

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

---

In the Matter of Qwest Corporation d/b/a	)	Docket No. 14-049-17
CenturyLink QC's Petition for Commission	)	
Approval of 2014 Additions to its Non-	)	<b>COMMENTS OF INTEGRA</b>
Impaired Wire Center List and Motion for	)	<b>TELECOM OF UTAH</b>
Expedited Issuance of Protective Order	)	

---

Integra Telecom of Utah, Inc., Electric Lightwave, LLC, and Eschelon Telecom of Utah, Inc. (collectively "Integra"), respectfully provide these comments to Qwest Corporation dba: CenturyLink QC's ("CenturyLink"), June 20, 2014 petition requesting Commission approval of 2014 Additions to its Non-Impaired Wire Center List.

**Background**

Integra is a certified telecommunications company authorized to provide both intra-exchange and inter-exchange telecommunications services in the service territories of Qwest Corporation dba CenturyLink QC ("CenturyLink") in Utah. Integra currently competes with, and obtains interconnection and facilities from CenturyLink in the provision of Integra's telecommunications services.

On June 20, 2014 CenturyLink filed a petition for Commission approval of 2014 Additions to its Non-Impaired Wire Center List ("2014 Application") and requested the establishment of a protective agreement consistent with the June 20, 2007 Multi-State Settlement Agreement Regarding Wire Center Designations and related Issues. CenturyLink requested the Orem (OREMUTMA) wire center classification be changed from Tier 2 to Tier 1; and American Fork (AMFKUTMA) be changed from a Tier 3 wire center to a Tier 2, based on the number of fiber-based collocations in each central office.

On June 23, 2014 CenturyLink sent a notice to CLEC's informing them that they would be filing data with the Commission in support of its non-impairment request and notified CLECs that, "Affected carriers must review the information and file any objections to the proposed designations on or before August 1, 2014 in Docket Number 14-097-17."<sup>1</sup>

On June 26, 2014, the Commission approved the protective order and issued a Notice of Filing and Comment Period requesting comments "no later than"<sup>2</sup> July 21, 2014 and reply comments "no later than"<sup>3</sup> July 31, 2014. On July 1, 2014, CenturyLink filed highly confidential data supporting its 2014 Application; and Integra filed the Protective Order to gain access to this data. CenturyLink provided Integra with the highly confidential data supporting CenturyLink's request on July, 1 2014, at which time Integra began a data verification process. CenturyLink filed revised highly confidential supporting data on July 16, 2014. The 2007 multi-state settlement in the Matter of the Investigation into Qwest Wire Center Data<sup>4</sup> contemplated that the parties would have 30 days to review the confidential supporting data in future wire center proceedings.

## **Discussion**

A change in a wire center's non-impairment classification, as CenturyLink is requesting, would permanently<sup>5</sup> alter the availability of unbundled network elements such as dark fiber, unbundled DS3 transport and unbundled DS1 transport, by limiting which unbundled elements the ILEC must make available to competitive LECs. DS1 transport is not available as an unbundled network element ("UNE") between wire centers classified as Tier 1, and Dark Fiber and DS3 transport are not available as UNEs between a Tier 2 wire center and a wire center classified as

---

1 See: [http://wholesale.centurylinkapps.com/cnla\\_pub\\_files/UT\\_CLEC\\_Notice\\_2014.doc](http://wholesale.centurylinkapps.com/cnla_pub_files/UT_CLEC_Notice_2014.doc)

2 Notice of Filing and Comment Period, In the Matter of Qwest Corporation d/b/a CenturyLink QC's Petition for Commission Approval of 2014 Additions to its Non-Impaired Wire Center List, June 26, 2014, p. 1.

3 Ibid.

4 Utah Docket: 06-049-40

5 47 C.F.R § 51.319 (3)(i) "...Once a wire center is determined to be a Tier 1 wire center, that wire center is not subject to later reclassification as a Tier 2 or Tier 3 wire center"

Tier 1 or Tier 2. Additionally, unbundled DS1 transport is limited to 10 transport circuits between a Tier 2 wire center and a Tier 1 or Tier 2 wire center.

