

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

In the Matter of the Investigation into     )  
Qwest Wire Center Data                     )     Docket No. 06-049-40  
   )  
   )

**RESPONSE TESTIMONY**  
**OF**  
**DAVID L. TEITZEL**  
**FOR**  
**QWEST CORPORATION**

**MAY 24, 2006**

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**I. INTRODUCTION**

2 **Q. PLEASE STATE YOUR NAME, TITLE AND ADDRESS.**

3 A. My name is David L. Teitzel. I am employed by Qwest Services Corporation  
4 (“QSC”),<sup>1</sup> parent company of Qwest Corporation (“Qwest”), as Staff Director-  
5 Public Policy. My business address is 1600 7<sup>th</sup> Avenue, Room 3214, Seattle,  
6 Washington 98191.

7 **Q. ARE YOU THE SAME DAVID L. TEITZEL WHO FILED DIRECT**  
8 **TESTIMONY IN THIS DOCKET ON MARCH 24, 2006?**

9 A. Yes.

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<sup>1</sup> QSC performs support functions, such as regulatory support, for other Qwest entities.

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**II. PURPOSE**

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. The purpose of my response testimony is to reply to a variety of mischaracterizations and errors in the rebuttal testimony of Douglas Denney filed on behalf of Eschelon Telecom, Inc. and the Joint CLECs in this proceeding on April 26, 2006. The lone Utah wire center for which Qwest relied on business line counts in determining “non-impairment” under the terms of the FCC’s Triennial Review Remand Order (“*TRRO*”) is the Salt Lake City Main wire center. As described fully in my direct testimony of March 24, 2006, Qwest’s procedures for determining the number of business lines in that wire center fully comply with the *TRRO* and its associated implementation rules. My response testimony, coupled with the testimony of Ms. Albersheim and Ms. Torrence, reinforces that Qwest’s *TRRO* data is sound and that the Commission should therefore endorse Qwest’s list of non-impaired wire centers in Utah.

**III. VINTAGE OF LINE COUNT DATA**

**Q. BEGINNING AT PAGE 17 OF HIS TESTIMONY, MR. DENNEY COMPLAINS THAT *TRRO* BUSINESS LINE COUNTS SHOULD NOT BE BASED ON “DATA COLLECTED OVER A YEAR PRIOR TO THE EFFECTIVE DATE OF THE *TRRO*.” WOULD YOU COMMENT?**

1 A. The FCC clearly meant for Regional Bell Operating Companies (“RBOCs”) to  
2 utilize access line data that was finalized and readily available on February 4,  
3 2005, when the FCC directed Qwest and the other RBOCs to submit their lists of  
4 wire centers meeting the *TRRO*’s non-impairment criteria. The only Qwest  
5 ARMIS data on file on February 4, 2005 was December 2003 data. Qwest  
6 submits its access line data to the FCC in April of each year for incorporation into  
7 the ARMIS report, and as such, it submitted data for full year 2004 to the FCC in  
8 April 2005, nearly two full months after the FCC’s February 4<sup>th</sup> order. It is not  
9 reasonable to contend that the FCC’s clear directions meant that the FCC intended  
10 for RBOCs to use incomplete and unofficial data to determine wire center non-  
11 impairment. Simply stated, and contrary to Mr. Denney’s assertion, full year 2004  
12 access line data was not finalized and available in ARMIS when Qwest was  
13 required by the FCC to complete its wire center non-impairment analysis.

14

15 **Q. SPECIFICALLY, WOULD YOU RESTATE THE FCC BUSINESS LINE**  
16 **DEFINITIONS THAT GUIDED QWEST’S USE OF DECEMBER 2003**  
17 **ACCESS LINE DATA IN ITS NON-IMPAIRMENT ANALYSIS?**

18 A. Yes. At paragraph 105 of its *TRRO*, the FCC defined “business lines” as follows:  
19 Business line counts are an objective set of data that incumbent LECs  
20 already have created for other regulatory purposes. The BOC wire center  
21 data that we analyze in this Order is based on ARMIS 43-08 business  
22 lines, plus UNE-P, plus UNE-loops.  
23

1 Clearly, the FCC directed RBOCs to utilize official ARMIS data that had already  
2 been created and finalized for inclusion in ARMIS Report 43-08. As stated  
3 above, Qwest's use of December 2003 ARMIS data fully complies with the  
4 FCC's requirement, and was the most current ARMIS access line data available  
5 when Qwest was required to submit its wire center non-impairment analysis to the  
6 FCC. The fact that time has intervened between Qwest's initial wire center non-  
7 impairment filing and now does not undermine the fact that the use of December  
8 2003 data was and remains completely appropriate as a basis for Qwest's initial  
9 list of non-impaired wire centers.

