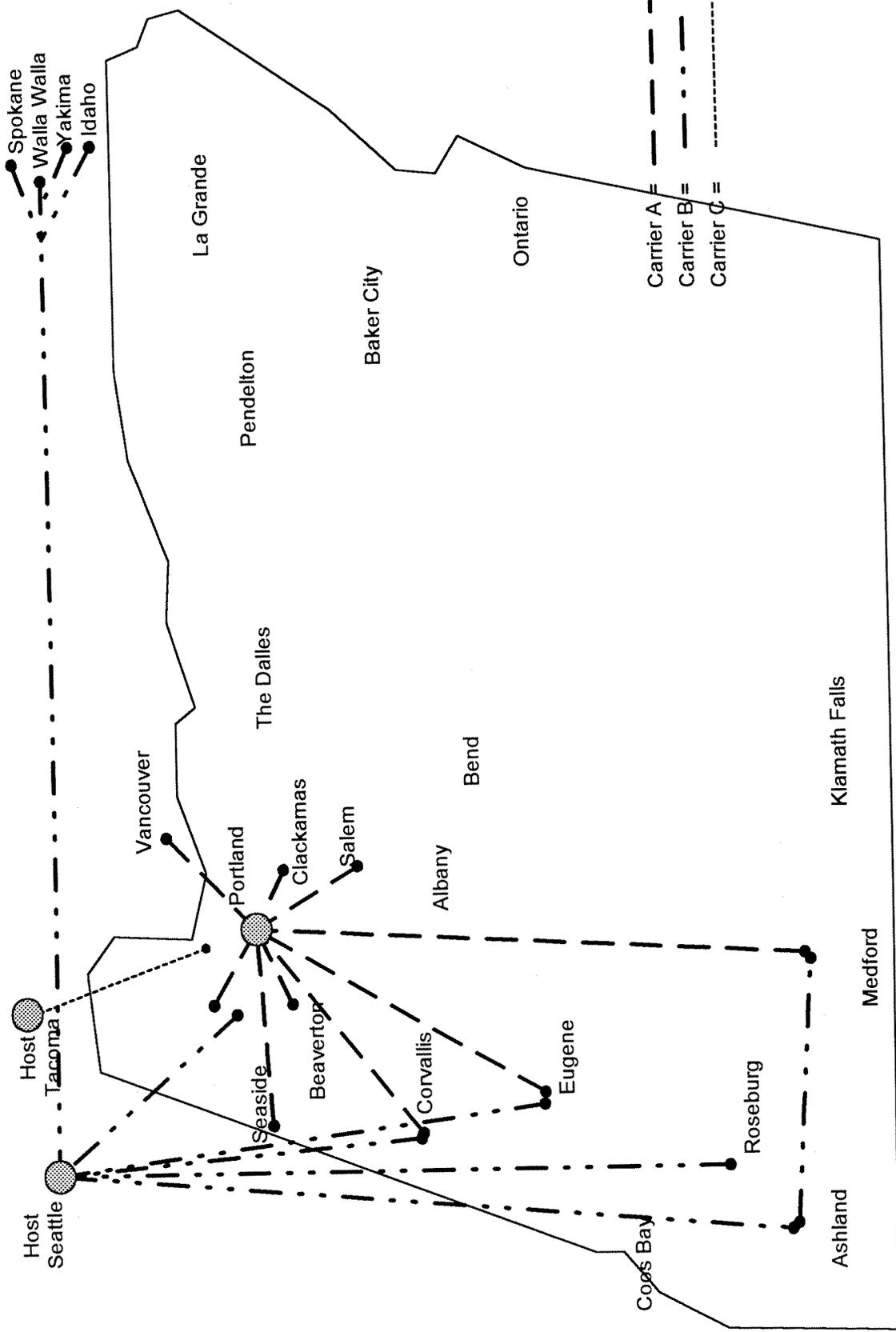
<sup>3</sup> See Joint letter dated February 12, 2003 to Michael K. Powell from R. Steven Davis, Qwest and Gary Phillips, SBC.

## **Attachment 1**





Attachment A



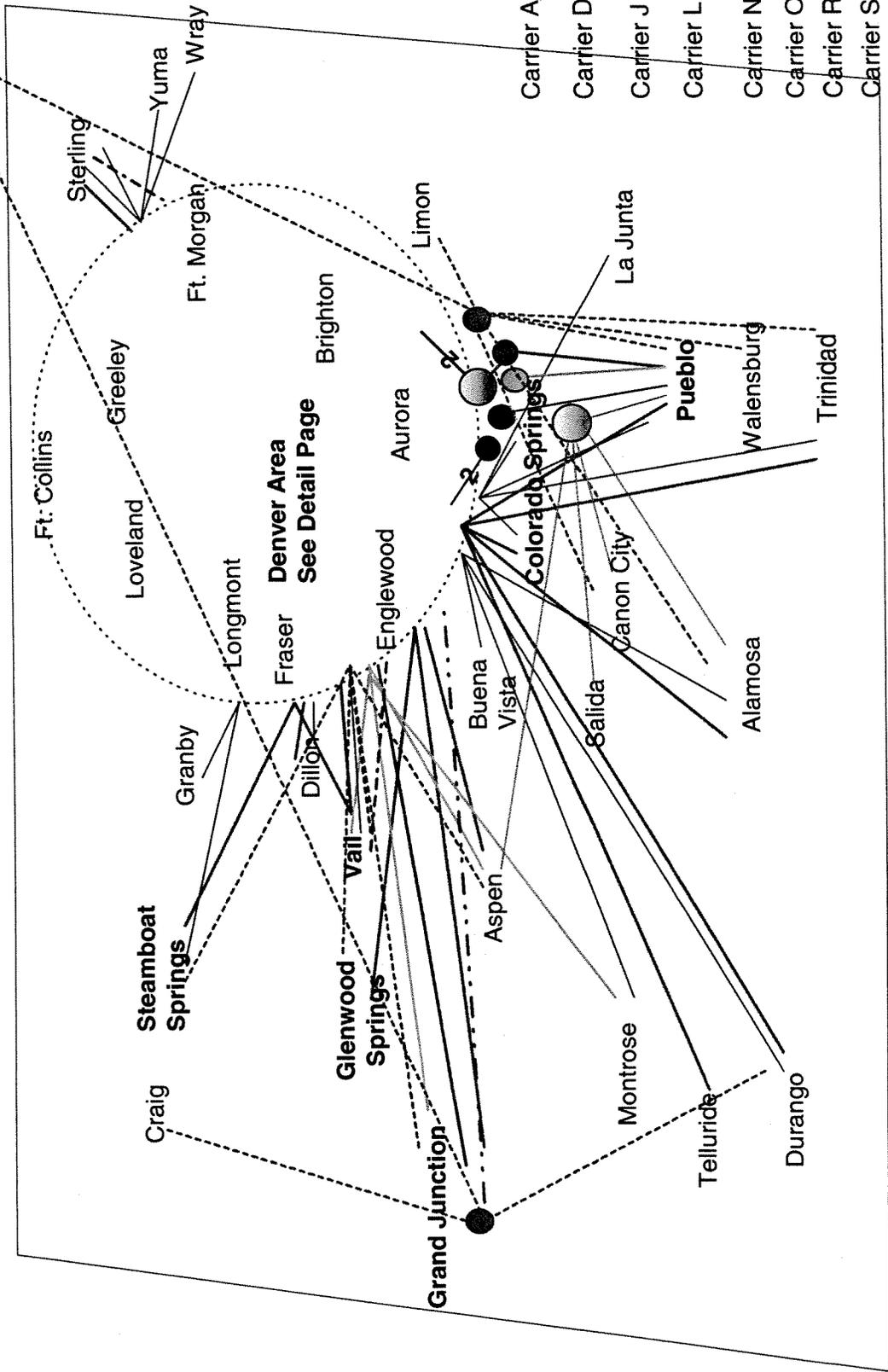
# Oregon Sample Switching Architectures

Source: See Attachment B



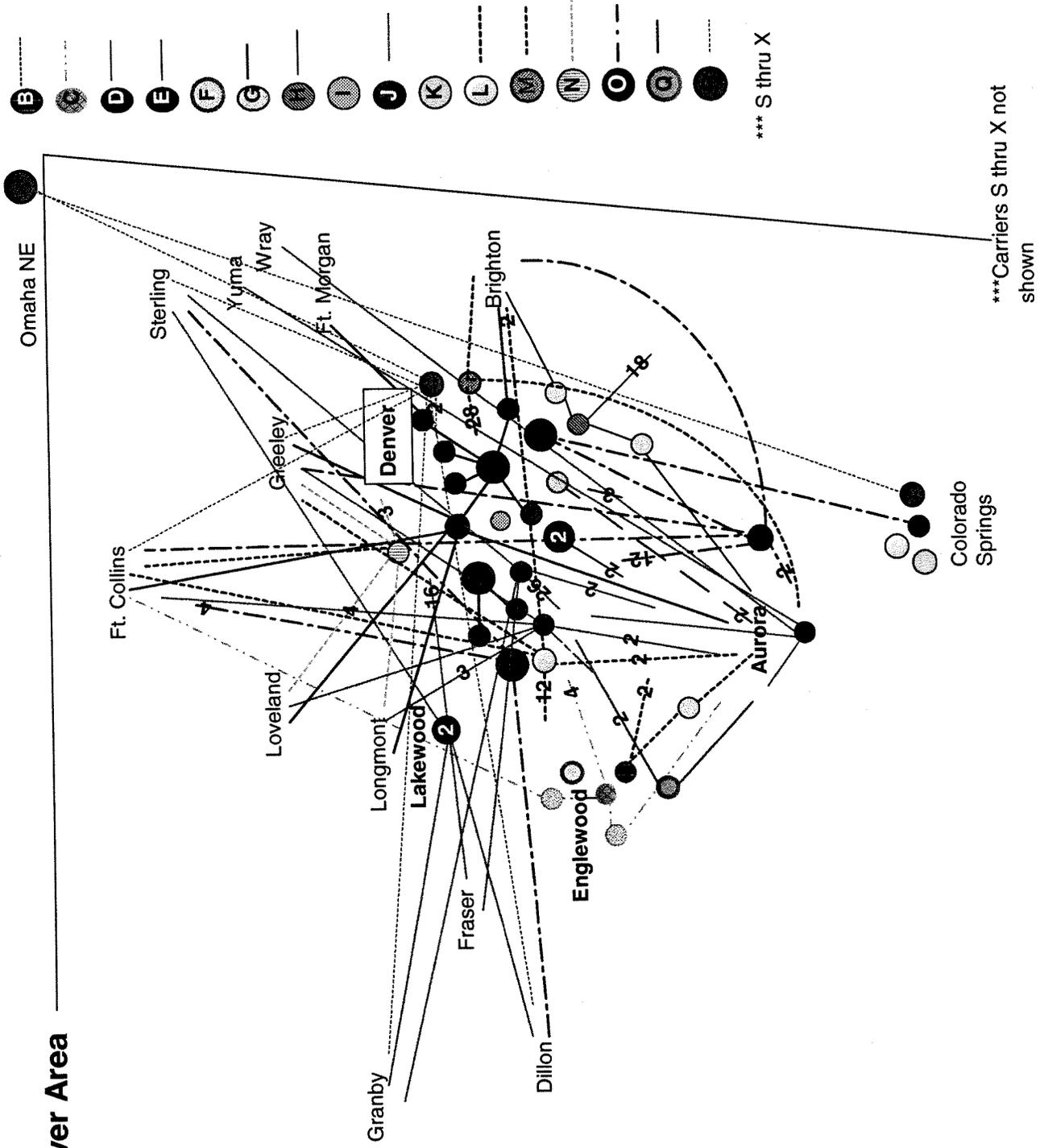
# Colorado Sample Switching Architectures

