

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Investigation into)
Qwest Wire Center Data) **DOCKET NO. 06-049-40**
)

**SUPPLEMENTAL SURREBUTTAL TESTIMONY OF
DOUGLAS DENNEY**

**ON BEHALF OF ESCHELON TELECOM, INC., AND
JOINT CLECS, INCLUDING COVAD COMMUNICATIONS
COMPANY AND XO COMMUNICATIONS SERVICES, INC.**

JUNE 23, 2006

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2

I. INTRODUCTION

3

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

4

A. My name is Douglas Denney. I work at 730 2nd Avenue South, Suite 900 in
5 Minneapolis, Minnesota.

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**Q. DID YOU FILE REBUTTAL TESTIMONY IN THIS DOCKET ON APRIL
7 26, 2006, SURREBUTTAL TESTIMONY ON JUNE 5, 2006, AND TESTIFY
8 ORALLY ON JUNE 13, 2006?**

9

A. Yes.

10

Q. WHAT IS THE PURPOSE OF THIS TESTIMONY?

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A. The purpose of this testimony is to respond to the oral testimony of Rachel
12 Torrence at the end of the June 13, 2006 hearing and to the supplemental
13 information relating to fiber based collocations in the Provo and Ogden Main wire
14 centers that Qwest filed on June 16, 2006 as Highly Confidential Joint Exhibit 2.

15

Q. PLEASE SUMMARIZE YOUR TESTIMONY

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A. Based on Highly Confidential Joint Exhibit 2 and Ms. Torrence's testimony, the
17 Joint CLECs agree that Qwest has appropriately classified the Provo and Ogden
18 Main wire centers as Tier 1 wire centers.

19

Qwest's supplemental filing, however, illustrates two points. First is the
20 importance of Qwest providing underlying supporting information when it
21 attempts to add wire centers to the non-impaired list. The information provided

1 by Qwest was only in Qwest’s possession and could not have been independently
 2 verified by any party other than Qwest and the questionable fiber-based
 3 collocator. Second, this example illustrates why the Commission should set the
 4 effective date of wire centers Qwest proposes to add to the non-impaired list. The
 5 dispute regarding the Provo and Ogden Main wire centers could have been
 6 resolved much earlier in this case if Qwest had supplied the appropriate
 7 information to the Joint CLECs when this issue was first raised in my April 26,
 8 2006 Rebuttal Testimony.¹ As wire centers are added to the list in the future, it is
 9 important that the Commission set the effective date of the new wire centers.
 10 This will provide the proper incentives for all parties to efficiently exchange and
 11 review data.

12 Table 12 below, updates table 7 from my Surrebuttal Testimony² showing each
 13 party’s position with regarding to the proper wire center designations.

14 **Table 12: (Update to Table 7)**
 15 **Summary of Parties’ Proposed Wire Center Designation**

Wire Center	CLLI(8)	Wire Center Designation		
		Qwest	Joint CLECs	DPU
Murray	MRRYUTMA	T1	T1	T1
Ogden Main	OGDNUTMA	T1	T1	T1
Provo	PROVUTMA	T1	T1	T1
Salt Lake Main	SLKCUTMA	T1, DS1 & DS3 Loops	T1, DS3 Loops	T1, DS3 Loops
Salt Lake West	SLKCUTWE	T1	T2 from 3.11.05 to 7.7.05, T1 as of 7.8.05	T2 from 3.11.05 to 7.7.05, T1 as of 7.8.05
Salt Lake South	SLKCUTSO	T1	T1 as of 7.8.05	T1 as of 7.8.05

¹ Rebuttal Testimony of Douglas Denney on Behalf of Eschelon Telecom, Inc. and Joint CLECs (*Denney Rebuttal*), April 26, 2006, page 11, lines 9 – 20.

² Surrebuttal Testimony of Douglas Denney on Behalf of Eschelon Telecom, Inc. and Joint CLECs (*Denney Surrebuttal*), June 5, 2006, page 2.

1 There are two remaining areas of dispute regarding wire center designations.

2 Salt Lake Main – The dispute involves the appropriate methodology for counting
3 switched business lines.

4 Salt Lake West and Salt Lake South – The dispute involves the effective date of
5 Tier 1 designation for these wire centers. Qwest provided notice to CLECs that it
6 intended to count these wire centers as Tier 1 on July 7, 2005, well after both
7 Qwest’s initial February notice and the effective date of the TRRO.