10

11 **Q. DO THE FCC'S RULES MANDATE THAT FIBER COLLOCATION**  
12 **DATA AND BUSINESS ACCESS LINE DATA BE OF THE SAME**  
13 **VINTAGE IN DETERMINING WIRE CENTER NON-IMPAIRMENT?**

14 A. No. In fact, as stated above, the FCC's order mandates that Qwest rely on official  
15 ARMIS data in determining access line counts, which establishes a clear time  
16 parameter for line counts used in non-impairment determinations and which  
17 compelled Qwest to utilize December 2003 data, the most current and official  
18 ARMIS data available when Qwest was required to produce its wire center non-  
19 impairment list. However, the FCC's order and associated rules regarding  
20 ARMIS do not apply to fiber collocation data, and RBOCs may rely on more  
21 current fiber collocation data in determining Tier 1 and Tier 2 *TRRO* wire center  
22 designations. There is absolutely nothing in the FCC's *TRRO* and associated rules

1 that requires the same vintage of access line and fiber collocation data to be used  
2 in determining non-impairment.

3

4 **Q. AT PAGE 21 OF HIS TESTIMONY, MR. DENNEY ARGUES THAT**  
5 **“QWEST SHOULD NOT BE ALLOWED TO CHOOSE LINE COUNTS**  
6 **FROM THE PRESENT AND FIBER-BASED COLLOCATORS FROM**  
7 **THE PAST” IN DETERMINING WIRE CENTER NON-IMPAIRMENT.**  
8 **WOULD YOU COMMENT?**

9 A. Apparently, Mr. Denney is under the misapprehension that Qwest believes it is  
10 free to “pick and choose” data vintages that best suit Qwest’s purposes in  
11 determining non-impairment. To the contrary, however, the FCC’s requirements  
12 concerning the use of ARMIS data constrain Qwest to use the most current access  
13 line data in its ARMIS 43-08 report when a non-impairment designation is  
14 requested. Since the cycle for such ARMIS data requires it to be filed in April for  
15 the previous year’s data, this constraint means that the business access line data  
16 used in non-impairment determinations will always be of an earlier vintage than  
17 fiber collocation data used in the analysis. The FCC’s rules plainly obviate Mr.  
18 Denney’s concern that Qwest could elect to “use line counts from the present and  
19 fiber-based collocators from the past” in *TRRO* non-impairment analyses.

1

2 **Q. HAVE OTHER STATE COMMISSIONS CONSIDERED THE ISSUE OF**  
3 **ACCESS LINE DATA VINTAGE AND FOUND THE USE OF**  
4 **DECEMBER 2003 ARMIS DATA APPROPRIATE?**

5 A. Yes. In fact, at page 32 of his testimony, Mr. Denney introduces Table 6, in  
6 which he shows his interpretation of determinations made by state Commissions  
7 on various issues related to the definition of “business lines” per the terms of the  
8 *TRRO*. On his table, Mr. Denney shows that only two state Commissions thus far  
9 have used RBOC access line data other than December 2003 ARMIS data.  
10 Interestingly, Mr. Denney cites to the Washington *TRRO* order issued on April 20,  
11 2006 in Docket UT-053025, the first state Commission decision in Qwest’s 14-  
12 state region to address this issue, and he correctly reports that the Washington  
13 order found Qwest’s use of December 2003 ARMIS data to be in full compliance  
14 with the requirements of the *TRRO*.<sup>2</sup> This Washington finding was contrary to  
15 the Joint CLECs’ contention in that docket -- precisely the same contention that  
16 Mr. Denney makes in this proceeding -- that more current access line data is  
17 required or warranted.

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<sup>2</sup> *In the Matter of the Investigation Concerning the Status of Competition and Impact of the FCC’s Triennial Review Remand Order on the Competitive Telecommunications Environment in Washington State*, Docket UT-053025, Order 3, (“Washington Order”).