Omaha, NE



- Carrier A ●
- Carrier D ○
- Carrier J ○
- Carrier L ○
- Carrier N ●
- Carrier O ●
- Carrier R ●
- Carrier S ○
- Carrier U ●
- Carrier V ○

# Detail of Denver Area

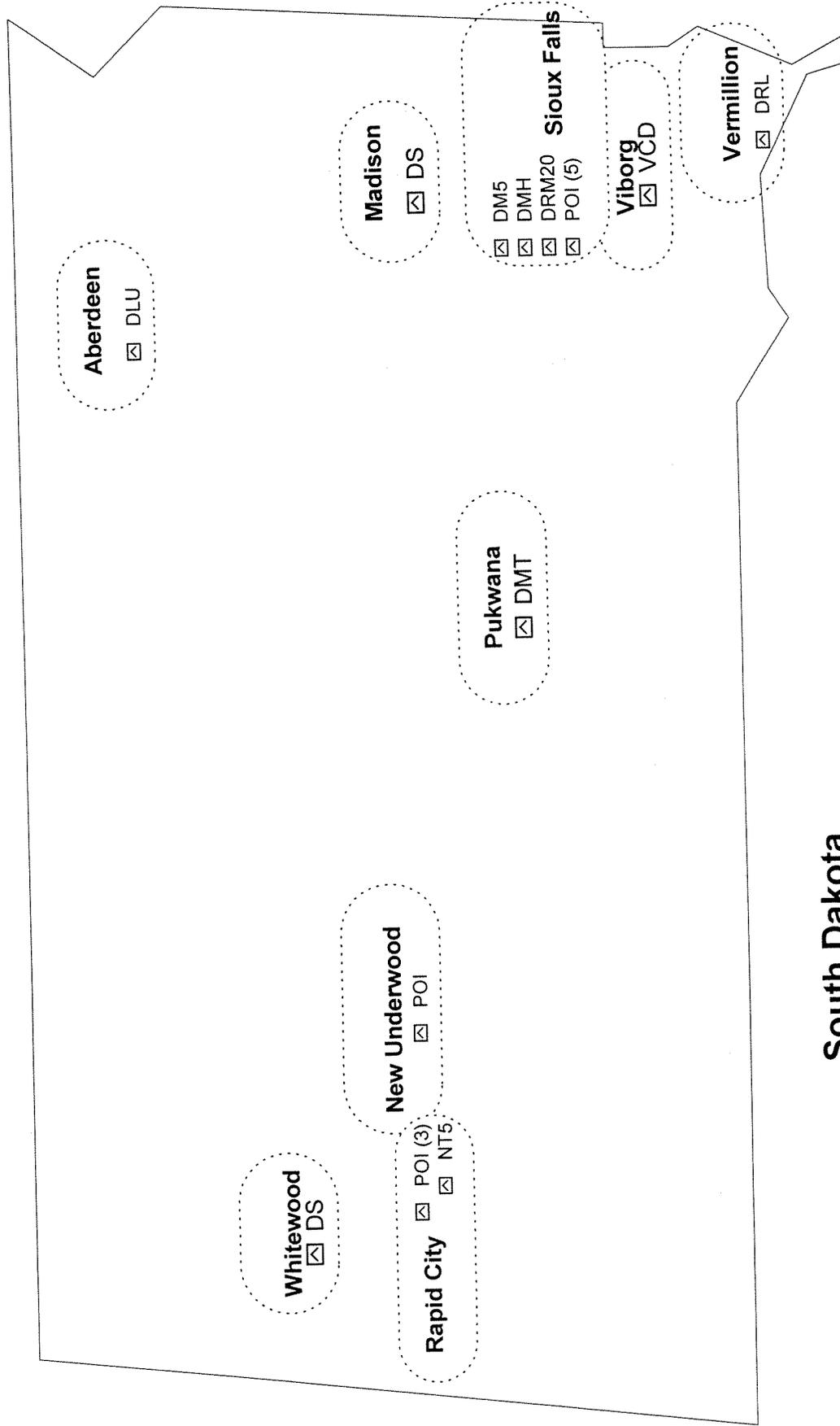


\*\*\* S thru X

\*\*\*Carriers S thru X not shown



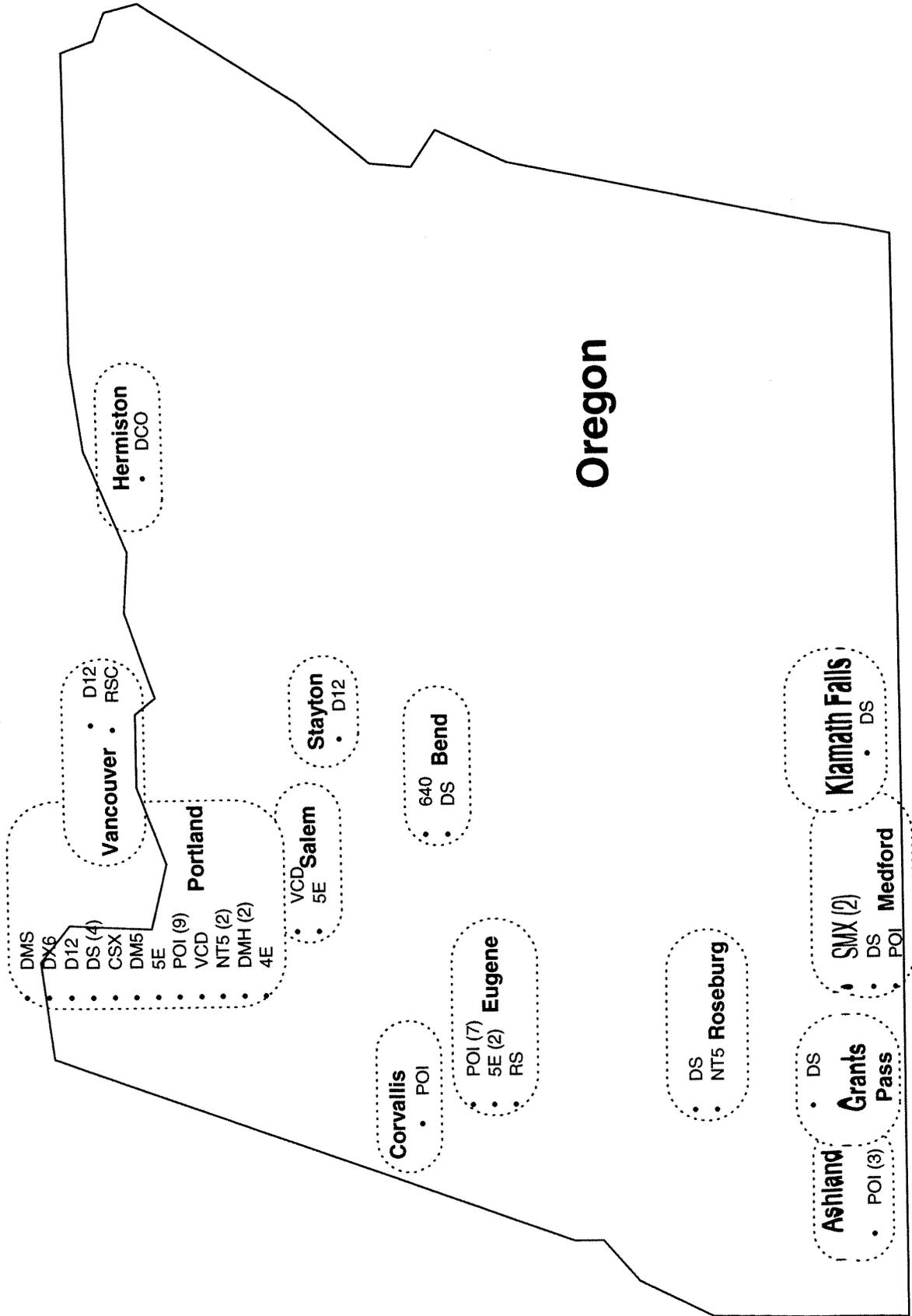
# Access to Local Switching Deployed by Competitive Carriers



