

**BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH**

**IN THE MATTER OF THE INVESTIGATION )  
INTO QWEST WIRE CENTER DATA ) DOCKET NO. 06-049-40  
\_\_\_\_\_ )**

**RESPONSE TESTIMONY**

**OF**

**RACHEL TORRENCE**

**ON BEHALF OF**

**QWEST CORPORATION**

**MAY 24, 2006**

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**I. IDENTIFICATION OF WITNESS**

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**Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS AND POSITION WITH QWEST CORPORATION.**

A. My name is Rachel Torrence. My business address is 700 W. Mineral Ave., Littleton Colorado. I am employed as a Director within the Network Policy Group of Qwest Services Corporation. I am testifying on behalf of Qwest Corporation and its affiliates (Qwest).

**Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS DOCKET?**

A. Yes, I files direct testimony in this docket on March 24, 2006.

1 **II. PURPOSE OF RESPONSE TESTIMONY**

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3 **Q. WHAT IS THE PURPOSE OF YOUR REPLY TESTIMONY?**

4 A. The purpose of my response testimony is to respond to the testimony of Mr. Douglas  
5 Denney, filed on behalf of Eschelon Telecom Inc., and the Joint CLECs, including Covad  
6 Communications Corporation and XO Communications Services.

7 In his testimony, Mr. Denney criticizes the methodology by which Qwest determined the  
8 number of fiber-based collocators for purposes of determining which Qwest wire centers  
9 are “non-impaired” pursuant to the FCC’s Triennial Review Remand Order (“*TRRO*”)  
10 and the FCC’s associated implementation rules, and he challenges the results of that  
11 methodology. My response testimony will address Mr. Denney’s concerns and challenge  
12 his conclusions. My testimony will also show that not only is Qwest’s methodology  
13 sound, its application is objective and comprehensive, and the end result is accurate.

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1           **III.    QWEST’S METHODOGY IS SOUND AND OBJECTIVELY APPLIED.**

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3           **Q.    PLEASE COMMENT ON MR. DENNEY’S PROCESS FOR DETERMINING**  
4           **WIRE CENTER TIER DESIGNATION?**

5           A.    Surprisingly, Mr. Denney’s and the Joint CLECs’ process for determining wire center tier  
6           designation relies substantially on evidence that Qwest has provided. At page 14 of his  
7           testimony, Mr. Denney states the following:

8           First, I looked at the carriers Qwest claimed were fiber-based collocators in each office  
9           and in most cases attempted to contact these carriers to see if they could verify their  
10          status. Second, I looked at the information Qwest provided such as: whether the carrier  
11          affirmatively told Qwest it was a fiber-based collocator, and I reviewed the results of  
12          Qwest’s field verification.  
13

14          In essence, the Joint CLECs followed Qwest’s same methodology and used the evidence  
15          that Qwest presented as the basis for their determination and their final conclusions.

16          However, beyond the testimony filed in this docket, admittedly based on Qwest’s data,  
17          and the Joint CLECs claims that they “*attempted*” to contact carriers, the Joint CLECs  
18          have not provided any independent evidence regarding the number of fiber-based  
19          collocators in any wire center in Utah. Despite the fact that they were allowed to view  
20          collocator information and thus could have conducted their own physical verifications of  
21          the number of fiber-based collocators in Qwest’s wire centers, Mr. Denney’s testimony  
22          simply consists almost exclusively of his critiques of Qwest’s processes and evidence.  
23

24          **Q.    PLEASE COMMENT ON MR. DENNEY’S CLAIMS AT PAGE 8 OF HIS**  
25          **TESTIMONY THAT THE INFORMATION PROVIDED IN YOUR DIRECT**

1           **TESTIMONY IS INSUFFICIENT, BUT THAT ADDITIONAL INFORMATION**  
2           **PROVIDED BY QWEST IN RESPONSE TO DATA REQUESTS ALLOWED FOR**  
3           **A “MORE THOROUGH REVIEW OF QWEST’S FIBER-BASED**  
4           **COLLOCATION INFORMATION.”**

5    A.    Mr. Denney’s claims are somewhat perplexing. In responding to the Joints CLECs  
6           request for data, Qwest did not provide any additional information to what it had  
7           previously provided, but rather, merely provided back-up documents for the information  
8           that was already included in my testimony.