1 In another example, AT&T Texas utilized December 2003 ARMIS 43-08 access  
2 line data in its non-impairment analysis, and the Texas Commission found in its  
3 investigation that “the method used by AT&T Texas for determining business line  
4 counts is consistent with the FCC’s instructions for reporting business line counts  
5 for ILEC wire centers,” and that “the Commission finds that AT&T Texas’  
6 determination, counting, and reporting of business lines for its wire centers is  
7 consistent with the FCC’s directive at ¶ 105 of the *TRRO*.”<sup>3</sup>

8

9 **Q. WAS DECEMBER 2003 ACCESS LINE DATA USED IN STATE *TRRO***  
10 **PROCEEDINGS OTHER THAN THOSE SHOWN ON MR. DENNEY’S**  
11 **TABLE 6?**

12 A. Yes. For example, in their state *TRRO* wire center non-impairment review  
13 proceedings, the Illinois, California and Indiana Commissions each approved  
14 SBC’s wire center non-impairment lists that were each based upon *December*  
15 *2003* access line data. Although these state Commissions did not specifically  
16 include language in their orders explicitly endorsing the December 2003 data  
17 vintage, the records of the hearings expressly show that SBC had used December  
18 2003 data, and none of the Commissions rejected such data or its vintage. Had  
19 these Commissions believed a more current data vintage were required, they most  
20 certainly would have ordered SBC to provide updated access line counts. Also, in

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<sup>3</sup> *Post-Interconnection Dispute Resolution Proceeding Regarding Wire Center UNE Declassification*, PUC Docket No. 31303, Order Approving Methodology to Determine AT&T Texas Wire Centers which are Non-Impaired, Texas PUC (issued April 7, 2006), at p. 29.

1 Verizon states, in which the procedural mechanism for establishing wire center  
2 non-impairment was via tariff filings (instead of fully contested dockets), the  
3 original lists of non-impaired wire centers were also based on December 2003  
4 business line data. For example, in its filing to expand its original non-impaired  
5 wire center list in Rhode Island, Verizon stated:

6 The original wire center list, which is being updated here, was based  
7 principally on 2003 data, as amended in late 2004 to reflect terminated  
8 collocation arrangements.<sup>4</sup>  
9

10 While these examples are not reflected in Mr. Denney's Table 6, they represent  
11 additional instances of state Commission endorsement of RBOC use of December  
12 2003 access line data in their *TRRO* wire center non-impairment analyses.

13

14 **Q. AT PAGE 19 OF HIS TESTIMONY, MR. DENNEY SUGGESTS THAT**  
15 **THE COMMISSION SHOULD REVIEW “2005 DATA AND THE 2003**  
16 **DATA” TO CONFIRM QWEST’S NON-IMPAIRMENT DESIGNATION**  
17 **FOR THE SALT LAKE CITY MAIN WIRE CENTER. IS THIS**  
18 **WARRANTED?**

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<sup>4</sup> Docket No. 3662 -- Verizon Rhode Island's Proposed Revision to PUC Tariff 18, January 13, 2006, footnote 4.

1 A. No. The “2005 data” that Mr. Denney advocates is completely irrelevant to the  
2 non-impairment determination for the Salt Lake City Main wire center, especially  
3 since that business line data was not available when Qwest was required by the  
4 FCC to report its list of non-impaired wire centers for DS1 and DS3 loops. Under  
5 the FCC’s rules, even if the number of business lines in a particular wire center  
6 declines below non-impairment thresholds for DS1 and DS3 loops, as determined  
7 by the December 2003 data used by Qwest, the non-impairment designation for  
8 that wire center remains unchanged. In other words, and as the Washington ALJ  
9 correctly found in her April 20, 2006 order, December 2003 is the proper basis for  
10 determining the initial set of non-impaired wire centers under the terms of the  
11 *TRRO*, and wire centers may *not* thereafter be removed from that list (even if a  
12 subsequent business line tally in a particular wire center drops below the FCC’s  
13 non-impairment thresholds). Therefore, Qwest is required to utilize the most  
14 current data available when seeking to designate additional wire centers as non-  
15 impaired. For example, Qwest would be required to utilize 2005 ARMIS data  
16 (the most current ARMIS data available today) if it were to seek at any point  
17 during the remainder of 2006 to designate an additional Utah wire center as non-  
18 impaired for DS1 or DS3 loops.