South Dakota

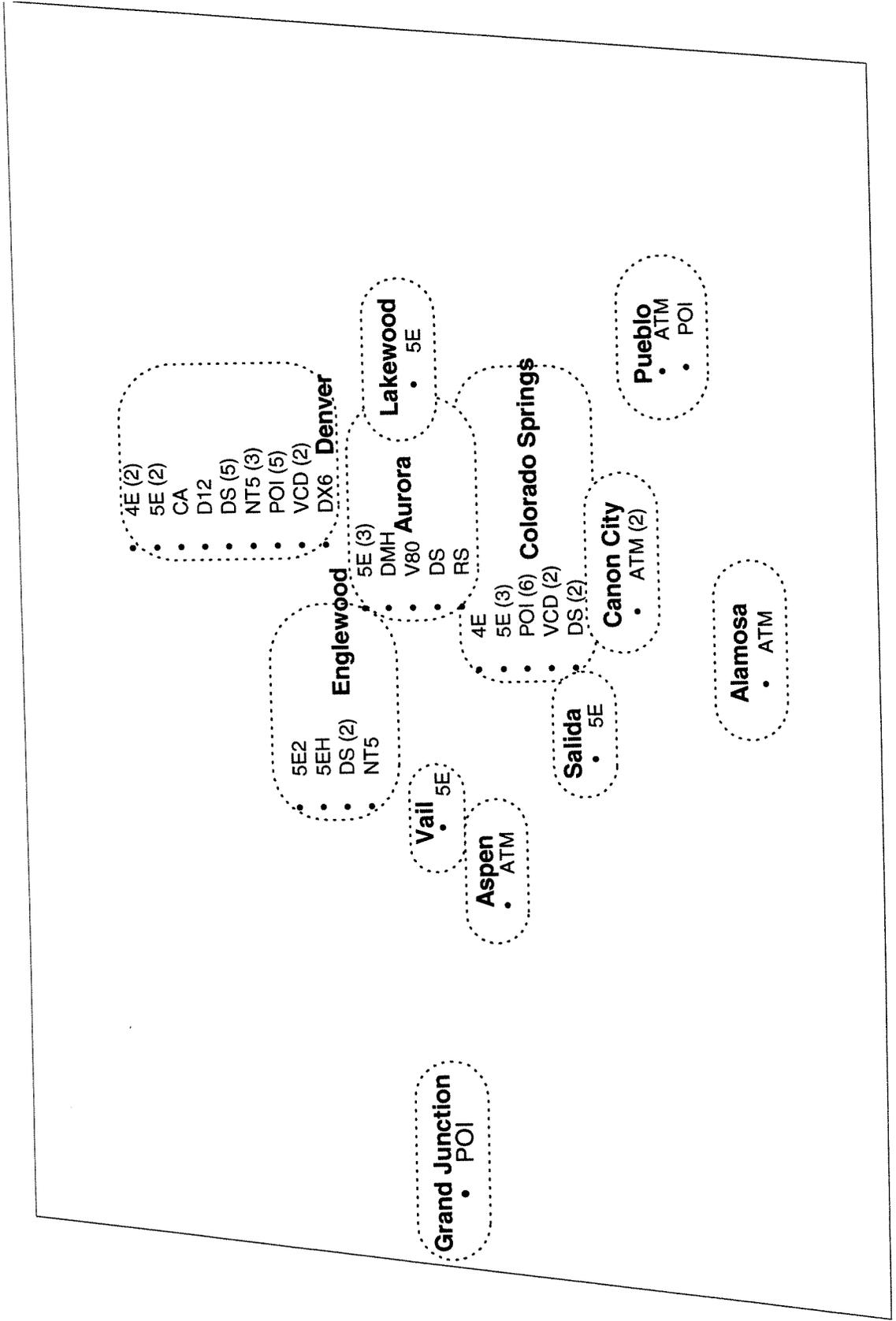


# Access to Local Switching Deployed by Competitive Carriers





# Access to Local Switching Deployed by Competitive Carriers



Colorado

## **Attachment 2**

## Qwest Ex Parte – February 12, 2003

### UNE-P Transition

*Facilities-based competition* is flourishing in Qwest Territory:

- 174 CLEC switches
- 87% of Qwest access lines are served by wire centers that port numbers
- 1,992 individual collocations spread among Qwest's 1,210 wire centers
- Significant intermodal competition
- Equivalent number of UNE-P and UNE-Loops

Qwest recognizes the desire on the part of the states and the FCC to consider alternative approaches for UNE-P transition, and has worked very hard to respond to the collective needs of both the FCC and various *state commissioners* from its local service territory to develop this compromise. In the spirit of compromise Qwest is proposing an easily administrable process that:

- Eliminates the unbundled switching requirement in areas where multiple CLECs have deployed their own switches
- Establishes a role for the state commissions to determine the timetable for the elimination of unbundled switching as a UNE in other areas
- Recognizes the additional role the states would have in monitoring the hot cut performance process and developing and overseeing the transition of the UNE-P embedded base throughout the transition

1. **For those LATAs where CLECs have deployed three or more local exchange voice switches**, the market has conclusively established that CLECs can provide their own switching. In those areas, the FCC would eliminate unbundled switching as a UNE.
  - ILECs would file a declaration identifying the LATAs that qualify under this test and barring any CLEC showing otherwise unbundled switching would be eliminated in the LATAs in question 30 days after the filing.
  - No new UNE-P orders would then be accepted. CLECs could alternatively purchase UNE-loops, resale, or a transitional wholesale product.
  - Transition of the embedded base, as overseen by the state commissions, would be complete within 1 year
2. **For LATAs where CLECs have deployed fewer than three local exchange voice switches**, the state commissions would establish a transition plan, pursuant to criteria defined by the FCC, to set timetables for eliminating the unbundled switching requirement in these LATAs within two years.
3. **The state commissions would have significant responsibilities in other areas also.**
  - Overseeing the development of an orderly and reasonable transition process for customers currently served by UNE-P to various other services once the unbundled switching requirement is eliminated from a LATA.
  - Monitoring timely and accurate ILEC hot cut performance using well-established Performance Indicator Definition ("PID") metrics in all state approved State Generally Available Terms ("SGATs")





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EX PARTE

January 31, 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., TW-A325  
Washington, DC 20554

RE: CC Docket Nos. 01-338, 96-98 and 98-147, In the Matters of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability

Dear Ms. Dortch:

Yesterday, representing Qwest Communications International Inc. ("Qwest"), Gary Lytle and Cronan O'Connell met with William Maher, Brent Olson, Richard Lerner, Jeremy Miller, Aaron Goldberger and Scott Bergmann of the Federal Communications Commission's Wireline Competition Bureau and Competition Policy Division. The purpose of the meeting was to discuss Qwest's new UNE-P Compromise Proposal<sup>1</sup>, as attached hereto. Additionally, Qwest discussed its amended EEL proposal as attached. This proposal attempts to streamline the current use restrictions, but also ensure the valid use of the EEL.

Also, provided during this meeting was the Joint Statement – Triennial Review of Bob Rowe, Chairman of the Montana PSC and Joan Smith, Commissioner of the Oregon PUC, a copy of which is attached hereto.

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<sup>1</sup> See attached letter dated January 30, 2003 to the FCC's Chairman, Michael K. Powell from R. Steven Davis.

Ms. Marlene H. Dortch, Secretary  
January 31, 2003

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In accordance with FCC Rule 1.49(f), this *Ex Parte* letter is being filed electronically via the Electronic Comment Filing System for inclusion in the public record of the above-referenced dockets pursuant to FCC Rule 1.1206(b)(2).

Sincerely,  
/s/ Cronan O'Connell

cc:

Brent Olson (via e-mail at [bolson@fcc.gov](mailto:bolson@fcc.gov))  
William Maher (via e-mail at [wmaher@fcc.gov](mailto:wmaher@fcc.gov))  
Richard Lerner (via e-mail at [rlerner@fcc.gov](mailto:rlerner@fcc.gov))  
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Aaron Goldberger (via e-mail at [agoldber@fcc.gov](mailto:agoldber@fcc.gov))

Attachments

## Qwest Ex Parte – January 30, 2003

### UNE-P Transition

*Facilities-based competition* is flourishing in Qwest Territory:

- 174 CLEC switches
- 87% of Qwest access lines are served by wire centers that port numbers
- 1,992 individual collocations spread among Qwest's 1,210 wire centers
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Qwest recognizes the desire on the part of the states and the FCC to consider alternative approaches for UNE-P transition, and has worked very hard to respond to the collective needs of both the FCC and various *state commissioners* from its local service territory to develop this compromise. In the spirit of compromise Qwest is proposing an easily administrable process that:

- Eliminates the unbundled switching requirement in areas where multiple CLECs have deployed their own switches
  - Establishes a role for the state commissions to determine the timetable for the elimination of unbundled switching as a UNE in other areas
  - Recognizes the additional role the states would have in monitoring the hot cut performance process and developing and overseeing the transition of the UNE-P embedded base throughout the transition
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    - ILECs would file a declaration identifying the LATAs that qualify under this test and barring any CLEC showing otherwise unbundled switching would be eliminated in the LATAs in question 30 days after the filing.
    - No new UNE-P orders would then be accepted. CLECs could alternatively purchase UNE-loops, resale, or a transitional wholesale product.
    - Transition of the embedded base, as overseen by the state commissions, would be complete within 1 year
  2. **For LATAs where CLECs have deployed fewer than three local exchange voice switches**, the state commissions would establish a transition plan, pursuant to criteria defined by the FCC, to set timetables for eliminating the unbundled switching requirement in these LATAs within two years.
  3. **The state commissions would have significant responsibilities in other areas also.**
    - Overseeing the development of an orderly and reasonable transition process for customers currently served by UNE-P to various other services once the unbundled switching requirement is eliminated from a LATA.
    - Monitoring timely and accurate ILEC hot cut performance using well-established Performance Indicator Definition ("PID") metrics in all state approved State Generally Available Terms ("SGATs")



**R. Steven Davis**  
Senior Vice President  
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January 30, 2003

Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., 8<sup>th</sup> Floor  
Washington, D.C. 20554

**Re: Ex Parte Presentation, CC Docket Nos. 01-338, 96-98, 98-147, *In the Matters of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability***

In this letter, Qwest proposes a framework for transitioning unbundled switching from the list of required unbundled network elements ("UNEs"). As Qwest has stated previously, the record in this proceeding supports elimination of switching as a UNE on a nationwide basis.<sup>1</sup> Qwest has also explained the risks of an open-ended delegation to the states of responsibility for determining if network elements are required to be unbundled pursuant to section 251.<sup>2</sup> While Qwest continues to be concerned about such delegation, it believes that it is possible for the Federal Communications Commission ("FCC" or "Commission") to give the states a role in establishing the transition for removal of switching from the UNE list, without running afoul of the statute or the Commission's policy objectives.

Qwest proposes a two-part compromise approach: first, an easily administrable process that would eliminate the requirement to fulfill new orders for unbundled switching in areas where marketplace evidence clearly indicates widespread use of alternative switching by facilities-based CLECs; and, second, a separate transition plan, developed by the states, for those areas that have seen more limited facilities-based entry up until now. Qwest's proposal would examine on a LATA-by-LATA basis the number of CLECs that have deployed at least one local

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<sup>1</sup> Qwest will not repeat that record evidence here, as it has been addressed extensively in earlier submissions. *See, e.g.*, UNE Fact Report, dated April 2002 at II-1, II-6 (showing that competitive local exchange carriers ("CLECs") use their own switches to serve Bell Operating Company ("BOC") wire centers containing approximately 86 percent of BOC switched access lines); Letter from Cronan O'Connell, Qwest, to Marlene H. Dortch, Secretary, FCC at 4 (Nov. 14, 2002) (noting Qwest's hot cut performance).

<sup>2</sup> *See* Letter from R. Steven Davis, Qwest, *et al.*, to Michael K. Powell, Chairman, FCC (Nov. 19, 2002).

Mr. Michael K. Powell  
January 30, 2003

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exchange voice switch in the LATA. This proxy of competitive switching is extremely conservative, but also easily verifiable. As discussed below, Qwest's proposal would count only the first CLEC switch in each LATA as a "qualifying" switch, and would ignore the presence of remote switches deployed by CLECs to transport traffic to a host switch outside the LATA, all switches of the independent telephone companies, and switches deployed by cable and wireless providers in (or that cover) the LATA.

For those LATAs where at least three CLECs have deployed their own switches, the Commission would eliminate the unbundled switching requirement for new orders 30 days after the incumbent local exchange carrier ("ILEC") files a declaration certifying the presence of three "qualifying" CLEC switches. The transition for customers already served via UNE-P in those LATAs would be managed by the state commissions, but would have to be completed within one year. For LATAs with fewer than three "qualifying" switches, the Commission would work in partnership with the states to determine the timetable for implementing the Commission's decision to eliminate the unbundled switching requirement.

