

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Qwest Corporation d/b/a)	Docket No. 13-049-18
CenturyLink QC's Petition for Commission)	
Approval of 2013 Additions to its Non-)	COMMENTS OF INTEGRA
Impaired Wire Center List and Motion for)	TELECOM OF UTAH
Expedited Issuance of Protective Order)	
)	

Integra Telecom of Utah, Inc., Electric Lightwave, LLC, and Eschelon Telecom of Utah, Inc. (collectively "Integra"), respectfully provide these comments to Qwest Corporation dba: CenturyLink QC's ("CenturyLink"), August 30, 2013 petition requesting Commission approval of 2013 Additions to its Non-Impaired Wire Center List.

Background

Integra is a certified telecommunications company authorized to provide both intraexchange and interexchange telecommunications services in the service territories of Qwest Corporation dba CenturyLink ("CenturyLink") in Utah. Integra currently competes with, and obtains interconnection and related services and facilities from, CenturyLink in the provision of Integra's telecommunications services.

On August 30, 2013 CenturyLink filed with the Commission a petition for Commission approval of 2013 Additions to its Non-Impair Wire Center List ("2013 Application"). In the 2013 Application CenturyLink requested that the Clearfield (CLFDUTMA) and the Kearns (KRNSUTMA) wire center classifications be changed from Tier 3 to Tier 2 based on the number of fiber-based collocations in each central office. CenturyLink provided the following information, consistent with the TRRO Wire Center Settlement Order¹. Under the protective order, CenturyLink provided the name of each fiber-based collocater, the results of

¹ Docket No. 06-049-40

CenturyLink's field verifications. CenturyLink also provided copies of the letters they sent to carriers on June 19, 2013. The letters asked carriers to respond to CenturyLink with validation of their fiber-based collocator status by July 8, 2013. CenturyLink received one validation response, from Integra, and included this response in the highly confidential data provided to Integra.

A change in a wire center's non-impairment classification, such as requested here, permanently² impacts the availability of unbundled network elements such as dark fiber, unbundled DS3 transport and unbundled DS1 transport. Dark Fiber and DS3 transport are not available as unbundled network elements ("UNEs") between a Tier 2 wire center and another wire center classified as either Tier 1 or Tier 2. Unbundled DS1 transport is limited to a cap of 10 transport circuits between a Tier 2 wire center and another wire center classified as either Tier 1 or Tier 2.

In order to be classified as a Tier 2 wire center there must be at least three fiber-based collocators in that wire center. The FCC defines a fiber-based collocator as:

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.³

² 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"

³ 47 C.F.R. § 51.5

The impact and permanency of changes in wire center classifications results in the need to be absolutely certain the criteria are met before changing the wire center Tier classification. CenturyLink provided Integra with the highly confidential data supporting CenturyLink's request on September 9, 2013.

Discussion

Integra completed a careful review of the highly confidential data provided by CenturyLink. As part of this review, Integra contacted the carriers listed as fiber-based collocators in the two wire centers under review, and asked them to confirm whether or not they were a fiber-based collocator.⁴ Historically carriers have been responsive to Integra's review process and confirmed whether or not they were a fiber-based collocator consistent with the definition in the TRRO.

Based on Integra's review of the highly confidential data and response from carriers, Integra was unable to confirm all of the fiber-based collocations in the two wire centers under consideration. The attached highly confidential exhibit contains the results of Integra's review. Integra's inability to confirm the fiber-based collocations listed by CenturyLink is a result of a carrier's failure to respond to Integra's request for verification. Integra has been in contact with this carrier but has been unable to obtain verification of its status as a fiber-based collocator at the time these comments were processed for filing. Integra hopes to have responses from this carrier shortly and requests that Integra be able to update the record with these responses.

As can be seen in Highly Confidential Exhibit A to these comments, Integra was able to verify two of the three fiber-based collocators in Clearfield and Kearns. Because of the permanency and impact of changes in wire center classifications the Commission should be

⁴ See Affidavit of Renée Albersheim, Highly Confidential Attachment A.

certain that CenturyLink has met the criteria before changing a wire center designation and the final step in this process should be confirmation from the third alleged fiber-based collocator itself. Integra will update the record and provide a status of its verification efforts with respect to the one remaining carrier within one week. To the extent Integra is unable to obtain a response from the one carrier that has not responded as of these comments, Integra requests that either the Commission or Commission staff expeditiously contact the carrier that did not provide verification to obtain a response indicating whether or not the carrier is a fiber-based collocator. Highly Confidential Exhibit A attached to these comments identifies the carrier that did not verify its status as a fiber-based collocator at the time these comments were prepared.

Integra began its verification process on September 9, 2013 when CenturyLink made its highly confidential data available and believes that this process, with potential help from the Commission, can be completed expeditiously.

Conclusion

Until final verification can be completed, Integra objects to CenturyLink's request to change the classification of the Clearfield (CLFDUTMA) and Kearns (KRNSUTMA) wire centers from Tier 3 to Tier 2 on the ground that the record is insufficient to support CenturyLink's request.

Integra requests that it be given one additional week to attempt to obtain final verifications. Integra requests that in the event the one remaining carrier fails to respond to the verification request, the Commission or Commission staff contact the carrier that failed to verify whether or not it is a fiber-based collocator. To the extent this carrier confirms it is a fiber-based collocator in the wire centers in question, Integra would withdraw its objection to CenturyLink's request for reclassification of Clearfield (CLFDUTMA) and Kearns (KRNSUTMA). In the

event the remaining carrier claims it is not a fiber-based collocater in the wire centers in question, Integra requests that the parties in this docket immediately meet to discuss the discrepancies and attempt to either find resolution to the discrepancy or set a schedule before the Commission to resolve the dispute.

Respectfully submitted,

Dated this 10th day of October, 2013.

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