

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
SUITE 1700
100 WASHINGTON SQUARE
MINNEAPOLIS, MN 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
SUITE 350
121 SEVENTH PLACE EAST
ST. PAUL, MN 55101-2147

LeRoy Koppendraye	Chair
R. Marshall Johnson	Commissioner
Kenneth Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis Reha	Commissioner

IN THE MATTER OF THE PETITION OF)
ESCHELON TELECOM, INC. FOR) PUC Docket No. P-5340, 421/IC-06-768
ARBITRATION WITH QWEST) OAH Docket No. 3-2500-17369-2
CORPORATION, PURSUANT TO 47 U.S.C.)
SECTION 252 OF THE FEDERAL)
TELECOMMUNICATIONS ACT OF 1996)

QWEST CORPORATION

REBUTTAL TESTIMONY OF KAREN STEWART

(Disputed Issue Nos. 4-5 (a,b,c), 9-31, 9-32, 9-33, 9-34, 9-35, 9-36, 9-39, 9-50, 9-52, 9-53, 9-54, 9-54a, 9-55, 9-56, 9-56a, 9-58, 9-58 (a,b,c,d,e), 9-59, 9-61,(a,b,c), 24-92.)

SEPTEMBER 22, 2006

PUBLIC DOCUMENT

TRADE SECRET DATA
HAS BEEN EXCISED

1 *Review Remand Order.* There are, therefore, network elements and services in
2 the SGAT that Qwest has no obligation to provide under Section 251.
3 Conversely, there are new requirements that benefit CLECs -- such as allowing
4 commingled arrangements -- that are not included in the SGAT.

5 **Q. DO QWEST AND CLECS STILL USE QWEST'S SGATS AS A**
6 **FOUNDATION FOR THEIR NEGOTIATIONS?**

7 A. Typically not. CLECs now have multiple other options available to them. These
8 options include other carriers' ICAs that CLECs are able to opt into and also
9 Qwest's multi-state "Template Agreement." The Template Agreement is based on
10 the individual states' SGATs. It includes state-specific language and has been
11 modified to reflect and incorporate changes in law. The Template Agreement is
12 the underlying agreement that Qwest and CLECs typically use as the base
13 document for their negotiations. Because of the effectiveness and utility of the
14 Template Agreement, Qwest stopped updating its SGATs. Indeed, the SGATs
15 have not been updated to incorporate changes in law since 2003 and are therefore
16 outdated documents. The regulatory process for modifying and updating SGATs
17 is very time consuming and resource-intensive. With the other options available
18 to CLECs, there has not been a need to go through this process and to expend the
19 significant resources that would be required. Moreover, due to the FCC's
20 elimination of the "pick-and-choose" rule and its move to the "all-or-nothing"
21 rule, as discussed below, CLECs are much less likely to opt into a standard SGAT
22 when ICAs have become increasingly more tailored to CLECs. This tailoring has
23 increased as CLECs have shaped their businesses to have a specialized focus,
24 which is often necessary to survive in today's highly competitive
25 telecommunications markets.

26 **Q. EVEN IF QWEST HAD BEEN UPDATING ITS SGAT, WOULD IT BE**
27 **APPROPRIATE FOR ESCHELON TO REQUEST THAT INDIVIDUAL**