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**IV. MR. DENNEY’S MISUSE OF ICONN DATA**

**Q. AT PAGE 19 OF HIS TESTIMONY, MR. DENNEY ATTEMPTS TO USE PUBLICLY-AVAILABLE DATA HE OBTAINED FROM QWEST’S “ICONN” DATABASE TO SUPPORT HIS CONTENTION THAT QWEST HAS FEWER THAN 60,000 BUSINESS LINES IN THE SALT LAKE CITY MAIN WIRE CENTER. HAS HE MISINTERPRETED AND/OR MISREPRESENTED THE ICONN DATA IN HIS ANALYSIS?**

A. Yes. The ICONN<sup>5</sup> data that Mr. Denney uses in his “analysis” was derived from the ICONN report entitled “Loops in Service,” which Mr. Denney correctly describes at page 20 of his testimony as reflecting “**loops/pairs that are active** and carrying traffic (i.e., working pairs from assignable OSP feeder terminals.)” (Emphasis added.) He also correctly reports that the total number of loops shown in the ICONN database in service for the Salt Lake City Main wire center is 64,797 (although this data is as of March 2006, a data vintage not at all relevant to the initial determination of non-impaired wire centers). Mr. Denney then states, at line 4 of page 20, that “this count contains both business and residential lines.”

At this point, however, Mr. Denney’s “analysis” becomes flawed. It is not correct

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<sup>5</sup> “ICONN” is an acronym for “Interconnection,” and it is a informational database publicly available for use by Qwest’s wholesale customers to obtain various information regarding Qwest’s network in each of Qwest’s 14 states. The ICONN database is not used as a source of data for any regulatory proceeding, and data derived from that resource is clearly not relevant nor admissible under the FCC’s standards.

1 in all instances to conclude that an active “loop” or “pair” is equal to a line. For  
2 example, a DS1 loop can accommodate up to 24 separate channels, and a DS3  
3 loop can accommodate up to 672 separate channels, and each active channel is  
4 counted as a “line” in Qwest’s ARMIS data. By deducting “residential lines”  
5 from the total of 64,797 loops to derive a proxy for “business lines,” as Mr.  
6 Denney does at line 15 of page 20 of his testimony, he appears to assume that a  
7 loop and a line are always one and the same. With respect to business lines,  
8 however, this is not an accurate assumption, and further, is entirely contrary to the  
9 FCC’s directives in its *TRRO*. In fact, in its *TRRO* implementation rules at 47  
10 CFR 51.5(3), the FCC specified that:

11 “business line tallies shall account for ISDN and other digital access lines  
12 by counting each 64KBPS-equivalent as one line. For example, a DS1 line  
13 corresponds to 24 64 kbps-equivalents, and therefore to 24 business lines.”  
14

15 In other words, in situations where all channels in an ISDN line (or other digital  
16 access lines) are utilized, Mr. Denney’s “analysis” would count that ISDN line as  
17 only “two lines” (since an ISDN-PRI circuit is served by two loops, and the  
18 ICONN database would reflect only those two loops, rather than all 24 ISDN-PRI  
19 channels). However, the FCC’s rules clearly require the ISDN-PRI line to be  
20 counted as *24 separate business lines*. In this example, Mr. Denney would  
21 undercount the number of ISDN-PRI “business lines” by a factor of 12, in direct  
22 violation of the FCC’s rules.

23

1 **Q. CAN ANY MEANINGFUL CONCLUSIONS BE DRAWN FROM MR.**  
2 **DENNEY’S ANALYSIS OF THE ICONN DATA FOR THE SALT LAKE**  
3 **CITY MAIN WIRE CENTER?**

4 A. No. Through Mr. Denney’s misuse of ICONN data, he incorrectly concludes (at  
5 page 20 of his testimony) that his “analysis” shows that Qwest’s business lines in  
6 the wire center are “well shy of the 60,000 required for DS1 UNE loop non-  
7 impairment.” However, since Mr. Denney ignored the fact that each high-capacity  
8 digital service channel should be counted as a separate line, his calculations are  
9 not meaningful. Had Mr. Denney strictly followed the FCC’s clear *TRRO*  
10 definitions, or at least used assumptions conforming to the FCC’s definitions, he  
11 most certainly would have arrived at a far different conclusion. Accordingly, the  
12 Commission should dismiss Mr. Denney’s analysis since it does not align with the  
13 FCC’s definitions of business lines and is of a vintage (March 2006) that not  
14 germane to this docket.