9           In my direct testimony, I stated that Qwest had sent a letter on March 29, 2005 to CLECs  
10          advising them of the particular wire centers where Qwest’s records showed them to have  
11          a fiber-based collocation, as reflected by the data on the initial wire center list. In that  
12          March 29, 2005 letter, Qwest requested that the receiving CLEC make sure its records  
13          agreed with Qwest’s records and, if there were any discrepancies, the CLEC should  
14          provide Qwest with documentation regarding the collocation in question. As Mr. Denney  
15          acknowledges at page 9 of his testimony, Qwest provided a copy of that letter; a letter  
16          that the Joint CLECS should have already had in their possession. Thus, this letter was  
17          not new information.

18          In addition, Qwest provided to the CLECs the spreadsheets/worksheets that it used to  
19          document the collocations physical verifications. The information provided on these  
20          worksheets, once corroborated by other data, substantiated the existence of fiber-based  
21          collocators that Qwest used in determining which wire centers are non-impaired and that  
22          I included in my direct testimony. Somewhat disturbing, however, in the fact that the

1 Joint CLECs could have easily independently obtained the information about the  
2 existence and number of fiber-based collocators, as well as, the FCC criteria detailed in  
3 these worksheets. Thus this is not information that was exclusively available only  
4 through Qwest, nor was Mr. Denney under any obligation to use only Qwest's data in  
5 determining the number of fiber-based collocators in the applicable Utah wire centers.  
6

7 **Q. IN WHAT WAYS DOES QWEST DISAGREE WITH MR. DENNEY'S**  
8 **CONCLUSIONS RESULTING FROM THE JOINT CLECs' REVIEW OF**  
9 **QWEST'S FIBER-COLLOCATION DATA?**

10 A. Mr. Denney's conclusions are significantly flawed in that they essentially ignore vital  
11 issues that significantly affect Qwest's ability to obtain the required data. Qwest can only  
12 do so much to validate the existence of fiber-based collocators in a wire center. Although  
13 these collocators are in Qwest wire centers, Qwest does not have, nor does it need, first-  
14 hand information as to how a collocator is using its space. This is particularly so if that  
15 collocator is not purchasing services from Qwest. It is only logical, therefore, to assume  
16 that if (1) a carrier is occupying a collocation space, (2) it is being billed, and is paying,  
17 for that space, as well as for power to that space, (3) it has fiber facilities entering and  
18 terminating in that space, and (4) those fiber facilities leave the central office and do not  
19 connect with Qwest's network, that carrier *is* a fiber-based collocator as defined in the  
20 *TRRO*. Obviously, since Qwest cannot access those carriers' networks to verify this fact,  
21 it is only the carriers themselves who are in a position to definitively affirm their network  
22 architectures and their status as fiber-based collocators. Notably, numerous carriers have  
23 affirmed their status. Others, however, have chosen not to respond, and still others have

1 affirmed their use of a fiber network within a collocation, but have questioned the FCC's  
2 definition of a fiber-based collocator.

3 Accordingly, by ignoring these facts, Mr. Denney erroneously:

4 1) takes issue with the fact that Qwest counts carriers as a fiber-collocator in the  
5 absence of affirmative responses by those carriers to Qwest's March 29, 2005  
6 letter seeking collocation validation,

7 2) questions whether Qwest's verification process was objectively performed, and

8 3) questions the counting of fiber-based collocations when the subject CLEC  
9 failed or refused to verify the pertinent information.  
10

11 **Q. IS IT APPROPRIATE FOR QWEST TO COUNT A CLEC AS A FIBER-BASED**  
12 **COLLOCATOR EVEN IF IT DID NOT AFFIRMATIVELY RESPOND TO**  
13 **QWEST'S LETTER REQUESTING VALIDATION?**

