

ATTACHMENT A – JOINT CLEC PROCESS PROPOSAL:
WIRE CENTER LIST AND UPDATE PROCESS

In their accompanying letter, CLECs propose that the Commission order Qwest to provide data sufficient to verify Qwest's wire center lists and then develop lists of eligible and ineligible Qwest wire centers, as well as a process for updating the lists. Below is the CLECs' proposed approach for developing the wire center lists and updates.

1. **ADDRESS CONFIDENTIALITY ASAP:** The earlier a protective order is issued, the earlier CLECs may begin to verify Qwest's supporting data and the parties can attempt to reach agreement or at least narrow the issues.

PROTECTIVE ORDER – SIMILAR TO COST CASE ORDERS: The Commission should issue a protective order regarding confidentiality. The protective order should be similar to those issued in Qwest cost cases.

A more limited protective order, such as an order limiting all data to staff access, would be overly restrictive for fiber based collocator data. CLEC fiber based collocation is not of the same sensitive nature as CLEC circuit-specific line counts and can be properly handled through a standard protective order. Aggregated line counts per wire center is also similar to the type of data provided in cost cases pursuant to standard protective orders. Both CLEC-specific fiber based collocator data and aggregated line counts per wire center should be classified as standard confidential data, without extra protections reserved for highly confidential data.

In Washington, an ALJ has indicated that the Commission will issue an order providing that CLEC-specific fiber based collocator by wire center data will be provided to parties signing the protective order without any masking of the identity of such collocators ("unmasked") and treated as confidential (i.e., not highly confidential).¹ CLEC-specific business line count by wire center data will be provided to parties signing the protective order with the identity of the CLECs masked by assigning each CLEC a code. Such masked data will also be treated as confidential (i.e., not highly confidential). The ILEC will provide each CLEC with its own code, so that the CLEC may verify its own line count data. Either an "unmasked" version of the CLEC-specific business line count data or a key to all of the codes will be provided to the commission staff.² *All of the Joint CLECs are willing to sign a protective order with such terms and to allow their data to be provided in this matter pursuant to the terms of such a protective order.*

¹ The WA Protective Order, "Order No. 01" issued by the WUTC, provides that the identity of any fiber-based collocators in a wire center will be designated as Confidential, as opposed to Highly Confidential. (¶ 5) ([http://www.wutc.wa.gov/rms2.nsf/0/7ED3BB3AD74613AA882571110068E363/\\$file/Order%2BNo.%2B01%2B-%2BProtective%2BOrder.pdf](http://www.wutc.wa.gov/rms2.nsf/0/7ED3BB3AD74613AA882571110068E363/$file/Order%2BNo.%2B01%2B-%2BProtective%2BOrder.pdf))

² The WA Protective Order, "Order No. 01" issued by the WUTC, provides that the identity of a telecommunications carrier's business lines or line counts will be provided in a "masked" format. Individual CLEC line counts will be identified using a code and will be designated as Confidential. Each individual CLEC will be provided their own code to verify data concerning that carrier. Commission Staff will be provided a code for all carriers. (¶ 5) ([http://www.wutc.wa.gov/rms2.nsf/0/7ED3BB3AD74613AA882571110068E363/\\$file/Order%2BNo.%2B01%2B-%2BProtective%2BOrder.pdf](http://www.wutc.wa.gov/rms2.nsf/0/7ED3BB3AD74613AA882571110068E363/$file/Order%2BNo.%2B01%2B-%2BProtective%2BOrder.pdf))

ONE-TIME WUTC NOTICE WITH PROTECTIVE ORDER: The Commission should issue a notice to telecommunications carriers in the state³ describing the process and how to participate and enclosing a copy of the protective order (or indicating how to obtain a copy).

- Indicate the date on which Qwest will be submitting its initial wire center lists with supporting data and require any objecting CLECs to object to the WUTC before that date.

ONGOING QWEST NOTICES TO CLECs, WHEN WIRE CENTERS ARE ADDED TO LIST: Before Qwest files a proposal and supporting data asking to add a wire center to an approved wire center list, Qwest would issue a notice to CLECs informing them of the filing, notifying them that the filing (which will be filed as confidential pursuant to the protective order) may contain a CLEC's confidential data, advising CLEC that it may obtain data in the docket by signing the protective order, and indicating that, if a CLEC objects, the CLEC should contact *the Commission* before a given date. These notices would be similar to the notices that Qwest currently send with respect to requests for CLEC-specific data (*see* examples in Attachment C). The examples of Qwest notices in Attachment C show that Qwest already has a process in place for notifying CLECs (including non-party CLECs) when Qwest intends to provide CLEC-specific data to the other parties or the Commission pursuant to a protective order.

2. **ENSURE SUFFICIENT SUPPORTING DATA ARE PROVIDED WITH FILING AND ESTABLISH PROCESS TO INQUIRE ABOUT THE DATA:**

INITIAL LIST:

- SET CLEC OBJECTION DATE by which any CLEC may object to inclusion of its data in data provided to other CLECs pursuant to the protective order.
- SEND COMMISSION NOTICE to carriers (described above in #1)
- SET QWEST DATE by which Qwest submits proposed wire center lists and data upon which it relies (but at least the data identified in *Attachment B*).
- SET EXCHANGE OF INFORMATION PERIOD: Once the protective order is in place and notice and opportunity to object given, allow either discovery or informal exchange of information so that the parties have sufficient opportunity to reasonably inquire about the data to understand its meaning and application.
 - Establish a reasonable but expedited time period (e.g., 30 days) for this information exchange process. (This time period may be shorter when only one wire center is involved, such as for an update to the list.)

³ In the Washington workshop in Docket No. UT-053025, Qwest agreed to review the Commission's list of carriers and notify the Commission if any fiber-based collocators in the state were not on the list, to ensure complete notice to affected parties.

- Allow opportunity to object and resolve any disputes as to sufficiency of the data.
- Allow time extensions, such as in the event of disputes as to sufficiency of data or if multiple wire centers are submitted at the same time, increasing the amount of data to review.

ADDITIONS/UPDATES TO THE LIST:

Same process as for initial list, except Qwest sends the initial notice to CLECs (described above in #1 and in enclosed similar examples) before filing the data. Qwest must also provide the data directly to any CLECs that have signed the protective order.

- Establish set intervals for each update, such as:
 - 5 Days (or more): Qwest must provide notice to CLECs at least 5 days before Qwest's filing of proposed additional wire center(s) and the supporting data (at least the data identified in Attachment B).
 - 20 Day time period (after receipt of data identified in Attachment B) for discovery/exchange of information per wire center added.

3. **APPROVE UNDISPUTED WIRE CENTERS AND RESOLVE DISPUTES:**

SET DATE by which CLECs, after review of the data, must file exceptions, challenge the sufficiency of the data, or object to inclusion of any wire center on the list.

If no objection, approve the wire center list and send a notice containing the updated approved wire center list and post the approved list on the commission website.

If objection(s), approve a list containing only any undisputed wire centers, resolve disputes as to disputed wire centers, and then update the list if dispute resolution requires later addition of any wire centers to the list.