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**V. CONSISTENCY WITH ARMIS 43-08 LINE DATA**

**Q. AT PAGE 22 OF HIS TESTIMONY, MR. DENNEY COMPLAINS THAT “QWEST STARTED WITH ITS ARMIS DATA, BUT MANIPULATED THIS DATA IN A MANNER INCONSISTENT WITH THE TRRO.” IS HE CORRECT?**

A. No. Mr. Denney acknowledges that paragraph 105 of the *TRRO* requires Qwest to include “ARMIS 43-08 data, plus business UNE-P, plus UNE loops.” However, he then ignores the FCC’s associated implementation rules (at 47 CFR 51.5(3)) which instruct LECs to “account for ISDN and other digital access lines by counting each 64 kbps-equivalent as one line.” This instruction is applicable to high-capacity business access lines, UNE-P lines and UNE loops used in the non-impairment analysis. Since ARMIS 43-08 access line data already counts actual digital channels in service (e.g., if an ISDN Primary Rate customer were to use 16 of the available 24 channels, Qwest would report 16 “business lines” to ARMIS), had the FCC intended that only “active channels” be counted, subsection 3 of the FCC’s *TRRO* implementation rule cited above would not be necessary. Rather, the FCC’s rule plainly states that each 64 kbps channel equivalent in a DS1 facility should be counted as one line. Qwest expressly complied with this rule by counting the lines associated with digital business services in the Salt Lake City

1 Main wire center, as reflected in Highly-Confidential Exhibit DLT-1 attached to  
2 my direct testimony. There was no “manipulation” of data.  
3

4 **Q. AT PAGE 24 OF HIS TESTIMONY, AND AS REFLECTED IN HIS**  
5 **TABLE 6, MR. DENNEY ACKNOWLEDGES THAT OTHER STATE**  
6 **COMMISSIONS HAVE CONSIDERED THE ISSUE OF COUNTING THE**  
7 **FULL CAPACITY OF DIGITAL LOOPS IN THE BUSINESS LINE**  
8 **COUNTS, AND CONCLUDES THAT DOING SO IS IN COMPLIANCE**  
9 **WITH THE FCC’S REQUIREMENTS. HOWEVER, HE THEN ARGUES**  
10 **THAT THE FCC’S RULES APPEAR TO APPLY TO UNBUNDLED**  
11 **DIGITAL LOOPS, BUT NOT TO RETAIL DIGITAL BUSINESS LINES.**  
12 **DOES THE *TRRO* ALIGN WITH HIS POSITION?**

13 A. No. As stated in my answer above, the requirements of 47 CFR 51.5(3) very  
14 clearly apply both to retail business lines and to unbundled loops. The *TRRO* and  
15 its associated rules do not support Mr. Denney’s attempt to “pick and choose” the  
16 service to which the rules apply.  
17

18 **Q. DOES MR. DENNEY ACKNOWLEDGE THAT CERTAIN STATE**  
19 **COMMISSIONS HAVE ORDERED ADJUSTMENTS TO ARMIS 43-08**  
20 **DATA CONSISTENT WITH QWEST’S DATA IN THIS DOCKET?**

1 A. Yes. Mr. Denney's Table 6 shows that at least two other state Commissions – in  
2 Florida and in South Carolina – have concluded that adjusting the ARMIS data to  
3 reflect the full capacity of digital facilities fully complies with the *TRRO*.

4

5 **VI. TREATMENT OF RESIDENTIAL AND NON-SWITCHED WHOLESALE**  
6 **LINES**

7

8 **Q. WITH RESPECT TO THE TYPES OF SERVICES WHICH UNE LOOPS**  
9 **ARE BEING USED FOR BY CLEC CUSTOMERS, WHAT DOES THE**  
10 ***TRRO* REQUIRE WHEN INCORPORATING UNE LOOPS IN THE**  
11 **“BUSINESS LINE” ACCESS LINE COUNTS?**

12 A. As I stated at page 15 of my direct testimony, the FCC's *TRRO* implementation  
13 rules at 47 CFR 51.5 describe the types of services to be included in the “business  
14 line” count as:

15 The number of business lines in a wire center shall equal the sum of all  
16 incumbent LEC business switched access lines, **plus the sum of all UNE**  
17 **loops connected to that wire center**, including UNE loops provisioned in  
18 combination with other unbundled elements. (Emphasis added.)  
19

20 Had the FCC intended that only UNE loops used to serve a particular type of end  
21 user should be included in the count, it most certainly would have said so in its  
22 rules. However, the FCC's rule stated above plainly requires LECs to include “all  
23 UNE loops” connected to a wire center in the count of business lines used to  
24 determine non-impairment in that wire center.