14 A. Absolutely. Mr. Denney apparently takes issue with the fact that Qwest counted a carrier  
15 as a fiber-collocator in the absence of the carrier's affirmative response to Qwest's March  
16 29, 2005 letter to CLECs seeking validation of the existence of their fiber-based  
17 collocations. Mr. Denney, however, fails to take into account the fact that Qwest has no  
18 control over a CLEC's decision whether to validate the collocation or to refuse to provide  
19 the pertinent information, and that some CLECs may have concluded it was not in their  
20 best interests to cooperate and thus failed to respond to Qwest's request for validation.  
21 Qwest made good-faith attempts to secure validation from the carriers that it has  
22 identified, based on its own internal information and records, as fiber-based collocators,



1 but perhaps not too surprisingly, it met with resistance from some CLECs. Thus, Qwest  
2 relied on validation which was provided by some carriers, and, when validation was not  
3 forthcoming, it necessarily was compelled to rely on other means, such as its inventory  
4 systems, billing systems, and physical field verifications. Qwest believes this process  
5 yielded an accurate result.

6 Finally, given the lack of any clear regulatory obligation for a carrier to declare itself as a  
7 fiber-based collocator, there could be a strong incentive for some CLECs to attempt to  
8 “game” the system by not responding to such requests for confirmation. Accordingly, a  
9 final count of fiber-based collocators based solely, or at least substantially, on a definitive  
10 confirmation by each CLEC, as Mr. Denney seems to suggest, would not make any sense  
11 and thus this Commission should reject such suggestions.

12  
13 **Q. IS IT APPROPRIATE FOR QWEST TO COUNT A CLEC AS A FIBER-BASED**  
14 **COLLOCATOR EVEN IF IT MAY HAVE DISAGREED WITH QWEST’S**  
15 **ASSESSMENT OF THEM AS A FIBER-BASED COLLOCATOR?**

16 **A.** Yes, particularly when substantiated by other credible evidence. Mr. Denney states on  
17 page 10 of his testimony: “In response to Qwest’s letter, one CLEC disputes that it should  
18 be counted as a fiber-based collocator in both the Salt Lake Main and Salt Lake West  
19 wire centers. Qwest disagrees and counted this carrier.” Mr. Denney acknowledges that  
20 this particular challenge did not have any impact on the final designation of the particular  
21 wire centers. However, what Mr. Denney does not acknowledge is that the carrier at  
22 issue admitted that it has a collocation with operational fiber not provided by Qwest. The

1 dispute here appears to be regarding what the FCC contemplated as a qualifying fiber-  
2 based collocation arrangement, which, is a matter best taken up with the FCC. Qwest  
3 believes that such an admission regarding the literal criteria that the FCC set forth in the  
4 TRRO fully supports this particular carrier's designation as a fiber-based collocator.  
5 Confidential Exhibit RT-5 is a string of e-mails addressing the particular challenge of  
6 which Mr. Denney refers along with Qwest's response to the CLEC (passages in question  
7 have been underlined and highlighted in yellow).

8  
9 **Q. WERE QWEST'S PHYSICAL FIELD VERIFICATIONS OF FIBER-BASED**  
10 **COLLOCATORS CONDUCTED IN AN OBJECTIVE MANNER?**

11 **A.** Absolutely. Mr. Denney seems to accuse Qwest (at page 10 of his testimony) of  
12 attempting to come to predetermined outcomes when he says that Qwest was  
13 "encouraging its employees to error on the side of finding fiber-based collocations." He  
14 then proceeds to quote from an introductory passage, which was taken out of context,  
15 contained in the instruction letter that Qwest sent to its interconnection managers as some  
16 sort proof that Qwest was trying to influence the outcome. However, if one reads the  
17 instruction letter in its entirety, it becomes abundantly clear that a brief explanation as to  
18 why Qwest field personnel were being asked to perform a task outside of their day-to-day  
19 functions was entirely appropriate.<sup>1</sup> In addition, these Qwest personnel were given  
20 specific instructions regarding what data to validate. I believe Mr. Denney's apparent  
21 accusations that Qwest employees were "encouraged to error" are inflammatory and

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<sup>1</sup> It has been my experience that if employees are given a clear understanding regarding why they are being asked to a complete a given task, especially one that is not part of their usual day-to-day responsibilities, they tend to perform better and produce a better product.