8 **Q. ARE THERE ANY EXHIBITS TO YOUR TESTIMONY?**

9 A. No.

10 **II. FIBER-BASED COLLOCATION**

11 **Q. PLEASE PROVIDE A HISTORY OF THE DISPUTE REGARDING THE**
12 **PROPER TIER DESIGNATION OF THE PROVO AND OGDEN MAIN**
13 **WIRE CENTERS.**

14 A. Qwest claimed that Provo and Ogden Main should be classified as Tier 1 wire
15 centers based on the number of fiber based collocations.³ Qwest’s witness, Ms.
16 Torrence, stated that she relied, in part, upon evidence from field verifications it
17 performed to confirm the Tier status of these collocations.⁴

18 Based upon the Joint CLEC’s review of the field verifications, which Qwest

³ See *Denney Rebuttal Exhibit DD-01 JDCR 01-029*.

⁴ Direct Testimony of Rachel Torrence on Behalf of Qwest Corporation (*Torrence Direct*), March 24, 2006, pages 13 – 15.

1 supplied in response to Joint CLEC Data Request 01-045,⁵ the Joint CLECs
2 noticed that the field verifications failed to confirm a fiber-based collocator in
3 each of the Provo and Ogden Main wire centers. The carrier in question was the
4 same for both wire centers. This issue was raised in my Rebuttal Testimony.⁶

5 In her Response Testimony Ms. Torrence noted, “If information was missing
6 from a verification worksheet, the available information was further investigated,
7 and, as I previously stated, corroborated with other data.”⁷ Qwest provided
8 nothing, other than these words of assurance, as a response to the questions raised
9 regarding Provo and Ogden Main. Qwest failed to provide additional evidence,
10 documentation, or description of the facts it “investigated” to make these claims.
11 During the hearing, after all testimony was complete, Qwest stated it needed to
12 clarify the record regarding the Provo and Ogden Main wire centers. Ms.
13 Torrence then provided details of the “further investigation” that she alluded to in
14 her Response Testimony. This oral testimony made clear that Qwest had
15 withheld information from the Joint CLECs and had not properly updated data
16 responses based on additional information it collected. Judge Goodwill ordered
17 Qwest to file the documentation that Qwest had not provided to the Joint CLECs
18 in response to data request 01-045 and authorized the Joint CLECs to file this
19 testimony in response.

20 Qwest’s supplemental data responses included eight documents, four relating to

⁵ See *Denney Rebuttal*, Exhibit DD-01 JCDR 01-045.

⁶ *Denney Rebuttal*, page 11, lines 9 – 20.

1 Provo and four relating to Ogden Main, totaling approximately 600 pages.

2 The four documents for Provo are described below.

3 (1) Details of the initial installation of fiber and power in the carriers
4 collocation space.

5 (2) Details of the addition of 48 DS3 UNE terminations in the collocation
6 space. These do not appear to be transport facilities.

7 (3) Details of an augment where power was added as well as DS0 UNE
8 terminations.

9 (4) Details of the addition of fiber cable from the carriers collocation space
10 to the carriers Point of Presence (POP).

11 The four documents for Ogden Main are described below.

12 (1) Details of the initial installation of fiber and power in the carriers
13 collocation space.

14 (2) Details of the addition of an OC48 and DS3 UNE terminations.

15 (3) Details of an augment where power and DS0 terminations were added.

⁷ Response Testimony of Rachel Torrence on Behalf of Qwest Corporation (*Torrence Response*), May 24, 2006, page 10, lines 20 – 22.

1 (4) Details of an augment to significantly reduce power. Including one
2 200 amp feed that was reduced to zero; another 200 amp feed was reduced
3 to 65 amps; and a 40 amp feed was deactivated. However, this reduction
4 occurred after March 11, 2005 and thus is does not impact this carriers
5 status on the effective date of the TRRO.

6 **Q. WHERE YOU ABLE TO FORM ANY CONCLUSIONS FROM THE**
7 **REVIEW OF THIS DOCUMENTATION?**

8 A. Yes. Based upon my review of this information supplied by Qwest, the Joint
9 CLECs agree that the Provo and Ogden Main wire centers should be classified as
10 Tier 1. The carrier in question appears to have been “operat[ing] a fiber-optic
11 cable” as required under the FCC’s definition of a fiber-based collocator⁸ on
12 March 11, 2005. As a result, this carrier is properly counted as a fiber-based
13 collocator for the purposes of determining the proper tier status for the Provo and
14 Ogden Main wire centers.