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**Q. MR. DENNEY COMPLAINS AT PAGE 27 OF HIS TESTIMONY THAT QWEST HAS INCLUDED RESIDENTIAL LINES SERVED VIA UNBUNDLED LOOPS IN ITS *TRRO* BUSINESS LINE COUNT. IS HE CORRECT?**

A. Since Qwest does not have any means to determine the category of end users that CLECs utilizing UNE loops are serving, Qwest cannot quantify the proportion of UNE loops that may be used to serve residential customers. This is immaterial, however, since the FCC’s rules clearly state that the sum of all UNE loops should be included in an ILEC’s count of business lines. In fact, the recent Washington order that Mr. Denney cites is very clear on this point:

The FCC did not qualify the UNE loops it included as business UNE loops or non-switched UNE loops, but *all* UNE loops. Further, in its definition of business lines, the FCC provided: “The number of business lines in a wire center shall equal the sum of all incumbent LEC *business* switched access lines, plus the sum of *all UNE loops* connected to that wire center, including UNE loops provisioned in combination with other unbundled elements.” **All UNE loops should be included in the business line calculation.**<sup>6</sup> (Emphasis added.)

Indeed, Mr. Denney’s own Table 6 at page 32 of his testimony shows that *seven* of nine state Commission orders he cites agreed with Qwest and other RBOCs that the UNE loop counts used to determine wire center non-impairment should not be reduced to account for UNE loops that may be used to serve residential customers.

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<sup>6</sup> Washington Order, ¶ 44.

1 **Q. MR. DENNEY ALSO ASSERTS THAT NON-SWITCHED UNE LOOPS**  
2 **SHOULD BE EXCLUDED FROM THE COUNT OF BUSINESS LINES IN**  
3 **AN ANALYSIS OF WIRE CENTER NON-IMPAIRMENT. IS HIS**  
4 **POSITION SUPPORTED BY ANY STATE COMMISSION FINDING?**

5 A. No. In addition to the finding in the Washington order that I cited above, Mr.  
6 Denney's Table 6 shows that no state Commission has found that non-switched  
7 UNE loops should be excluded from the count of business lines to determine wire  
8 center non-impairment under the terms of the *TRRO*. Qwest's approach in  
9 counting UNE loops as part of its business line counts is entirely consistent with  
10 the methods that other RBOCs have used in other states and which have already  
11 been found to be in full compliance with the *TRRO* by Commissions in those  
12 states.

13

14 **VII. MR. DENNEY'S "ADJUSTMENTS" TO QWEST'S ACCESS LINE DATA**

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16 **Q. AT PAGE 29 OF HIS TESTIMONY, MR. DENNEY INTRODUCES A**  
17 **SERIES OF "ADJUSTMENTS" TO QWEST'S BUSINESS LINE DATA IN**  
18 **HIS HIGHLY-CONFIDENTIAL TABLE 4 TO ATTEMPT TO BUTTRESS**  
19 **HIS ASSERTION THAT QWEST'S 2003 DATA DOES NOT SUPPORT**  
20 **DS1 UNE LOOP NON-IMPAIRMENT IN THE SALT LAKE CITY MAIN**  
21 **WIRE CENTER. ARE HIS "ADJUSTMENTS" PROPER?**

1 A. No. In each instance, Mr. Denney's "adjustments" to Qwest's data are in conflict  
2 with the requirements of the *TRRO*.

3

4 **Q. WHAT "ADJUSTMENTS" TO QWEST'S ACCESS LINE DATA DOES**  
5 **MR. DENNEY PROPOSE?**

6 A. Mr. Denney proposes several "adjustments" to Qwest's access line data which are  
7 reflected in his highly-confidential Table 4. For example, he proposes (1) use of  
8 February 2005 access line data, (2) use of what he calls "43-08" access line counts  
9 for Qwest switched retail business lines, (3) removal of UNE-L lines used to serve  
10 residential subscribers, (4) removal of non-switched UNE-L line counts and (5)  
11 use of "used capacity" for UNE-P and UNE-L lines to reflect actual channels in  
12 service. I have already fully addressed in this response testimony why use of an  
13 access line vintage other than December 2003 is not in compliance with the  
14 requirements of the *TRRO*.