In order to be classified as a Tier 1 wire center there must be at least four fiber-based collocators in the wire center. A wire center classified as Tier 2 must have least three fiber-based collocators. The FCC defines a fiber-based collocator as follows:

A fiber-based collocator is any carrier, unaffiliated with the incumbent LEC, that maintains a collocation arrangement in an incumbent LEC wire center, with active electrical power supply, and operates a fiber optic cable or comparable transmission facility that (1) terminates at a collocation arrangement within the wire center; (2) leaves the incumbent LEC wire center premises; and (3) is owned by a party other than the incumbent LEC or any affiliate of the incumbent LEC except as set forth in this paragraph . Dark fiber obtained from an incumbent LEC on an indefeasible right of use basis shall be treated as non-incumbent LEC fiber-optic cable. Two or more affiliated fiber-based collocators in a single wire center shall collectively be counted as a single fiber-based collocator. For purposes of this paragraph, the term affiliate is defined by 47 U.S.C. § 153(1) and any relevant interpretation in this Title.<sup>6</sup>

Therefore, when scrutinizing a wire center petition such as the one presented in this docket, it is imperative that the commission confirm with certainty that the FCC's collocation criteria have been met.

Integra initiated a careful review of the highly confidential data provided by CenturyLink on July 1, 2014. Pursuant to its review, Integra identified concerns related to CenturyLink's fiber-collocator verification process for the Orem wire center. On July 11, 2014, Integra submitted its first set of data requests to CenturyLink for information related to these concerns. In response to Integra data requests, CenturyLink filed a Revised Highly Confidential Attachment C on July 16, 2014. The Revised Highly Confidential Attachment C addressed Integra's concerns with CenturyLink's verification process.

---

6 47 C.F.R. § 51.5

In addition, Integra contacted the carriers CenturyLink identified as fiber-based collocators in the Orem and American Fork wire centers, and asked those carriers to confirm their status as fiber-based collocators.<sup>7</sup> Historically, carriers have been responsive to Integra's wire center review process and have been willing to confirm whether they are a fiber-based collocator consistent with the FCC's definition<sup>8</sup>.

Based on Integra's review of the highly confidential data and response from carriers, Integra has been unable to confirm all of the fiber-based collocations in the two wire centers under consideration at this time. The attached highly confidential Exhibit A contains the results of Integra's review. Integra's inability to confirm the fiber-based collocations listed by CenturyLink is a result of one carrier's response that they do not meet the definition of a fiber-based collocator in the American Fork wire center and the inability of another carrier to respond to Integra's request for verification in both the Orem (OREMUTMA) and American Fork (AMFKUTMA) wire centers before the comment date established in this docket. Integra's contact for the carrier unable to respond before the comment date indicated that they would be on vacation and would not be able to respond prior to the first week of August.<sup>9</sup>

## **Conclusion**

For the reasons described, as of this filing, Integra objects to the change in Tier status of the Orem and American Fork wire centers. Due to the permanency and impact of changes in wire center classifications, Integra encourages the Commission to carefully scrutinize CenturyLink's petition, and determine with certainty that CenturyLink has met the required criteria before

---

7 See Affidavit of Renée Albersheim, Highly Confidential Attachment A.

8 See 47 C.F.R. § 51.5

9 See Integra Highly Confidential Exhibit A.

granting CenturyLink's requests. As part of this process the carriers identified by CenturyLink as fiber-based collocators in the impacted wire centers, should verify their collocation status. Absent such collocation verification, Integra objects to CenturyLink's request to change the classification of the Orem (OREMUTMA) wire center from Tier 2 to Tier 1 and the American Fork (AMFKUTMA) wire center from Tier 3 to Tier 2, on the ground that the record is insufficient to support granting CenturyLink's request.

Because a change in Tier status is permanent Integra requests that all independent verifications be obtained prior to a change in Tier status. Integra requests that the parties in this docket immediately meet to resolve the apparent discrepancy in the count of fiber-based collocators in the American Forks (AMFKUTMA) wire center. In addition, if Integra is unable to independently verify the information provided by CenturyLink, Integra requests that CenturyLink, the Commission, or Commission staff contact the carrier to help verify its status as a fiber-based collocator. To the extent that all carriers verify their status as fiber-based collocators in Orem (OREMUTMA) and American Forks (AMFKUTMA), Integra would withdraw its objection to the reclassification of these wire centers.

Respectfully submitted,



Dated this 21st day of July, 2014.

---

Douglas K. Denney  
Vice President Costs and Policy  
Integra  
18110 SE 34th St. Building One Suite 100  
Vancouver, WA 98683  
Direct: 360-558-4318  
Fax: 503-453-8223  
Email: [dkdenney@integratelecom.com](mailto:dkdenney@integratelecom.com)