15 The data Qwest provided, moreover, was essential to the Joint CLECs’
16 ability to verify this determination. Ms. Torrence states that “Qwest did not
17 provide any additional information to what it had previously provided, but rather,
18 merely provided back-up documents for the information that was already included
19 in my testimony.”⁹ She misses the point. The Joint CLECs are not willing to
20 simply trust that Qwest has properly identified carriers as fiber-based collocators.
21 The back up material, including the supplemental data responses, was crucial for

⁸ 47 C.F.R. § 15.5 Terms and Definitions, Fiber-based collocator.

⁹ *Torrence Response*, page 4, lines 6 - 8.

1 examining the accuracy of Qwest's fiber-based collocation claims. These reviews
2 are not frivolous, as Qwest attempts to paint them. For example, in the Oregon
3 wire center proceeding Qwest re-designated a wire center from Tier 1 to Tier 2
4 after a similar review by the Joint CLECs.¹⁰ Qwest's wire center designations
5 have a potentially significant financial impact upon CLECs, and thus it is only
6 prudent to review Qwest's claims closely.

7 It should be noted, moreover, that if Qwest had provided sufficient supporting
8 information when this issue was first raised on April 24, then much effort could
9 have been avoided regarding this dispute. Qwest's delay in providing relevant
10 information that would allow CLECs to verify Qwest's claims regarding fiber-
11 based collocators demonstrates the importance of having the Commission set the
12 effective date of wire centers added to the "non-impaired" list. The Joint CLECs
13 are not asking the Commission to change the March 11, 2005 effective date of
14 Provo and Ogden Main, but if this same situation had occurred in a case involving
15 updates to the list, the Commission would be justified in delaying the effective
16 date of the wire center until such time as Qwest provided appropriate supporting
17 data. Though this issue was raised by the Joint CLECs on April 24, Qwest did not
18 provide supporting data until after the hearing on June 16, a delay of over 45
19 days. Under Qwest's proposal for updating the list, Qwest's failure to provide
20 relevant information, either at all or on a timely basis, would have no impact on

¹⁰ See *In the Matter of the Investigation into Qwest Wire Center Data*, Oregon Docket UM 1251, Reply Testimony of Rachel Torrence on Behalf of Qwest Corporation, June 16, 2006, page 12, line 22 through page 13 line 2. "At page 11 of his testimony, Mr. Denney cited an example in the Portland Belmont wire center where Qwest's verification worksheet did not support the inclusion of a fiber based collocator as stated in Exhibit Qwest/10 to my direct testimony (which is Exhibit Qwest/7). In this particular and

1 the effective date of a wire center that is added to the list. This is because Qwest
2 proposes that a wire center be added to the list thirty days after notice by Qwest.¹¹
3 As Qwest makes updates to the wire center list, Qwest has no incentive to provide
4 information on a timely basis, because under Qwest's proposal wire centers, if
5 eventually validated, will be put into effect retroactively regardless of Qwest's
6 degree of cooperation.

7 The Joint CLECs, on the other hand, propose that the Commission establish the
8 effective date of wire center updates based on the evidence put before it, which
9 will encourage Qwest to be more forthcoming with its supporting documentation.
10 As previously stated, the Joint CLECs do not believe that Commission and party
11 review should take more than the thirty days that Qwest proposes, as long as
12 Qwest cooperates in facilitating the CLECs review of the data, which includes
13 providing supporting information with its initial filing and upon request during
14 the review process.¹²

singular instance, I agree with Mr. Denney.”

¹¹ Response Testimony of Renée Albersheim on Behalf of Qwest Corporation (*Albersheim Response*), May 24, 2006, page 4.

¹² Surrebuttal Testimony of Douglas Denney on behalf of Eschelon Telecom, Inc. and Joint CLECs, June 5, 2006, page 27, lines 9 – 13.

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III. CONCLUSION

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Q. WHAT ARE YOUR RECOMMENDATIONS TO THE UTAH

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COMMISSION?

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A. I recommend that adopt the Joint CLEC proposals as outlined in my Surrebuttal

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Testimony, except that the Provo and Ogden Main wire centers should be

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classified as Tier 1 rather than Tier 2.

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Q. DOES THIS CONCLUDE YOUR TESTIMONY?

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A. Yes.