15

16 **Q. PLEASE EXPLAIN THE PROBLEMS WITH MR. DENNEY'S**  
17 **"ADJUSTMENT" TO THE QWEST SWITCHED BUSINESS LINE**  
18 **VALUE.**

19 A. The main problem with Mr. Denney's "adjustment" to the Qwest switched  
20 business line count is that he substitutes a value for Qwest's switched business  
21 line count for the Salt Lake City Main wire center that he purports to represent  
22 "actual" switched business lines in service, rather than a number which includes

1 the full capacity of digital business lines. There are two primary problems with  
2 his “adjustment.”

3 First, as stated, the adjustment is directly contrary to the requirements of the  
4 FCC’s *TRRO* rules that ILECs should count “each 64 kbps-equivalent as one  
5 line.”

6 Second, even if Mr. Denney were correct in attempting to count actual “in  
7 service” digital business channels in his count of switched business lines, the  
8 value he elected to use does not capture actual digital business channels in service  
9 associated with the Salt Lake City Main wire center. This is especially so because  
10 in many instances, an ISDN-Primary Rate (“ISDN-PRI”) subscriber could have  
11 service originating in the Salt Lake City Main wire center, but could have the  
12 actual ISDN stations associated with that service in a different wire center. For  
13 example, Internet Service Providers (“ISPs”) commonly subscribe to ISDN-PRI  
14 service to serve end users, and they could have primary service provided from the  
15 Salt Lake City Main wire center, and have 24 channels associated with that  
16 service active in another wire center (e.g., the Salt Lake City West wire center),  
17 with the two locations linked by DS1 interoffice transport. In this example, the  
18 active digital channels associated with the ISDN-Primary Rate service would be  
19 tracked by Qwest’s systems as being in the other (Salt Lake City West) wire  
20 center, instead of in the Salt Lake City Main wire center. Since RBOCs file the  
21 ARMIS 43-08 data with the FCC on a statewide basis, this tracking issue would

1 not affect the actual “in service” digital business channel count at the statewide  
2 level (that is, the ISDN-PRI facility would not be counted in the ARMIS 43-08  
3 report as an “access line”— only the active channels would be so counted).  
4 However, at the wire center level, Mr. Denney’s “adjustment” would incorrectly  
5 (and misleadingly) cause the single ISDN-PRI facility to be tracked as belonging  
6 to the Salt Lake City Main wire center, while the associated “in service” channels  
7 would be counted as being in the second wire center (Salt Lake City West). A  
8 more appropriate way to quantify “in service” digital business channels (assuming  
9 Mr. Denney’s “adjustment” were to comport with the *TRRO*, which it does not)  
10 would be to apply the statewide ratio of in-service digital business channels to the  
11 number of DS1 or DS3 digital business switched facilities in the Salt Lake City  
12 Main wire center. This ratio would ensure that “in-service” digital business  
13 service channels were attributed to the “home” wire center.

14

15 **Q. DOES MR. DENNEY ALSO “ADJUST” QWEST’S BUSINESS UNE-P**  
16 **LINE COUNTS TO ARRIVE AT AN ESTIMATE OF “USED**  
17 **CAPACITY”?**

18 A. Yes. At page 31 of his testimony, Mr. Denney states that he used a ratio of total  
19 UNE-P lines to UNE-P high-capacity lines based on highly-confidential  
20 information that Qwest provided in response to Joint CLEC data request no. 01-  
21 030. However, this calculation does not comply with the FCC’s *TRRO*  
22 requirements, as discussed in the answer above, and thus should be disregarded.

1

2 **Q. FINALLY, DOES MR. DENNEY “ADJUST” QWEST’S COUNT OF UNE**  
3 **LOOPS TO ESTIMATE “USED CAPACITY” OF THE DS1 AND DS3 UNE**  
4 **LOOPS INCLUDED IN THE COUNT?**

5 A. Yes. Mr. Denney asserts that he used the same process to estimate “used  
6 capacity” for UNE loops as he did for UNE-P lines. However, his calculation in  
7 this regard is also directly contrary to the requirements of paragraph 105 of the  
8 *TRRO* that all UNE loops should be included in the business line count, as well as  
9 the FCC’s rules at 47 CFR 51.5(3) that each 64 kbps channel in a high-capacity  
10 digital line should be counted as a separate business line. As Mr. Denney’s own  
11 Table 6 illustrates, only the North Carolina Commission has ordered that digital  
12 UNE loop “in service” channels should be counted, while the other eight state  
13 Commission orders he cited all specified that all channels in a digital UNE loop  
14 should be counted, whether or not all channels are actually “in service.”