Under Qwest's approach, even apart from their special role for LATAs with fewer than three "qualifying" CLEC switches, state commissions would have significant responsibilities in all LATAs in two additional respects as well: (1) monitoring the hot cut process for the transition from UNE-P to UNE-Loops; and (2) developing procedures for and overseeing the transition of customers currently served by UNE-P to various other services.

### Qwest's Proposal

Qwest proposes two separate transition phases for unbundled switching. The first phase would apply to LATAs with three or more "qualifying" CLEC switches, and would be administered solely by this Commission. The second phase would apply to the remaining LATAs and would be implemented by state commissions based on criteria established by this Commission.

Qwest's proposal to use LATAs to establish a transition for unbundled switching is sensible and conservative. Use of smaller geographic areas would be unnecessarily complex, and would not reflect the way in which CLECs and ILECs manage their networks. It is well established that switches are capable of serving, and are being used to serve, entire LATAs or states, or even multiple LATAs or states.<sup>3</sup> In this way, a CLEC can acquire increased scale so as

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<sup>3</sup> UNE Fact Report at II-5 to II-10. In fact, CLECs have chosen to deploy a single switch or host/remote configuration to serve locations hundreds of miles apart. For example, a CLEC in Oregon has deployed a switch in northern Oregon that it uses to serve customers in southern Oregon, roughly 300 miles away, as well as other distant locations in the state. Another CLEC uses a switch in Seattle to serve locations in Oregon more than 400 miles away. See Attachment A (mapping the network architecture of selected CLECs in Oregon and Colorado). Such

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to reduce the per-line cost of switching. Further, the use of enhanced extended loop ("EEL") combinations, subject to the streamlined conditions proposed by Qwest,<sup>4</sup> would enable a CLEC to carry its traffic from all subtending wire centers in a LATA to its switch or point of interconnection in the LATA, without the need for collocation at each of the subtending offices. LATA designations also roughly conform to the way in which CLECs view the market. CLECs generally do not launch service in a single wire center, but rather enter in a state or metropolitan area.<sup>5</sup> While LATAs may have decreased significance over the long term, as BOCs obtain authority to provide interLATA services, LATAs will continue to be a meaningful geographic designation for the foreseeable future.

LATAs with Three or More "Qualifying" CLEC Switches. Under Qwest's proposal, where the FCC finds that there are three or more "qualifying" CLEC switches located in a LATA (*i.e.*, at least three CLECs have deployed their own switch), the requirement to fulfill new orders for unbundled switching would be eliminated, without further inquiry.<sup>6</sup> The presence of three or more competitors in a LATA using their own switching clearly demonstrates that CLECs have succeeded in serving customers using their own switching and would not be impaired in their provision of competitive local service in the absence of ILEC switching. In light of such evidence, there would be no need to adopt an extended transition plan. Moreover, the presence of three or more facilities-based competitive providers in a LATA would establish the conditions for a commercial wholesale market for switching in that area, enabling CLECs to make a cost-effective determination to use other providers' switching rather than deploying their own switches.

In fact, the compromise Qwest proposes would significantly understate the availability of competitive local switching and in the first instance, ignore the impact of intermodal competition.<sup>7</sup> In examining whether there are three "qualifying" CLEC switches in a LATA, the

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examples indicate that it is economical to serve disparate locations in a LATA with a single switch or host/remote configuration.

<sup>4</sup> Letter from Cronan O'Connell, FCC, to Marlene H. Dortch, Secretary, FCC, at 12-13 (Jan. 22, 2003).

<sup>5</sup> When LATAs were created, they were intended to represent separate communities of interest, as well as the way in which the incumbents' networks had been configured. *United States v. Western Elec. Co.*, 569 F. Supp. 990, 993-94 (1983).

<sup>6</sup> Nineteen of the 27 LATAs served by Qwest have three or more "qualifying" CLEC switches. Attachment B describes the methodology used by Qwest to determine the number of "qualifying" CLEC switches in the LATAs in its region. Attachment C shows the results for Qwest's region.

<sup>7</sup> Although it would be inappropriate for the Commission to ignore the effects of intermodal competition (*see USTA v. FCC*, 290 F.3d 415, 422 (D.C. Cir. 2002), *pet. for cert. pending* (No. 02-858, filed Dec. 3, 2002)), the extensive level of intramodal UNE-L competition

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January 30, 2003

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Commission would count only one switch per CLEC, even though some CLECs have deployed multiple switches in a LATA. Thus, a LATA would not satisfy the three-switch test unless at least three CLECs have deployed their own switch in the LATA. The Commission also would not include in its count for a LATA a switch that a CLEC is using to serve customers in the LATA, but that is physically located in another LATA or state, which is a common network architecture deployed by CLECs. Finally, the count would be conservative because the Commission would ignore the presence of local voice switches deployed by cable companies, wireless providers, and other ILECs in the LATA. Although the presence of such alternative switching clearly is a relevant factor in assessing the state of facilities-based competition in a LATA, Qwest's proposal seeks to establish an easily administrable proxy for the availability of switching alternatives in a LATA.

The process for determining whether there are three "qualifying" CLEC switches in a LATA would be straightforward. An ILEC would file a declaration with the Commission identifying those LATAs with three or more "qualifying" CLEC switches, based on publicly available data in the Local Exchange Routing Guide ("LERG") database. Unless a CLEC shows that the data in the ILEC's declaration is inaccurate, the requirement to provide unbundled switching for new orders would be eliminated in the LATAs in question 30 days after the filing of the declaration. As described below, the transition for customers already served by UNE-P in these LATAs would be managed by state commissions and would be completed within one year.

LATAs with Fewer than Three "Qualifying" CLEC Switches. For those LATAs with fewer than three "qualifying" CLEC switches, the FCC would work with the relevant state commission to determine the timetable for eliminating unbundled switching. As an initial matter, the presence of fewer than three "qualifying" CLEC switches in a LATA in no way indicates that CLECs would be impaired without access to the ILECs' unbundled switching. As noted, the three-switch test is a conservative proxy and ignores certain sources of competitive switching, as well as the availability of resale as yet another alternative to compete in the LATA.

Within six months of the effective date of the FCC's order, the state commission would establish a transition plan for eliminating the unbundled switching requirement for new and existing customers in the LATA, based on criteria defined by the FCC. Such criteria would include: (1) whether CLECs are serving customers in the LATA with switches located in other LATAs or states; (2) the presence of intermodal competition; and (3) whether there are factors other than the availability of unbundled switching, such as the rate levels of the ILEC's retail rates, that may impede the entry of facilities-based CLECs in the LATA. In no event could the transition timetable established by a state commission extend more than two years beyond the effective date of the FCC's order.

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established by the presence of three CLEC switches would allow the Commission to implement the first phase of the Qwest compromise without reliance on other forms of switching competition.

Mr. Michael K. Powell  
January 30, 2003

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### Additional State Responsibilities

In addition to its role in determining the transition in LATAs with less than three "qualifying" CLEC switches, state commissions would also have other significant responsibilities in all LATAs:

#### **1. Monitoring hot cut performance.**

- The existing hot cut process, as established today for UNE-L would be used as the basis for all performance monitoring, based on an FCC finding that the hot cut process is not an impairment in states where state commissions have approved performance assurance plans (e.g., the ROC process in Qwest's region) or where section 271 authority has been granted.
- If necessary, the states would utilize their existing Long Term PID Administration Process through industry collaborative sessions to modify the metrics. Until such time as the modifications are approved, the existing metrics would remain in place.
- States would rely on existing penalty provisions to enforce hot cut performance.
- However, to ensure that both the CLECs and Regional BOCs are prepared for the growth of UNE-L orders, the states would also establish a timeline for CLECs to submit UNE-L demand forecasts. The ILEC would use these demand forecasts, subject to verification, for purposes of staffing its service centers, central office technicians, and field personnel.

#### **2. Developing procedures and overseeing the transition of customers currently served by UNE-P.**

- For LATAs with three or more "qualifying" CLEC switches, transition of the embedded base of UNE-P customers would be completed no later than one year from the ILEC's filing of a certification with the FCC of three "qualifying" CLEC switches in the LATA. For LATAs with fewer than three "qualifying" CLEC switches, the transition for the embedded base of UNE-P customers would be governed by the same transition period established for new orders for unbundled switching in that LATA.
- As is done for projects today, ILECs and CLECs would work cooperatively to develop a project timeline and identify the tasks necessary to accomplish this transition within the specified timeframe. Such a transition could include use of the CLEC's own facilities, purchase of services from another provider, or conversion to another service offered by the ILEC (e.g., a market-based offering or resale). Any disputes that arise with regard to the transition would be resolved by the state commission within 45 days of the filing of a petition by any carrier.

Mr. Michael K. Powell  
January 30, 2003

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- The ILECs' performance results would be included in the monthly Performance Measurement Results currently filed with the state commissions for new UNE-L orders consistent with current metrics.

Qwest believes that the compromise proposal outlined in this letter would accomplish the Commission's objectives in this proceeding, consistent with its obligations under the statute.

