



State of Utah  
Department of Commerce  
Division of Public Utilities

FRANCINE GIANI  
*Executive Director*

THAD LEVAR  
*Deputy Director*

CONSTANCE B. WHITE  
*Director, Division of Public Utilities*

JON HUNTSMAN Jr.  
*Governor*  
GARY HERBERT  
*Lieutenant Governor*

September 7, 2007

**TO: PUBLIC SERVICE COMMISSION**

**FROM: DIVISION OF PUBLIC UTILITIES**

Constance B. White, Director  
Laura Scholl, Manager, Telecommunications  
Casey J. Coleman, Technical Consultant

**Re: In the Matter of Qwest Corporation Petition for Commission Approval of  
2007 Additions to Non-Impaired Wire Center List Docket No. 07-049-30**

**RECOMMENDATION:**

The Commission should grant Tier 2 status to the Midvale exchange based on the number of lines. Because some CLECs found discrepancies in the data provided by Qwest and their own information, those CLECs are requesting that the Tier 2 designation for the Orem exchange be verified before a designation regarding impairment is given. The Division agrees with the CLECs and recommends that a detailed investigation be conducted and a procedural conference be scheduled to discuss the thorough review of the data.

**BACKGROUND:**

On June 27, 2007, the Parties filed a Notice of Joint Filing and Amended Request for Order Approving Settlement Agreement with the Commission. That agreement was accepted by the Commission on July 31, 2007. As part of the stipulated agreement a procedure was given whereby Qwest would be able to add additional wire centers to the list of non-impaired wire centers.

On June 29, 2007, Qwest filed to have Midvale and Orem wire centers classified as Tier 2. In the original filing Qwest claimed that Midvale was a tier 2 exchange because it was above the 24,000 line threshold as outlined in the TRRO and had 3 CLECs who had collocating in the wire center. Orem met the Tier 2 classification because it had over 24,000 business lines.

As part of the Division's review process to verify the information provided by Qwest, representatives from the Division met with representatives of Qwest to physically check the Midvale exchange. On August 29, 2007 Ms. Scholl, Mr. Coleman, and Mr. Anderson met

individuals from Qwest who provided facility tours of the Midvale exchange. The Division was able to verify that some CLECs were collocated in the Midvale exchange.

On September 6, 2007 Qwest filed a memo with the Commission indicating that Midvale was no longer a wire center that would meet the Tier 2 designation because of CLEC collocators.

In conjunction with the physical site verification, the Division also reviewed the line counts for both wire centers to ensure Qwest followed the methodology outlined by the Commission's order in Docket No. 06-049-40. In looking at the information provided, it appears that Qwest did follow the process of counting the number of lines as reported by ARMIS then adding any additional Voice Grade Equivalents for UNEs and EELs. Doing this review showed that if Qwest had accurate information, both wire centers would rise above the 24,000 business line threshold for Tier 2 designation.

On September 6, 2007, the Joint CLECs filed an objection to the information supplied by Qwest for the Orem wire center. The Joint CLECs are asking that the Commission schedule a procedural conference to establish a method to verify the information when there are objections to the information provided.

Because the Division did not have any readily available information from CLECs or Qwest showing the number of lines by wire center, it did create a challenge to precisely determine the accurate number of business lines. Additionally, because a designation of a wire center is so important, and the Orem exchange is quite close to the 24,000 business line threshold, the Division agrees with the Joint CLECs that additional analysis should be conducted in the Orem wire center.

#### **CONCLUSION:**

The Commission should grant Tier 2 status to the Midvale exchange based on the number of lines. Because some CLECs found discrepancies in the data provided by Qwest and their own information, those CLECs are requesting that the Tier 2 designation for the Orem exchange be verified before a designation regarding impairment is given. The Division agrees with the CLECs and recommends that a detailed investigation be conducted and a procedural conference be scheduled to discuss the thorough review of the data.

CC: Alex Duarte, Qwest Corporation  
Gregory Kopta, Joint CLECs  
Michael Ginsberg, Division of Public Utilities