

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Qwest Corporation d/b/a)	Docket No. 15-049-10
CenturyLink QC's Petition for Commission)	
Approval of 2015 Additions to its Non-)	COMMENTS OF INTEGRA
Impaired Wire Center List and Motion for)	
Expedited Issuance of Protective Order)	

Pursuant to the Public Service Commission of Utah's ("Commission") request for comments¹, Integra Telecom of Utah, Inc., Electric Lightwave, LLC, and Eschelon Telecom of Utah, Inc. (collectively "Integra"), respectfully provide this response to Qwest Corporation dba: CenturyLink QC's ("CenturyLink"), June 15, 2015 petition requesting Commission approval of the proposed 2015 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 CenturyLink in Utah. Integra currently competes with, and obtains interconnection and facilities from CenturyLink in the provision of Integra's telecommunications services.

On June 15, 2015 CenturyLink filed a petition for Commission approval of 2015 additions to its Non-Impaired Wire Center List ("2015 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 ("Multi-State Settlement") in Docket No. 06-049-40. CenturyLink requested American Fork (AMFKUTMA) be changed from a Tier 2 wire center to a Tier 1; Kaysville (KYVLUTMA) be changed from a Tier 3 wire center to Tier 2; and

¹ June 19, 2015 [Notice of Filing and Comment Period](#)

Salt Lake City East (SLKCUTEA) be changed from a Tier 2 to Tier 1 wire center based on the number of fiber-based collocations in each wire center.

On June 19, 2015, the Commission approved the protective order and issued a Notice of Filing and Comment Period requesting comments no later than July 15, 2015 and reply comments no later than July 27, 2015. On June 22, 2015, CenturyLink filed highly confidential data supporting its 2015 Application; and on June 26, 2015 Integra filed the Protective Order to gain access to this data. CenturyLink provided Integra with the highly confidential data supporting CenturyLink's request on June 30 2015, at which time Integra began a data verification process. The 2007 Multi-State Settlement² 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 permanently³ 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 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.

2 Utah Docket: 06-049-40 Multi-State Settlement Agreement Regarding Wire Center Designations and Related Issues

3 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"

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.⁴

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 June 30, 2015. Integra contacted those CLECs which did not respond to CenturyLink's initial requests⁵ to validate CenturyLink's finding that the CLECs were fiber-based collocators and asked those carriers to confirm whether their collocation met the FCC's definition of a fiber-based collocator. The attached highly confidential Exhibit A contains the results of Integra's review. 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. However at this time, Integra has been unable to confirm all of the fiber-based collocations in the wire centers under consideration.

4 47 C.F.R. § 51.5

5 See Affidavit of Renée Albersheim, Highly Confidential Attachment C

Integra will update Exhibit A with the latest information it receives on the July 27, 2015 Reply Comment date.

Integra understands that the Department of Commerce, Division of Public Utilities (“Department”) is also undertaking an effort to independently verify CenturyLink’s supporting data. Integra greatly appreciates the Department’s efforts and looks forward to working with the Department in an expeditious manner to complete the review of CenturyLink’s latest non-impairment filing.

Conclusion

Due to the permanency and impact of changes in wire center classifications, careful scrutiny of CenturyLink’s petition is warranted before granting its requests. Integra has undertaken an investigation to verify the supporting non-impairment data provided by CenturyLink and greatly appreciates the Department’s efforts to independently review CenturyLink’s petition. Integra plans to update the results of its investigation of CenturyLink’s supporting data in its reply comments.

Respectfully submitted,



Dated this 15th day of July, 2015.

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