1 insulting, and, at a minimum they are blatantly false. Confidential Exhibit RT-6 is a copy  
2 of the letter in question.  
3

4 **Q. HOW DO YOU RESPOND TO MR. DENNEY'S CONCERNS REGARDING**  
5 **INFORMATION THAT IS NOT SHOWN AS VERIFIED ON THE**  
6 **VERIFICATION WORKSHEETS?**

7 A. Mr. Denney's testimony mistakenly implies that because an item on a worksheet was  
8 missing or contained a negative input, Qwest apparently went no further in investigating  
9 before counting a particular carrier as a qualifying fiber-based collocator. However,  
10 Qwest only counted a carrier as a fiber-based collocator after evaluating and  
11 corroborating all of the data it possessed. The field verification results were not taken  
12 singularly; rather, they were simply additional pieces of the evidence to consider. I  
13 discuss this issue further in Section IV below.  
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1                   **IV. QWEST’S METHODOGY IS SOUND AND YEILDS AN ACCURATE**  
2                   **RESULT.**

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4   **Q. PLEASE RESPOND TO MR. DENNEY’S CLAIMS REGARDING THE**  
5   **ACCURACY OF QWEST’S CONCLUSIONS.**

6   A. Mr. Denney unfairly criticizes the accuracy of Qwest’s data. For example, at page 11 of  
7   his testimony, Mr. Denney takes issue with Qwest’s use of the collocation verification  
8   worksheets, as well as with the overall accuracy of Qwest’s filings with the FCC.  
9   However, his testimony is once again misleading, and it certainly does not present an  
10   accurate view of the situation.

11  
12   **Q. PLEASE RESPOND TO MR. DENNEY’S CRITICISM OF QWEST’S USE OF**  
13   **THE COLLOCATION VERIFICATION WORKSHEETS.**

14   A. At page 11 of his testimony, Mr. Denney makes the erroneous claim that “Qwest  
15   counted fiber-based collocators, without explanation, regardless of whether the  
16   information Qwest requested was verified.” He then proceeds to cite examples (at pages  
17   11 and 12) where the verification worksheet lacked information or the response was  
18   negative, but Qwest nonetheless counted the collocator. Mr. Denney’s apparent  
19   implication is that collocations were incorrectly counted. This could not be further from  
20   the truth. If information was missing from a verification worksheet, the available  
21   information was further investigated, and, as I previously stated, corroborated with other  
22   data. Furthermore, a negative response would not necessarily mean that certain criteria  
23   had not been met; it would, only mean that such criteria could not be physically verified.

1 For example, it must be remembered, that Qwest generally does not have consent to enter  
2 a CLEC's collocation cages or utility holes/vaults located in a Qwest wire center. Thus,  
3 Qwest's verification was in part a product of its noting what could be observed from  
4 outside of a cage or utility hole/vault. In instances where visibility may have been  
5 obstructed or access was not available, Qwest used other available data, such as order and  
6 billing information, to substantiate that the collocation was fiber-based and operational.  
7 Mr. Denney's implications that Qwest did not make any further efforts to determine the  
8 accuracy of the collocation count are wholly incorrect and belied by the record here.

9 Indeed, Mr. Denney's own testimony largely substantiates Qwest diligence on this issue.  
10 For example, he notes at page 11 of his testimony that in the Ogden Main wire center,  
11 "[a] second carrier in this office was identified upon visual inspection as a fiber-based  
12 collocater, but according to the correspondence between Qwest and this carrier neither  
13 party believes the carrier is a fiber-based collocater in this Qwest office." He fails to  
14 mention, however, that Qwest removed this carrier from the list. This example also  
15 serves to show how Qwest took all reasonably available information into account before  
16 making a final and accurate determination of the fiber-based collocaters in a given Utah  
17 wire center.