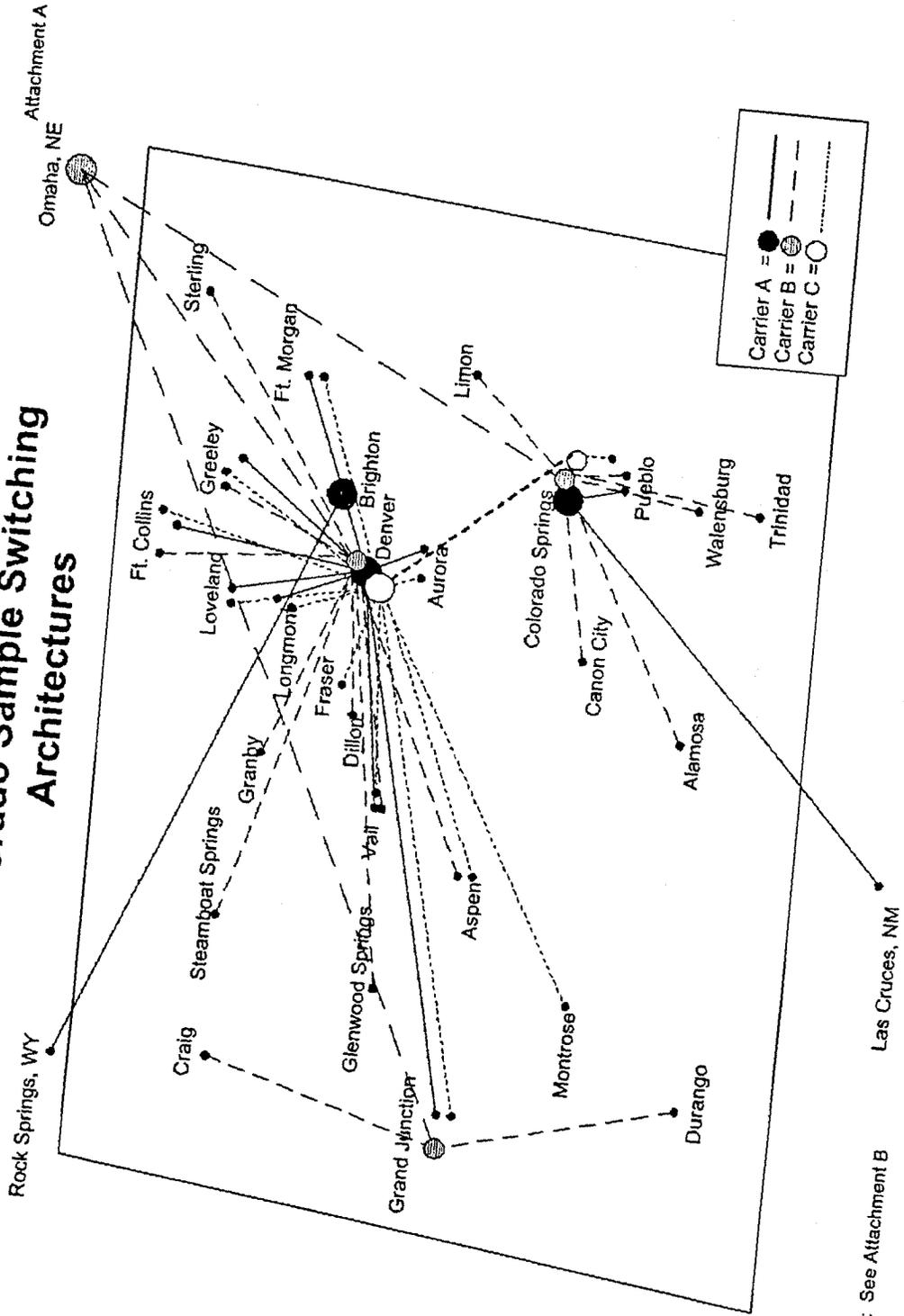
Sincerely yours,

/s/

R. Steven Davis

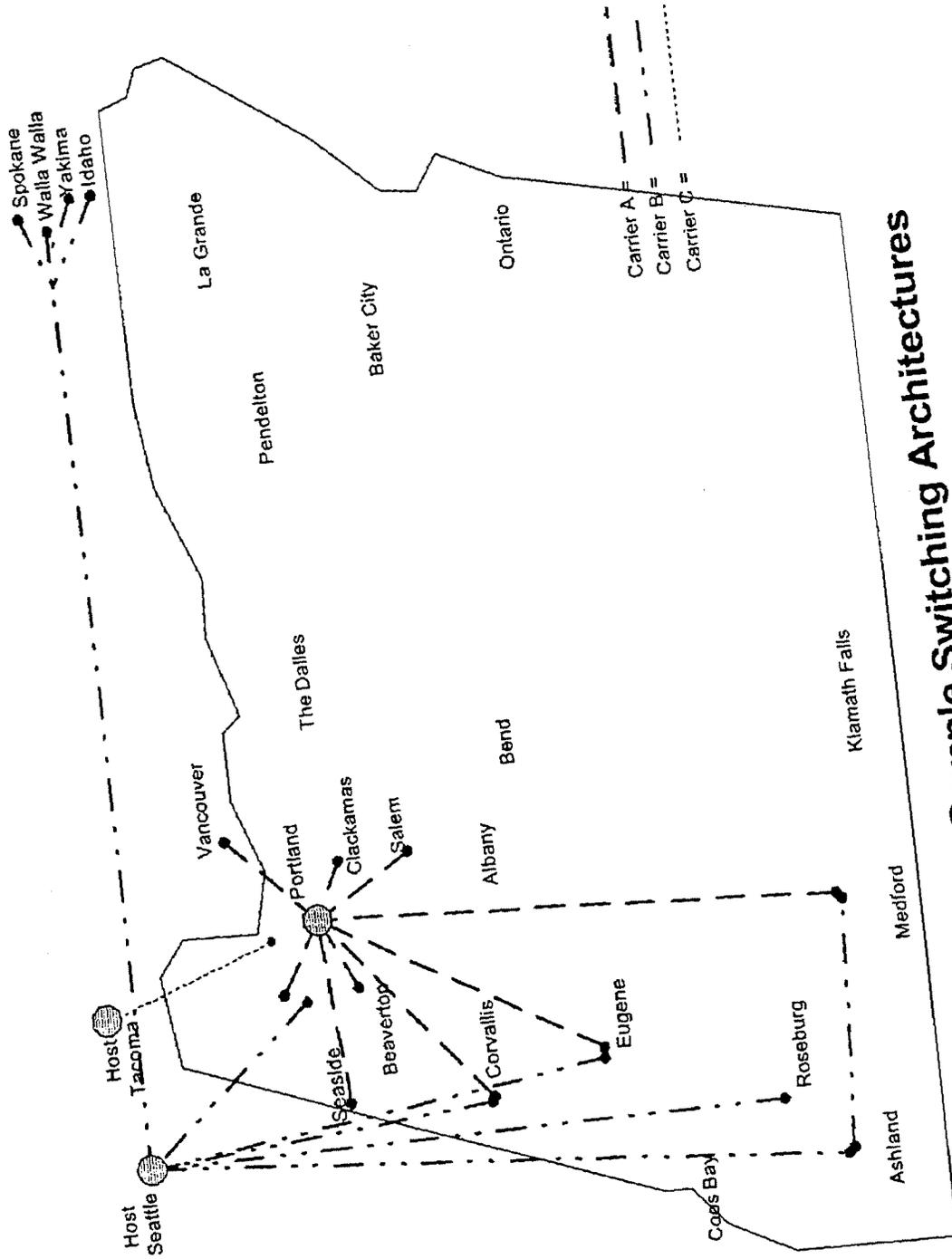
cc: Kathleen Q. Abernathy  
Michael J. Copps  
Kevin J. Martin  
Jonathan S. Adelstein  
Christopher Libertelli  
Matthew Brill  
Daniel Gonzalez  
Lisa Zaina  
Jordan Goldstein  
William Maher  
Jeffrey Carlisle  
Michelle Carey

# Colorado Sample Switching Architectures



Source: See Attachment B

Attachment A



# Oregon Sample Switching Architectures

Source: See Attachment B

## Attachment B

### Methodology for Identifying "Qualifying" CLEC Switches by LATA

Three sources of data were used to build the CLEC Network Analysis from BIRRRDS:

#### **Telcordia Business Integrated Routing/Rating Database System (BIRRRDS)**

BIRRRDS is an online, real time database used by the industry to officially relay detailed service provider specific information to the rest of the industry for the routing and rating of calls. BIRRRDS is the database from which the Telcordia LERG Routing Guide (LERG) and several other output products are generated.

Each service provider or their agent inputs information to BIRRRDS. Data in BIRRRDS is the responsibility of the individual service provider. Errors in the data could result in misrouted, incorrectly rated or incomplete calls to and/or from the service provider's customers.

The BIRRRDS online database was used to confirm each Common Language Location Identifier ("CLLI"), CLLI Operating Company Number ("OCN"), NXXs on each CLLI, NXX OCN, company name for each OCN, category of service provider based on OCN (Incumbent Local Exchange Carrier ("ILEC"), CLEC, Reseller, etc.), the Equipment Type abbreviation and the description/name associated with the Equipment Type abbreviation. This data was then summarized on the attached Chart at a LATA level. The BIRRRDS online database was used to verify any information pulled from the other two sources for this report.

#### **Qwest Regional Numbering Plan (RNP)**

RNP is a Qwest internal database updated each workday from Telcordia BIRRRDS information. Telcordia data is downloaded electronically then RNP is manually updated by Local Networks Technical Regulatory from the daily reports. CLEC codes are identified when a wireline End Office Code (EOC) is assigned to other than the original ILEC code holder in the rate center. CLEC codes carry an identifying code in RNP to differentiate them from ILEC codes.

The RNP report pulled all CLEC code records in the 14 state area and included the following fields of data:

NPA NXX Use Code CLLI telc (OCN) rate cntr LATA Due Date (if new)  
company name

The Use Code does not appear in BIRRRDS, therefore, using RNP allowed us to get an initial data report to use as a base.

#### **Qwest Location Operational Shared Database (LOSD)**

This internal database and report generator is electronically downloaded from Telcordia by Qwest IT on a monthly basis. Data in this database could be referred to as LERG data since it is from an output product of Telcordia BIRRRDS. LOSD LERG data is a snapshot in time showing industry inputs as of the last day of the previous month.

## **Attachment B**

From LOSD, we acquired a list of all possible Equipment Type abbreviations and lists of all CLI codes associated with each CLEC OCN.

Qwest combined the information from the three data sources, verified the data and developed the attached chart (Attachment C) identifying qualifying switches by LATA.

## Number of "Qualifying" CLEC Switches in Qwest LATAs

LATA Name	Number of Wire Centers	Sum of Total Access Lines	Number of Qualifying CLEC Switches
<b>Company Total</b>	<b>1,210</b>	<b>17,064,773</b>	<b>174</b>
SEATTLE	69	1,844,657	24
DENVER	128	2,288,360	19
MINNEAPOLIS	68	1,639,205	18
PHOENIX	88	2,259,601	16
PORTLAND	50	1,114,080	15
UTAH	60	1,088,147	12
FARGO	38	257,574	7
SPOKANE	45	485,614	7
COL. SPRINGS	36	491,346	6
NEW MEXICO	65	869,293	6
TUCSON	44	632,800	6
EUGENE	33	502,608	5
DES MOINES	57	462,008	4
OMAHA	50	418,348	4
SIOUX CITY	25	113,336	4
SOUTH DAKOTA	42	262,971	4
BILLINGS	36	162,909	3
IDAHO	65	548,803	3
ROCHESTER	22	212,490	3
GREAT FALLS	39	222,266	2
ST. CLOUD	18	110,757	2
CEDAR RAPIDS	27	276,508	1
DAVENPORT	15	214,604	1
DULUTH	30	156,126	1
WYOMING	26	262,753	1
BISMARCK	4	65,167	0
GRAND ISLAND	30	102,442	0

**Note:** Chart counts only one switch per CLEC in each LATA. Does not include remote switches, cable telephony switches or wireless switches.

JOINT STATEMENT - TRIENNIAL REVIEW

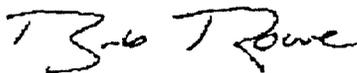
January 30, 2003

We commend Qwest's effort to propose a workable framework for transitioning unbundled switching from the list of required unbundled network elements. The two-part proposal relies on the expertise of state commissions to assist in the process. This proposal is a major step in the right direction and is a meaningful compromise.

