

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

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

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**SURREBUTTAL TESTIMONY OF**

**OF**

**RENÉE ALBERSHEIM**

**FOR**

**QWEST CORPORATION**

**June 5, 2006**

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**I. EXECUTIVE SUMMARY**

2 This testimony responds to the testimony of Casey J. Coleman of the Division of Public Utilities,  
3 regarding the future process for updating the list of non-impaired wire centers pursuant to the  
4 FCC's requirements in the *Triennial Review Remand Order* ("TRRO") and the FCC's rules  
5 implementing the TRRO. Specifically, this testimony responds to Mr. Coleman's comments  
6 regarding the notice to impacted parties of updates to the list of non-impaired wire centers,  
7 including the appropriate notice period.

8

**II. IDENTIFICATION OF WITNESS**

9 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION WITH**  
10 **QWEST.**

11 **A.** My name is Renée Albersheim. I am employed by Qwest Services Corporation, parent  
12 company of Qwest Corporation ("Qwest"), as a Staff Advocate. I am testifying on behalf  
13 of Qwest. My business address is 1801 California Street, 24th floor, Denver, Colorado,  
14 80202.

15 **Q. ARE YOU THE SAME RENÉE ALBERSHEIM WHO FILED DIRECT**  
16 **TESTIMONY IN THIS PROCEEDING?**

17 **A.** Yes, I am.

18

### III. PURPOSE OF TESTIMONY

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

20 **A.** The purpose of my testimony is to respond on a limited basis to the rebuttal testimony of  
21 Casey J. Coleman of the Division of Public Utilities. Specifically, I will address Mr.  
22 Coleman's statements regarding the proposed requirements for the process of updating  
23 the list of "non-impaired" wire centers in the future pursuant to the *TRRO*<sup>1</sup> and the FCC's  
24 rules implementing the *TRRO*.

25

### IV. UPDATING THE LIST OF NON-IMPAIRED 26 WIRE CENTERS

27 **Q. PLEASE SUMMARIZE YOUR REVIEW OF MR. COLEMAN'S STATEMENTS**  
28 **REGARDING THE PROCESS FOR UPDATING THE LIST OF NON-IMPAIRED**  
29 **WIRE CENTERS IN THE FUTURE.**

30 **A.** Qwest appreciates Mr. Coleman's endorsement of the process I describe in my testimony  
31 for updating the list of non-impaired wire centers. However, the modifications to that  
32 process proposed by Mr. Coleman are unnecessary. In particular, his proposal to shorten  
33 the period for providing notice by requiring advanced notice when a wire center reaches  
34 5,000 business lines short of a non-impairment threshold will cause a process envisioned  
35 by the FCC to be simple and straightforward to become unnecessarily complex.

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<sup>1</sup> *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Order on Remand*, CC Docket No. 01-338, WC Docket No. 04-313, 20 FCC Red 2533 (2004) ("*Triennial Review Remand Order*" or "*TRRO*").

36 **Q. IS CREATING AN ADDITIONAL STATE THRESHOLD FOR PROVIDING**  
37 **NOTICE TO THE CLECS NECESSARY, IN ADDITION TO THE**  
38 **ESTABLISHED FCC THRESHOLD?**

39 **A.** No. Mr. Coleman states on page 9 of his direct testimony that Qwest should provide  
40 advanced notice to CLECs when a wire center gets within 5,000 business lines of any of  
41 the thresholds. However, the FCC set clearly defined thresholds in the *TRRO* and did not  
42 provide for an “advanced warning” mechanism. The absence of such a mechanism in the  
43 *TRRO* demonstrates the FCC’s preference for a simple and straightforward process for  
44 identifying and including wire centers on the non-impaired list.<sup>2</sup> This preference would  
45 be undermined by the additional reporting and notice obligations that would be imposed  
46 on Qwest under Mr. Coleman's proposal. As discussed more fully in the testimony of  
47 Qwest Witness Mr. Teitzel, the ARMIS 43-08 report provides aggregated data at both the  
48 state and federal levels. Mr. Coleman’s proposed modifications would require, in  
49 essence, Qwest to produce for Utah alone an annual report at a wire center level and to  
50 evaluate and determine if and when a wire center meets the Utah-imposed threshold and  
51 to provide specific notice to CLECs. In addition, these burdens would be imposed  
52 despite the absence of evidence that a 5,000-line threshold that would trigger the early  
53 warning mechanism is an indication that a wire center will soon become non-impaired.  
54 Simply put, a separate Utah threshold, in addition to the FCC threshold, is not a  
55 meaningful measure. Of equal concern is the fact that providing notice that the 5,000-

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<sup>2</sup> The FCC stated in the *TRRO* its purpose was to avoid unnecessary litigation. “We are acutely aware of the need to base any test we adopt here on the most objective criteria possible in order to avoid complex and lengthy proceedings that are administratively wasteful but add only marginal value to our unbundling analysis. Most parties seem to agree that long, extended proceedings add significant costs as well as uncertainty about the future state of the rules and an easily administrable test will avoid that uncertainty.” *TRRO*, at ¶ 99.

56 line threshold has been met could cause CLECs to avoid placing DS1 and DS3 facilities  
57 in the wire centers where the threshold is met in an effort to maintain a wire center's  
58 impaired status.

59 **Q. MR. COLEMAN QUESTIONS ON PAGE 9 OF HIS DIRECT TESTIMONY**  
60 **WHETHER 30 DAYS IS “SUFFICIENT TIME FOR CLECS TO MAKE**  
61 **EVALUATIONS FOR WHAT COURSE OF ACTION” THEY SHOULD PURSUE.**  
62 **IS 30 DAYS SUFFICIENT?**

63 **A.** Yes. 30 days is an adequate amount of time for CLECs to determine whether to  
64 challenge a wire center’s designation. Qwest’s proposal does not contemplate all  
65 network modifications occurring at the 30-day time period. Rather, Qwest has proposed  
66 using a transition period of 90 days for existing DS1 and DS3 facilities and 180 days for  
67 dark fiber facilities.

68 **V. CONCLUSION**

69 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

70 **A.** While Qwest agrees with Mr. Coleman’s conclusion that Qwest’s proposed update  
71 process is appropriate, his proposed modifications to that process are not supported by the  
72 *TRRO* and produce unintended adverse consequences. Finally, the procedural time  
73 frames Qwest proposes for changes to the list of non-impaired wire centers are  
74 reasonable and appropriate, and Mr. Coleman has not provided reason to modify them.

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

76 **A.** Yes, it does.