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19 **Q. WHAT IS QWEST'S RESPONSE TO MR. DENNEY'S CLAIMS REGARDING**  
20 **THE OVERALL ACCURACY OF THE NUMBER OF WIRE CENTERS ON THE**  
21 **LIST?**

1 A. In my direct testimony, I stated repeatedly that Qwest took a very cautious and  
2 conservative approach when it compiled its initial list of wire centers. This fact was very  
3 aptly demonstrated by Table 2 on page 13 of Mr. Denney's testimony, which is included  
4 below.

5 **Table 2: Comparison of Wire Center Lists Qwest filed with the FCC**

Wire Center	CLLI(8)	Qwest Claim Status on 02.18.05	Qwest Claim Status on 07.08.05
Murray	MRRYUTMA	T1	T1
Ogden Main	OGDNUTMA	T1	T1
Provo	PROVUTMA	T1	T1
Salt Lake Main	SLKCUTMA	T1 / DS1	T1 / DS1
Salt Lake West	SLKCUTWE	T2	T1
Salt Lake South	SLKCUTSO	T3	T1
Midvale	MDVAUTMA	T2	T3

6  
7 Qwest's initial filing with the FCC on February 18, 2005 accurately showed that two  
8 Utah wire centers, Salt Lake West and Salt Lake South, to be *at minimum* Tier 2 and  
9 Tier 3 wire centers, respectively. These wire centers' upgrades to Tier 1 status were the  
10 results of field verifications. The original list, however, was not the result of any  
11 inaccuracy, but rather, was the result of a conservative initial count. The third wire  
12 center, Midvale, was later downgraded from a Tier 2 to a Tier 3 wire center because of  
13 Qwest's inability to ascertain, *beyond any doubt*, that the collocation was operational  
14 before making its FCC filing, (even though the preponderance of the data indicated that it  
15 was operational and subsequent information now confirms that it should have remained a  
16 Tier 2). Again, however, this aptly demonstrates that Qwest was presenting the most  
17 accurate and supportable data that was reasonably available. Accordingly, Qwest stands

1 by its tier designations and the list of non-impaired wire centers that it has presented in  
2 Utah.

3  
4 **Q. HOW CREDIBLE ARE MR. DENNEY'S CONCLUSIONS REGARDING TIER**  
5 **DESIGNATIONS?**

6 A. As I stated, Qwest stands by its wire center designations in Utah. Mr. Denney and the  
7 Joint CLECs have taken isolated pieces of Qwest's evidence out of context and have  
8 attempted to use them to justify the removal of legitimate fiber-based collocators from  
9 the Utah wire center list. The Joint CLECs, however, do not present any independent  
10 evidence challenging the validity of Qwest's information, nor do they sufficiently  
11 substantiate their request to remove collocators from the Utah list.

12 Finally, Mr. Denney claims that one wire center should remain a Tier 1 wire center, but  
13 only after August 7, 2005, or subsequent to the date of the second Qwest filing with the  
14 FCC. In doing so, however, Mr. Denney ignores the fact that the fiber-based collocations  
15 for that particular wire center were all operational as of March 11, 2005.

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1 **V. SUMMARY OF TESTIMONY**

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3 **Q. PLEASE PROVIDE A BRIEF SUMMARY OF YOUR TESTIMONY.**

4 A. Qwest's methodology for determining the number of fiber-based collocators in the  
5 affected non-impaired Utah wire centers is sound and is objectively applied. This  
6 methodology yields an accurate list of non-impaired wire centers in the state of Utah.  
7 Mr. Denney on behalf of the Joint CLECS does not offer any evidence to the contrary,  
8 despite having had access to all of the same information that Qwest has access to. The  
9 Joint CLECs reviewed Qwest's evidence in forming their conclusions. However, they  
10 have misinterpreted how Qwest used the evidence, ignored pertinent circumstances, and  
11 subsequently reached flawed conclusions regarding the number of fiber-based collocators  
12 in Utah wire centers.

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**VI. CONCLUSION**

**Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

**A.** Yes it does. Thank you.