Under Qwest's proposal, the FCC would remove unbundled switching from the UNE list, but with different timeframes for that removal depending on the presence of CLEC switches. In areas where CLECs have a demonstrable presence, with three or more switches in a LATA, the FCC would eliminate the requirement to provide unbundled switching promptly. However, the proposal makes the state commissions arbiters over deciding the transition timeframe in areas where it is not as clear that CLECs are well established. The proposal relies on existing geographical boundaries, known as LATAs, and the current business plans of CLECs that located qualifying switches in the LATAs. In LATAs where there are fewer than three such switches, the state commissions, interpreting the guidelines established by the FCC, would look at additional factors to determine the speed of the transition for the removal of unbundled switching.

The Qwest proposal also would give the states flexibility to craft a reasonable transition plan that can accommodate differences in CLEC business plans, ILEC installation capabilities, and geography. We believe that the Qwest proposal attempts to fairly balance the needs and legal rights of both CLECs and ILECs while setting the appropriate roles for state and federal regulators.

*Disclaimer:* There are always details to be negotiated and differences in perspective. There may be other options. The "market price" of the switch is key, for example. It will also be necessary to address the cost of using switches a great distance away in large, predominantly rural LATAs. Qwest's proposal is a substantial step forward, and deserves to be the subject of focused, serious discussions among stakeholders to address and resolve specific concerns. We do not favor the position of any industry sector but hope that certainty will move the industry forward without further damage to any of its participants or to customers.



Bob Rowe, Chairman  
Montana Public Service Commission



Joan Smith, Commissioner  
Oregon Public Utility Commission



**R. Steven Davis**  
Senior Vice President  
Policy and Law

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303 298 8763 fax

February 6, 2003

Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., 8<sup>th</sup> Floor  
Washington, DC 20554

**Re: Ex Parte Presentation, CC Docket Nos. 01-338, 96-98, 98-147, In the Matters of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability**

On January 30, 2003, Qwest proposed an innovative framework for transitioning unbundled switching from the list of unbundled network elements ("UNEs") required pursuant to section 251.<sup>1</sup> In particular, Qwest's proposal includes a substantial role for the states in determining when and how the unbundled switching requirement should be eliminated. This letter responds to the recent filing by AT&T, WorldCom and other proponents of UNE-P criticizing Qwest's proposal and seeking to perpetuate non-facilities-based entry at TELRIC rates.<sup>2</sup> Rather than address the merits of Qwest's proposal, the UNE-P proponents for the most part merely repeat their litany of unfounded arguments against removing switching from the UNE list, which have already been refuted by evidence on the record in this proceeding. In short, nothing in the UNE-P proponents' letter undermines the merits of Qwest's proposal.

As set forth in Qwest's January 30 letter, Qwest's proposal assumes that the Federal Communications Commission ("Commission" or "FCC") will conclude, as it must, that competitive local exchange carriers ("CLECs") are not impaired without access to unbundled switching. Against this backdrop, the proposal provides that state commissions would share responsibility with this Commission in establishing the *transition* for the elimination of the unbundled switching requirement. For those LATAs where at least three CLECs have deployed

<sup>1</sup> Letter from R. Steven Davis, Qwest, to Michael K. Powell, Chairman, FCC, attached to letter from Cronan O'Connell, Qwest, to Marlene Dortch, Secretary, FCC (Jan. 30, 2003) ("Qwest Proposal").

<sup>2</sup> Letter from AT&T, Ascent, Broadview Networks, CompTel, Eschelon Telecom, MetTel, PACE Coalition, TALK America, WorldCom, Z-Tel Communications, Inc. to Michael K. Powell, Chairman, FCC (Feb. 3, 2003) ("UNE-P Ex Parte").

their own local exchange voice switches,<sup>3</sup> the Commission would eliminate the unbundled switching requirement for new orders 30 days after the incumbent local exchange carrier ("ILEC") files a declaration certifying the presence of three "qualifying" CLEC switches. The transition for customers already served via UNE-P in those LATAs would be directed by the state commissions, and would be completed within one year. For LATAs with fewer than three "qualifying" switches, the state commission would establish a transition period of up to two years for elimination of the unbundled switching requirement for new and existing customers in the LATA. State commissions would have significant responsibilities in all LATAs in two additional respects as well: (1) monitoring the hot cut process for the transition from UNE-P to UNE-Loops; and (2) developing procedures for and overseeing the transition of customers currently served by UNE-P to various other services.

The UNE-P proponents focus their attack on the underlying premise of Qwest's proposal, faulting Qwest for "ignor[ing] the fundamental problems impairing carriers' ability to compete effectively without unbundled switching[.]"<sup>4</sup> The impairment allegations raised by the UNE-P proponents simply miss the point of Qwest's proposal, as we show below, and, in any event, their arguments have already been thoroughly addressed in this docket.<sup>5</sup> Indeed, the "economic and operational barriers" to competing without unbundled switching cited by the UNE-P proponents are the same issues that AT&T and WorldCom have raised in numerous filings. And as the record overwhelmingly shows, these economic and operational issues do not indicate that CLECs are impaired without access to the incumbents' unbundled switching. To the contrary, marketplace evidence shows that competitive switching is widely available across the country. For example, 19 CLECs have deployed their own switches in the Denver LATA, 24 have deployed switches in the Seattle LATA, and four have switches in the South Dakota LATA. Such switches are frequently used to serve locations spread throughout even the largest LATAs.<sup>6</sup> The fact that WorldCom and AT&T may have chosen up until now to serve mass market customers via UNE-P, rather than their own facilities,<sup>7</sup> proves nothing. As the D.C. Circuit acknowledged in *USTA*, the availability of access to "virtually all network elements" may well have created a "disincentive effect" for carriers such as WorldCom to invest in their own

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<sup>3</sup> Qwest's proposal would count only the first CLEC switch in each LATA as a "qualifying" switch, and would ignore the presence of remote switches deployed by CLECs to transport traffic to a host switch outside the LATA, all switches of the independent telephone companies, and switches deployed by cable and wireless providers in (or that cover) the LATA. Qwest Proposal at 2.

<sup>4</sup> UNE-P Ex Parte at 1.

<sup>5</sup> See Qwest Proposal at 1 n.1.

<sup>6</sup> Qwest Proposal at 2 n.3.

<sup>7</sup> UNE-P Ex Parte at 2.

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February 6, 2003

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facilities.<sup>8</sup> The elimination of UNE-P would restore proper incentives for CLECs to use the switches that they have already widely deployed to serve mass market customers.

With regard to alleged "economic" barriers, the UNE-P proponents rely on WorldCom's flawed argument that CLECs would be impaired without access to unbundled switching if their costs would exceed those of the ILECs. As both the Supreme Court and D.C. Circuit have found, cost differences alone do not constitute competitive impairment.<sup>9</sup> WorldCom's argument also improperly equates ILEC costs with TELRIC prices for UNE-P, rather than examining whether, under current retail rates, facilities-based entry would provide positive margins for CLECs.<sup>10</sup> In fact, SBC has shown that CLECs can earn a positive margin in wire centers with more than 5,000 access lines.<sup>11</sup> For wire centers with fewer than 5,000 lines, the use of enhanced extended loop combinations ("EELs") may enable a CLEC to serve some of these wire centers on a profitable basis, by avoiding the need for collocation at each wire center.<sup>12</sup> To the extent CLEC entry in the smaller wire centers may be unprofitable, it is primarily due to below-cost

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<sup>8</sup> *United States Telecom Ass'n v. FCC*, 290 F.3d 415, 425 (2002).

<sup>9</sup> *See id.* at 426-28. *See also* Letter from Howard A. Shelanski to William F. Maher, FCC, at 3 (Jan. 14, 2003), attached to Letter from James C. Smith, SBC, to Michael Powell, Chairman, FCC (Jan. 14, 2003).

<sup>10</sup> *Id.*

<sup>11</sup> Letter from James C. Smith, SBC, to Michael Powell, Chairman, FCC (Jan. 14, 2003) ("SBC Ex Parte"). AT&T subsequently indicated that its "numerical cost impairment figures compare closely" with the data submitted by SBC, though AT&T, like WorldCom, wrongly compares CLEC costs to UNE-P costs. Letter from Joan Marsh, AT&T, to Marlene Dortch, Secretary, FCC, at 2 (Jan. 17, 2003). SBC's conclusions are further buttressed by marketplace evidence, including in Qwest's region. In almost 80% of Qwest's wire centers with 5,000 or more lines, at least one CLEC has ported a telephone number to its own switch, "and thus already ha[s] incurred many of the costs needed for facilities-based residential service in those wire centers." *See* SBC Ex Parte at 2.

<sup>12</sup> The UNE-P proponents' suggestion (at 5) that Qwest "does not enable a competitor to combine multiple unbundled analog loops with transport" is wrong. Qwest, as well as other ILECs, offer EELs with multiplexing functionality. *See* Statement of Generally Available Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunication Services by Qwest Corporation in the State of Colorado, Eighth Revision, ¶ 9.23.3.7.2.12.4 (Apr. 26, 2002). By using this functionality to digitize, concentrate and multiplex the signals on voice grade loops, a CLEC can avoid an upfront cost for collocation or concentration equipment. If the CLEC obtains sufficient market share to use concentration equipment, it can do so through virtual collocation in a Qwest central office. Qwest has committed to provide combinations of interoffice transport, concentration capability and DS0 Loops. *See id.* ¶¶ 9.23.3.7.2.12.5, 9.23.3.7.2.12.7, 9.23.3.8.4, 9.23.3.9.5.

residential retail rates in many rural areas.<sup>13</sup> In such areas, the D.C. Circuit found, “there is no reasonable basis for thinking that competition is suffering from any impairment of a sort that might have been the object of Congress’s concern.”<sup>14</sup> In other words, any impairment faced by the CLECs in these areas would be due, not to the lack of access to particular UNEs, but rather to the lack of potential revenues for serving those areas. And, under Qwest’s proposal, to the extent such areas are located within LATAs with fewer than three unique CLEC switches, the state commissions would have the responsibility to determine the appropriate transition mechanism based on the relevant local circumstances.

