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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

IN THE MATTER OF THE PETITION OF	:	
DIECA COMMUNICATIONS, INC., D/B/A	:	Docket No. 04-2277-02
COVAD COMMUNICATIONS COMPANY,	:	
FOR ARBITRATION TO RESOLVE ISSUES	:	
RELATING TO AN INTERCONNECTION	:	
AGREEMENT WITH QWEST	:	
CORPORATION	:	

**QWEST CORPORATION'S MOTION FOR REVIEW SEEKING CLARIFICATION OF
A PORTION OF THE COMMISSION'S ARBITRATION REPORT AND ORDER**

Qwest Corporation ("Qwest"), pursuant to Utah Admin., Rule R746-100-11.F, submits this motion for review seeking clarification of a portion of the Commission's ruling relating to Arbitration Issue No. 1 – copper retirement – in this interconnection arbitration between Qwest

and Covad Communications Company ("Covad") under the Telecommunications Act of 1996 ("the Act").

Among the two sub-issues within Issue No. 1 is a dispute concerning the notice that Qwest will provide to Covad when it intends to retire a copper loop and replace it with a fiber loop. While the applicable FCC rule (47 C.F.R. § 51.329) requires Qwest either to file a public notice with the FCC or to provide notice on its Internet site, Qwest already provides three different forms of notice. It files a notice with the FCC, posts a notice on its Internet site, and sends e-mail notices to CLECs. In its proposed interconnection agreement, Qwest commits to providing in these notices all the information required under the governing FCC rule, 47 C.F.R. § 51.327, and under any applicable state law.

The dispute between the parties relating to notice involves the content of the notice that Qwest will provide. While Qwest commits to providing the notice required by federal and state law, Covad's ICA language includes a detailed listing of the information to include in the notice: city and state; wire center; planned retirement date; the FDI address; a listing of all impacted addresses in the DA; a listing of the addresses of all Covad customers affected; old and new cable media, including transmission characteristics; circuit identification information; and cable and pair information. Covad's intent in requiring some of this information – *e.g.*, addresses of all impacted addresses and Covad impacted-addresses, circuit identification information – is to shift the responsibility for determining whether Covad customers will be affected by a copper retirement from Covad to Qwest.

In the Arbitration Report and Order, the Commission adopted some of Covad's proposed ICA language relating to the content of notices, but it specifically ruled that the ICA should not

include language requiring Qwest to identify Covad customers that may be affected by a copper retirement:

[I]t would not be reasonable to require Qwest to anticipate the affect its proposed retirement of copper will have on specific Covad customers. The additional information we are requiring Qwest to provide should sufficiently identify the impacted area to permit Covad to determine *for itself* which of its customers may be affected. (emphasis added).

Arbitration Order at 10. Based on this ruling, the Commission excluded from the notice only the Covad language that would have required Qwest to list "all of CLEC's customer impacted addresses." *Id.*

Qwest's concern with this ruling is that it fails to go far enough to be consistent with the Commission's determination that Qwest's obligation is not to identify the customers for Covad, but instead to "sufficiently identify the impacted area" so that Covad can make that determination. Specifically, by requiring Qwest to identify all impacted addresses the Commission is requiring Qwest to do substantially more than just identify the impacted areas; indeed, the ruling effectively requires Qwest to identify the Covad customers that may be affected by a copper retirement. If Qwest has to determine and identify "all impacted addresses," those addresses would necessarily have to include the addresses of Covad's customers, which directly contravenes the Commission's ruling that Qwest does not have to provide such information. Indeed, that requirement would be even more burdensome than the one the Commission struck, as it could obligate Qwest to attempt to determine the customers of carriers other than Covad who may be affected.

Qwest has an additional concern relating to the requirement to include circuit identification numbers in the notice. As Qwest witness, Renee Albersheim, discussed in her testimony, circuit identification numbers are not available for line-shared loops. Thus, for line sharing, Qwest does not have circuit IDs for pre-ordering, ordering, provisioning, maintenance and repair, or billing. *See* Qwest Ex. 3-RC (Albersheim Rebuttal) at 8-9. As a result, Qwest does not have the ability to provide circuit ID numbers in its notices relating to line-shared loops.

Accordingly, Qwest requests that the Commission modify its order to clarify that Qwest is not required to provide circuit IDs for notices relating to these loops. That change will not have any effect on Covad's ability to determine if its customers may be affected by the retirement of a copper loop.

Accordingly, Qwest respectfully requests that the Commission issue an order clarifying that Qwest is not required in its notices of copper retirements to (1) identify all impacted addresses or (2) provide circuit identifications

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Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of **QWEST CORPORATION'S MOTION FOR REVIEW SEEKING CLARIFICATION OF A PORTION OF THE COMMISSION'S ARBITRATION REPORT AND ORDER** was mailed by U.S. Mail, postage prepaid, and electronically mailed to the following on this 11th day of March, 2005:

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