15

16 **Q. AT PAGE 31 OF HIS TESTIMONY, MR. DENNEY CLAIMS THAT HIS**  
17 **“ANALYSIS” IN TABLE 4 SHOWS THAT “QWEST DOES NOT MEET**  
18 **THE STANDARDS NECESSARY TO DECLARE SALT LAKE MAIN AS**  
19 **NON-IMPAIRED WITH RESPECT TO DS-1 LOOPS.” DOES HIS**  
20 **“ANALYSIS” ACTUALLY MAKE THIS SHOWING?**

21 A. No. For the reasons I state above, Mr. Denney’s “analysis” is fatally flawed and  
22 thus should be ignored. Clearly, the assumptions on which Mr. Denney bases his

1 calculations are contrary to the directives of the FCC, as well as to the findings of  
2 most other state Commissions that have addressed this issue. Rather, the data that  
3 Qwest has submitted is fully consistent with the *TRRO* and the FCC's associated  
4 rules, and it shows that the Salt Lake City Main wire center is properly classified  
5 as non-impaired for DS1 and DS3 unbundled loops.  
6

7 **Q. AT PAGE 30 OF HIS TESTIMONY, MR. DENNEY APPEALS TO THE**  
8 **COMMISSION TO REQUIRE QWEST TO “WORK TOGETHER WITH**  
9 **THE JOINT CLECs AND THE DIVISION” TO ESTABLISH A PROCESS**  
10 **TO REMOVE UNE LOOPS SERVING RESIDENTIAL CUSTOMERS**  
11 **AND NON-SWITCHED UNE LOOPS FROM THE BUSINESS LINE**  
12 **TOTAL FOR THE SALT LAKE CITY MAIN WIRE CENTER. IS THIS**  
13 **APPROPRIATE?**

14 A. No. Any removal of these counts from the business line totals for the Salt Lake  
15 City Main wire center would run directly contrary to the requirements of the  
16 *TRRO*, as I discussed above. Additionally, CLECs made this same appeal in other  
17 states -- such as in the Washington *TRRO* docket -- and it has been consistently  
18 rejected as inapt. The Commission should disregard Mr. Denney's attempt to  
19 convince this Commission to come to a different conclusion.  
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**VIII. CONCLUSION AND RECOMMENDATION**

**Q. PLEASE SUMMARIZE YOUR RESPONSE TESTIMONY.**

A. In my response testimony, I responded to a variety of mischaracterizations and errors in Mr. Denney’s rebuttal testimony on behalf of Eschelon Telecom, Inc. and the Joint CLECs. Specifically, I explained that the vintage of Qwest’s access line data was the most current data available when the FCC issued its *TRRO*, and is therefore in full compliance with the FCC’s order. I also showed that Mr. Denney misused ICONN data in attempting to show that the Salt Lake City Main wire center should not be classified as non-impaired for DS1 unbundled loops. I further demonstrated that Qwest’s treatment of high-capacity digital lines is consistent with the requirements of the *TRRO*. Further still, I explained why Qwest’s inclusion of “residential” and non-switched unbundled loops in its business line count is appropriate. Finally, I showed why Mr. Denney’s proposed “adjustments” to Qwest’s business line data are erroneous.

As described in my direct testimony of March 24, 2006, Qwest’s procedures for determining the number of business lines in the Salt Lake City Main wire center, the only Utah wire center for which Qwest relied on business line counts in determining non-impairment under the terms of the *TRRO*, fully comply with the terms of the *TRRO* and the FCC’s associated implementation rules. My response

1 testimony, coupled with the testimony of Ms. Albersheim and Ms. Torrence,  
2 reinforces that Qwest's *TRRO* data is sound and that the Commission should  
3 therefore endorse Qwest's list of non-impaired wire centers in Utah.

4

5 **Q. WHAT IS YOUR RECOMMENDATION?**

6 A. I recommend that the Commission find that Qwest's business access line data  
7 presented in my direct testimony supports the non-impairment classification of  
8 DS1 and DS3 unbundled loops in the Salt Lake City Main wire center. I also  
9 recommend that the Commission find that Mr. Denney's arguments with respect  
10 to the methods he uses to count business lines are contrary to the dictates of the  
11 *TRRO* and the FCC's associated implementation rules.

12

13 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

14 A. Yes, it does.