The operational “impediments” alleged by the UNE-P proponents are equally unpersuasive. The ILECs’ hot cut performance to date has been superior, and their hot cut processes can be scaled to meet anticipated demand.<sup>15</sup> Moreover, Qwest’s proposal speaks to the very concern the UNE-P proponents voice: under Qwest’s proposal, state commissions would monitor the incumbents’ hot cut practices, as established by the state commissions in the first place, to ensure that they are adequate to handle UNE-P orders, based on bona fide CLEC forecasts. Further, the UNE-P proponents’ argument<sup>16</sup> that it would not be cost effective to serve an entire LATA with a single switch conflicts with marketplace evidence. In Qwest’s region, some CLECs have chosen to deploy a single switch or a host/remote configuration to serve locations hundreds of miles apart.<sup>17</sup> Finally, Qwest is not aware of any operational issues regarding unbundled digital loop carrier (“DLC”) loops. When Qwest provisions an unbundled loop to a CLEC for a customer that is served by a DLC, Qwest will move the customer to spare copper if it is available. Where spare copper is not available, however, Qwest has provisioned unbundled loops without moving the end user from the DLC architecture.<sup>18</sup>

The remaining criticisms of Qwest’s proposal are unfounded, and misapprehend the proposal entirely. Qwest’s proposed three-switch per LATA test is *not* intended to be a definitive measure of competition in a LATA and a means of determining whether the “no-

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<sup>13</sup> More than two-thirds of the Qwest wire centers with less than 5,000 lines are in zones 3, 4, or 5. In 9 of the 14 states served by Qwest, the UNE-P rate for zone 3 exceeds Qwest’s residential local exchange rate. In zone 3 in Colorado, for example, the cost of UNE-P is \$39.33, but Qwest’s residential local exchange rate is \$20.92 (including the subscriber line charge).

<sup>14</sup> *USTA*, 290 F.3d at 422.

<sup>15</sup> See, e.g., Letter from Cronan O’Connell, Qwest, to Marlene H. Dortch, Secretary, FCC at 4 (Nov. 14, 2002) (“Nov. 14 Ex Parte”) (noting Qwest’s hot cut performance); Letter from Cronan O’Connell, Qwest, to Marlene H. Dortch, Secretary, FCC at 9 (Jan. 17, 2003) (showing that Qwest’s service centers are scalable to meet anticipated UNE-L demand).

<sup>16</sup> UNE-P Ex Parte at 5.

<sup>17</sup> Qwest Proposal at 2 n.3.

<sup>18</sup> Nov. 14 Ex Parte at 24.

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impairment" test is satisfied. As noted above, Qwest assumes that the Commission will recognize that unbundled switching does not meet the impairment test in *any* LATA. Rather, Qwest's three-switch per LATA test is intended to be a conservative, easily administrable means of identifying areas where the state commission may believe that local conditions warrant a longer transition. In contrast, evidence that at least three CLECs have each deployed one or more switches in a LATA indicates conclusively that little if any transition is necessary or appropriate for CLECs to serve new customers. In such markets, the evidence would illustrate not only that CLECs *can* obtain their own switching functionality, but that they already have begun to do so -- in other words, that the transition to independent switching has in essence already begun, and can continue apace. There is no question that, as a technical matter, such switching can be used to serve both business and residential customers, even though some carriers may have made the business decision to use their switches to serve only particular types of customers. As discussed above, such a business decision provides no basis for a finding of impairment in the absence of unbundled switching.

Nor is there any merit to the suggestion that Qwest's proposal would count non-operational switches. Under Qwest's proposal, ILECs would use standard industry databases, such as Telcordia's Business Integrated Routing/Rating Database System ("BIRRD") and Local Exchange Routing Guide ("LERG") to identify CLEC switches in a LATA. These systems are used throughout the industry to route and rate calls among switches on the Public Switched Telephone Network ("PSTN"). Moreover, the switch data in these systems is input by the carriers themselves or their agents. There would be no reason for a CLEC to input a switch into the database, indicating that it expects other carriers to route traffic to it at that switch, if the switch were not in fact operational. The fact that a switch record and associated routing information for that switch exist in the LERG implies that the switch is operational and the service provider wants to send or receive traffic on the PSTN. Each carrier has substantial incentives to ensure the accuracy of its switch data, in order to guarantee proper routing of traffic destined for its customers. And of course, if for some reason a CLEC believes that the switch data submitted by an ILEC to the Commission is inaccurate, it would have the ability to inform the Commission. Finally, the suggestion that Qwest's proposal fails to deal with the possibility that switches might later be withdrawn from the market (or *become* non-operational) is equally wide of the mark. As noted above, Qwest's test is designed simply to identify those markets that have already engendered investment in independent switching, which should facilitate a shorter and faster transition period. The fact that a CLEC might choose at some point in the future, for some unidentified reason, to retire a switch, cannot change the fundamental nature of that market as one in which CLECs already had determined to invest switching resources.

As a final note, the Commission should reject the UNE-P proponents' argument that it is necessary to look at areas smaller than a LATA for purposes of establishing a transition plan or performing an impairment analysis. In particular, it would be arbitrary and capricious for the Commission to use zones established by states to set UNE rates for these purposes. Because states have broad discretion in establishing zones, there is a dramatic lack of uniformity in the number of zones in a state or the method used to assign wire centers (or portions of wire centers)

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to particular zones.<sup>19</sup> Due to these variations, the number of wire centers assigned to a particular zone will vary widely from state to state.<sup>20</sup> Accordingly, tying a transition plan or impairment analysis to UNE zones would undoubtedly lead to inconsistent results and should not be given further consideration.

The UNE-P proponents fail to undermine Qwest's proposed transition or its underlying premise that the unbundled switching requirement should be eliminated on a national basis. Qwest's proposal presents a sensible means of balancing the Commission's various objectives in this proceeding and therefore should be adopted.

Sincerely yours,

/s/ R. Steven Davis

cc: Kathleen Q. Abernathy  
Michael J. Copps  
Kevin J. Martin  
Jonathan S. Adelstein  
Christopher Libertelli  
Matthew Brill  
Daniel Gonzalez  
Lisa Zaina  
Jordan Goldstein  
William Maher  
Jeffrey Carlisle  
Michelle Carey

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<sup>19</sup> Letter from Cronan O'Connell, Qwest, to Marlene H. Dortch, Secretary, FCC, at 3-4 (Oct. 30, 2002). In Qwest's region, most states have between three and five zones, but another has considered establishing up to 166 zones within the state. *Id.* at 3. Some states assign wire centers to particular zones based on the Metropolitan Statistical Area in which the wire centers are located; other states on the basis of the average cost of serving customers in the wire center; while still other states assign portions of wire centers to particular zones based on the distance to a wire center switch. *Id.*

<sup>20</sup> For example, in Minnesota (which includes Minneapolis), only one wire center has been assigned to Zone 1, 14 to Zone 2, 14 to Zone 3, and 129 to Zone 4. In contrast, Oregon has 40 wire centers in Zone 1, 26 in Zone 2, and 11 in Zone 3. *Id.* at 4.

## **Attachment 3**

<u>State</u>	<u>Basis for Zones</u>
AZ	Wire Centers sorted by Cost
CO	Wire Centers sorted by Cost - Interim (Note 1)
IA	Wire Centers sorted by Cost
ID	Wire Centers sorted by Cost
MN	Wire Centers sorted by Cost
MT	Zone boundaries determined by distance from C.O.
ND	Wire Centers sorted by Cost (Note 2)
NE	Wire Centers sorted by Cost
NM	Wire Centers grouped by area
OR	Wire Centers grouped by area
SD	Wire Centers grouped by area
UT	Wire Centers grouped by area
WA	Wire Centers sorted by Cost
WY	Zone boundaries determined by distance from C.O.

**Note 1: CO commission is considering a proposal to have 166 Zones**

Note 2: VLCYNDBC moved to Zone 1

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State	Lines					State	% of Lines in the State				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
AZ	2,318,850	632,617	221,649	0	0	AZ	73%	20%	7%	0%	0%
CO	173,554	2,290,948	585,109	0	0	CO	6%	75%	19%	0%	0%
IA	328,881	564,358	145,376	0	0	IA	32%	54%	14%	0%	0%
ID	322,922	180,842	40,980	0	0	ID	59%	33%	8%	0%	0%
MN	139,724	516,558	517,576	1,566,995	0	MN	5%	19%	19%	57%	0%
MT	283,932	36,188	30,704	11,678	0	MT	78%	10%	8%	3%	0%
ND	245,873	15,996	16,170	0	0	ND	88%	6%	6%	0%	0%
NE	466,664	53,534	43,088	0	0	NE	83%	10%	8%	0%	0%
NM	387,909	155,216	227,218	0	0	NM	50%	20%	29%	0%	0%
OR	1,334,295	109,764	14,607	0	0	OR	91%	8%	1%	0%	0%
SD	80,688	55,091	143,250	0	0	SD	29%	20%	51%	0%	0%
UT	775,365	156,565	179,180	0	0	UT	70%	14%	16%	0%	0%
WA	163,886	499,889	531,104	545,009	887,681	WA	6%	19%	20%	21%	34%
WY	203,797	15,941	7,432	34,187	0	WY	78%	6%	3%	13%	0%

Note 1: CO commission is considering a proposal to have 166 Zones  
Note 2: VLYCNDBC moved to Zone 1

Note 1: CO commission is considering a proposal to have 166 Zones  
Note 2: VLYCNDBC moved to Zone 1

State	Number of Wire Centers					State	% of Wire Centers in the State				
	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5		Zone 1	Zone 2	Zone 3	Zone 4	Zone 5
AZ	39	33	64	0	0	AZ	29%	24%	47%	0%	0%
CO	4	50	112	0	0	CO	2%	30%	67%	0%	0%
IA	13	45	75	0	0	IA	10%	34%	56%	0%	0%
ID	10	30	29	0	0	ID	14%	43%	42%	0%	0%
MN	1	14	14	129	0	MN	1%	9%	9%	82%	0%
MT	NA	NA	NA	NA	0	MT	NA	NA	NA	NA	0
ND	9	6	18	0	0	ND	27%	18%	55%	0%	0%
NE	18	16	35	0	0	NE	26%	23%	51%	0%	0%
NM	15	14	35	0	0	NM	23%	22%	55%	0%	0%
OR	40	26	11	0	0	OR	52%	34%	14%	0%	0%
SD	5	4	40	0	0	SD	10%	8%	82%	0%	0%
UT	27	10	32	0	0	UT	39%	14%	46%	0%	0%
WA	2	13	13	14	69	WA	2%	12%	12%	13%	62%
WY	NA	NA	NA	NA	0	WY	NA	NA	NA	NA	0

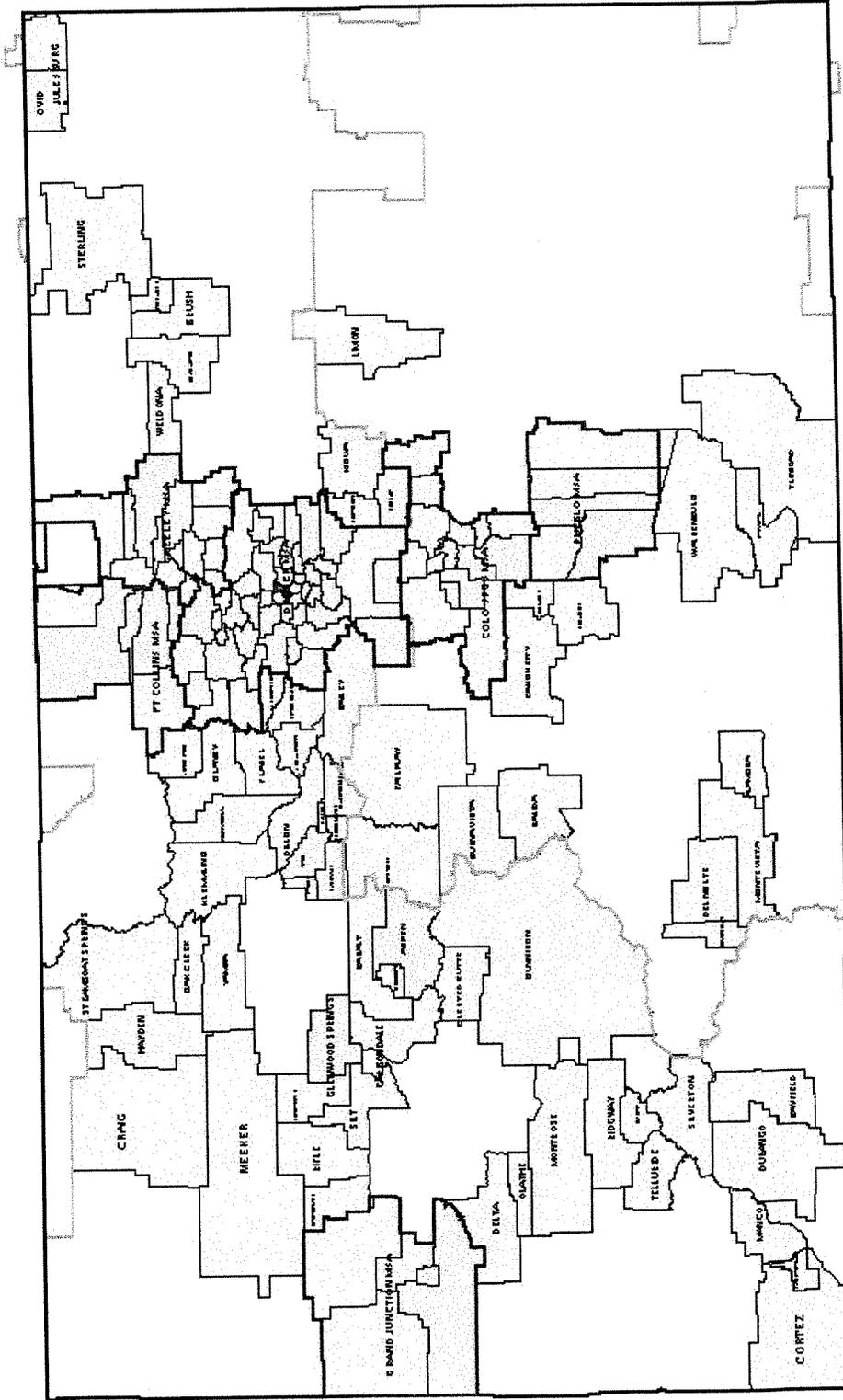
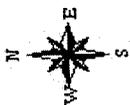


Qwest Wire Center / Zone Comparisons

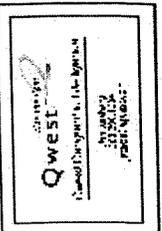
Wire Center (CLLID)	Zone	LATA name	# CLEC Switches in Qwest Territory in the LATA	Rate Center	Total AcclNs	Total # Collos	# VG UBLoops in service	# UNE-P in service
EUGNOR53	1	EUGENE	5	EUGENE	97,387	5	7,219	2,222
CLSPCOMA	2	COLORADO SPRINGS	6	COLORADOSPGS	95,037	7	4,450	1,535
DNVRCOSL	2	DENVER	19	DENVERSLVN	75,868	14	3,361	1,357
SCDLAZTH	1	PHOENIX	16	PHOENIX	73,305	8	1,312	1,874
ROCHMFIRO	4	ROCHESTER	3	ROCHESTER	73,289	7	45	4,619
PHNXAZCA	1	PHOENIX	16	PHOENIX	71,826	9	1,461	1,219
RNTNWA01	4	SEATTLE	24	RENTON	71,468	12	1,680	1,241
ORCHWA01	5	PORTLAND	15	VANCOUVER	66,658	9	1,494	1,520
INGLNCOMA	2	DENVER	19	DENVER	66,037	5	870	835
EAGNMNLB	4	MINNEAPOLIS	18	TWINCITIES	58,692	7	4,217	1,046
ALBQNMMA	1	NEW MEXICO	6	ALBUQUIRQUE	58,432	10	1,523	232
SPKNWAWA	5	SPOKANE	7	SPOKANE	57,107	4	1,171	792
PHNXAZMR	1	PHOENIX	16	PHOENIX	56,977	3	112	769
GRBLWA01	5	SPOKANE	7	ELK-GRNBLF	3,144	0	0	2
MSVYIACO	3	OMAHA	4	MISSOURVLY	3,139	0	0	0
HNVIIUTMA	1	UTAH	12	OGDEN	3,128	0	0	76



# Colorado Deaverge Loop Zones



- Zones**
- 1 = \$5.91
  - 2 = \$12.31
  - 3 = \$32.74
  - Lata
  - MSA



Produced by: Jan Attebery  
 Network Long Range Planning  
 Geographic Intelligence  
 (303)707-7852

**CONFIDENTIAL**





## **Attachment 4**



**Qwest**  
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Phone 202.429.3121  
Fax 202.293.0561

**Cronan O'Connell**  
Vice President-Federal Regulatory

*EX PARTE*

February 6, 2003

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., TW-A325  
Washington, DC 20554

**Re: Ex Parte Presentation, CC Docket Nos. 01-338, 96-98, 98-147, *In the Matters of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability***

Dear Ms. Dortch:

Over the course of this proceeding, Qwest has made significant efforts to address the Commission's concerns about the EEL safe-harbor mechanisms established in the *Supplemental Order Clarification*. In previous ex parte submissions, Qwest proposed streamlined safe-harbor conditions that could replace the existing conditions on the use of EELs. Attached is the most recent version of the Qwest proposal. Qwest however will continue to consider other proposed means of maintaining a "local use requirement," as is required to enforce section 251(d)(2).

In accordance with Commission Rule 47 C.F.R. §1.49(f), this *Ex Parte* is being filed electronically via the Commission's Electronic Comment Filing System for inclusion in the public record of the above-referenced proceedings pursuant to Commission Rule 47 C.F.R. §1.1206(b)(1).

/s/ Cronan O'Connell

## Qwest Enhanced Extended Loop Combination ("EELs") Criteria Proposal

Qwest proposes a streamlined alternative to the current restrictions that promotes the availability of UNEs for facilities-based local competition and strikes a competitive balance between ILECs and CLECs.

In the ordering process, the CLEC would provide the following documentation:

1. Self-certify that each individual EEL facility carries at least 51% local traffic or that the CLEC is the exclusive local provider of the end user customer.
2. Self-certify that each individual EEL facility terminates into a collocation arrangement. Neither end of an individual EEL facility can terminate into an IXC POP, an ISP POP, MTSO or cell site.
3. Documentation that relates the CLEC collocation termination point to the CLEC class 5 switch (a local switch) and the associated Local Interconnection Service ("LIS") trunks. The CLEC must provide the "A" and "Z" location of the LIS trunks and the "26 code" for the LIS trunk group. The "26 code" is the alphanumeric code designated by Qwest for the LIS trunk group.
  - *Justification:* This documentation will ensure that each individual EEL facility is connected to a Class 5 switch (a local switch) or equivalent switch registered in the LERG as a Class 5 switch capable of local exchange service with a "CLEC" service provider categorization as reflected in the Telcordia Business Integrated Routing/Rating Database System ("BIRRDs").
4. Document that the individual EEL facility has a local number assignment provided by the CLEC to the end user customer, is tied to the Public Switched Telephone Network, and has porting capability.
5. Document that the individual EEL facility has 911 capabilities such that calls to 911 PSAPs will show the assigned number or hunt group containing the assigned number.
  - *Justification:* This will ensure that each individual EEL facility can originate and terminate local voice traffic. The originating and terminating local voice traffic should include the ability to make originating local voice telephone calls without a toll charge and without dialing special digits not normally required for a local call.

On an ongoing basis, each individual EEL facility must continue to meet the requirements:

1. 51% of the traffic over each Individual EEL facility must be local traffic or proof that the CLEC continues to be the exclusive local provider for the end user customer
2. Each individual EEL facility must originate and terminate local voice traffic. The originating and terminating local voice traffic should include the ability to make originating local voice telephone calls without a toll charge and without dialing special digits not normally required for a local call.
3. Each individual EEL facility must terminate into a collocation arrangement. Neither end of an individual EEL facility can terminate into an IXC POP or an ISP POP.
4. Each individual EEL facility must be connected to a Class 5 switch (a local switch) or equivalent switch registered in the LERG as a Class 5 switch capable of local exchange service with a "CLEC" service provider categorization as reflected in the Telcordia Business Integrated Routing/Rating Database System ("BIRRDs").
5. The service offered to the end user customer must be marketed, advertised and sold as a local exchange service, or a bundle of services including local.
6. Each individual EEL facility must be able to be audited according to the appropriate auditing criteria (see attached) as will be amended to the State Generally Accepted Terms ("SGAT") in each state.

## Attachment

### **Qwest's commingling proposal**

For UNE-loops that comply with the local use restrictions as documented above, Qwest supports commingling of DS0 and/or voice grade UNE-loops onto DS1 special access transport (for UNE-P facilities that transition to UNE-loops), as well as DS1 UNE-loops onto DS3 special access transport. This proposal meets the needs of the CLECs serving the residential mass market as well as the small and medium sized business market.

### **EEL Measurements / Audits**

- CLECs converting from a UNE-P combination to an EEL will automatically be presumed to meet the "local" standard, with a follow-up certification by the CLEC to be provided no later than six months after the conversion
- As is the case today, Internet access will not satisfy the "local" traffic criteria
- As a condition of the purchase of or conversion to EELs, the CLEC must agree to provide call detail records ("CDRs") to a third party auditor to be identified by the ILEC for review of compliance with the local use certification.
- The ILEC may initiate an audit by an independent third party to assure compliance with the local use restriction no earlier than 6 months after an EEL is provisioned.
- Every 6 months, the CLEC should be prepared to provide to third party auditor, if requested, one month's CDRs upon 7 day's notice. The audit will include verification that the traffic carried over the individual EEL facility meets the EEL criteria.
- The data required for an audit would be the CDR as obtained from the CLEC local voice switch or appropriate gateway.
- Audit criteria will be documented in Qwest SGATs.
- If the CLEC is found to be in violation of the local use restriction, the CLEC will pay: 1) all costs for the auditor and the ILEC personnel involved in the audit, 2) corrected billing back to date the circuit was established, 3) interest on the amount of corrected billing, and 4) loss of commingling rights after three faulted audits for one year