

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of Qwest Corporation d/b/a CenturyLink QC’s Petition for Commission Approval of 2014 Additions to its Non-Impaired Wire Center List	Docket No. 14-049-17 REPLY COMMENTS OF QWEST CORPORATION D/B/A CENTURYLINK QC
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Qwest Corporation d/b/a CenturyLink QC (“CenturyLink”) respectfully files the following reply comments consistent with the Commission’s Notice of Amended Comment Period, issued on July 23, 2014.

BACKGROUND

On June 20, 2014, CenturyLink petitioned the Commission to add CenturyLink’s American Fork and Orem wire centers to its non-impaired wire center list in accordance with the FCC’s *Triennial Review Remand Order* (“TRRO”).¹ Specifically, CenturyLink requested the following:

STATE	WIRE CENTER	CLLI	TIER	NON-IMPAIRMENT FOR
UT	American Fork	AMFKUTMA	Tier 2	DS3 Transport and Dark Fiber
UT	Orem	OREMUTMA	Tier 1	DS3 Transport and Dark Fiber

¹ Order on Remand, *In the Matter of Review of Unbundled Access to Network Elements, Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, WC Docket No. 04-313 (FCC rel. February 4, 2005) (hereafter “*Triennial Review Remand Order*” or “*TRRO*”).

This petition was made in conformity with and pursuant to the Commission's September 11, 2006 Report and Order ("Initial *TRRO* Order") in Docket No. 06-049-40.² The addition of the American Fork and Orem wire centers is also consistent with the joint settlement agreement between Qwest³ and a coalition of CLECs ("the Joint CLECs") approved by the Commission in Docket No. 06-049-40 ("*TRRO* Settlement Order").

In addition, pursuant to the Initial *TRRO* Order and the *TRRO* Settlement Order, CenturyLink requested that the Commission issue on an *expedited basis* a protective order based on the model protective order used in previous proceedings.⁴ This was the same process that the Commission followed in Docket No. 07-049-30 ("2007 Wire Center Update Docket"); Docket No. 08-049-29 ("2008 Wire Center Update Docket"); Docket No. 10-049-22 ("2010 Wire Center Update Docket"); and Docket No. 13-049-18 ("2013 Wire Center Update Docket").

On June 23, 2014 CenturyLink sent a notice to CLEC's informing them of the filing and stating that "*Affected carriers must review the information and file any objections to the proposed designations on or before August 1, 2014 in Docket Number 14-097-17.*"⁵

On June 26, 2014, the Commission approved the protective order and also issued a Notice of Filing and Comment Period requesting comments to be filed by no later than July 21, 2014, and reply comments by no later than July 31, 2014.⁶

² Docket No. 06-049-40 was the Commission's initial *TRRO* non-impaired wire center proceeding.

³ Prior to April 2011, Qwest Corporation did business as Qwest. For references before April 2011, this petition will still say Qwest, and for references after April 2011, it will say CenturyLink.

⁴ The attached protective order was approved by the Commission in earlier dockets, including Docket Nos. 08-049-29, 10-049-22 and 13-049-18. This protective order is based on a Minnesota protective order used by Qwest and the Joint CLECs, and has minor modifications for use in Utah.

⁵ The 2007 multi-state settlement in the Matter of Investigation into Qwest Wire Center Data contemplated that the parties would have 30 days to review the confidential supporting data in future wire center proceedings.

On June 27, 2014, CenturyLink filed the Affidavit of Renee Albersheim with Highly Confidential Attachments A-D supporting its June 20, 2014 petition.

On June 27, 2014, Integra filed the signed Protective Order with the Commission to gain access to the highly confidential information. (CenturyLink has provided all of the highly confidential information to the parties that signed the Protective Order.⁷)

On July 16, 2014, CenturyLink filed a Revised Highly Confidential Attachment C.⁸

On July 21, 2014, Integra filed comments.⁹

On July 21, 2014, CenturyLink filed a Revised Highly Confidential Attachment D, which contained an additional CLEC confirmation.

On July 23, 2014, the Commission issued a Notice of Amended Comment Period, stating that *“any interested party may submit comments on the above application no later than Friday, August 1, 2014, and reply comments may be submitted no later than Monday, August 11, 2014.”*

On July 23, 2014, CenturyLink filed a Second Revised Highly Confidential Attachment D, which contained additional CLEC confirmations.

⁶ Notice of Filing and Comment Period, June 26, 2014, In the Matter of Qwest Corporation d/b/a CenturyLink QC’s Petition for Commission Approval of 2014 Additions to its Non-Impaired Wire Center List.

⁷ CenturyLink provided Integra with the highly confidential data on July 1, 2014. Harold M. Paulos of Veracity Networks also signed the Exhibit A and Exhibit B to the Protective Order on July 2, 2014. However, CenturyLink was not served and did not become aware of this until July 15, when CenturyLink reviewed the Commission’s website for this proceeding and noticed that Mr. Paulos had signed the Protective Order. Mr. Paulos was mailed a complete copy of the previous filings, including the highly confidential information on July 16, 2014.

⁸ As a result of discovery requests from Integra, CenturyLink discovered that a collocation verification letter was not sent to one of the collocators in the Orem wire center. That was corrected and a verification letter has been sent to this collocator. The Revised Highly Confidential Attachment C provided this additional verification letter.

⁹ Comments of Integra Telecom of Utah, Docket No. 14-049-17.

No additional comments were filed on or before August 1, 2014.

On August 6, 2014, The Utah Division of Public Utilities (DPU) filed its recommendation with the Commission. In its recommendation the DPU stated the following:

- 1) *“The Commission should add American Fork and Orem Main wire centers to its non-impaired wire center list in accordance with the FCC’s Triennial Review Remand Order (“TRRO”).”*
- 2) *“In conversations with Integra the company indicated to the Division that they did not oppose the designation of American Fork and Orem Main wire centers as non-impaired.”*
- 3) *“The Division agrees with CenturyLink that based on the number of collocators American Fork and Orem Main should be added to the non-impaired wire center list.”*

On August 11, 2014, Integra filed reply comments withdrawing its previous objection.

DISCUSSION

Soon after Integra filed its comments on July 21, 2014, CenturyLink filed a Revised Highly Confidential Attachment D and a Second Revised Highly Confidential Attachment D which provided additional CLEC confirmations. These filings addressed Integra’s concern that at the time Integra filed, Integra was unable to confirm all of the fiber-based collocations in the two wire centers under consideration.

Additionally, Integra stated that it had received a response from one carrier that the carrier believed that its fiber-based collocation in American Fork did not meet the definition. No evidence was provided explaining why the carrier had this perception. No evidence has been provided rebutting the Affidavit of Renee Albersheim regarding the process that CenturyLink followed and the result of the process followed to validate all fiber-based collocations. The Commission extended the comment period to August 1, 2014 and no party filed comments. The

carrier in question above had the opportunity to file opposition if they believed they had a valid concern, but no opposition was filed.

Further, all of the issues raised by Integra have been addressed. Integra advised the DPU that it was not opposed to CenturyLink's application, and confirmed this in a communication with CenturyLink on August 7, 2014. On August 11, 2014, Integra filed reply comments withdrawing its previous objection.

The DPU is correct in its recommendation and since there are no remaining unresolved issues the Commission should approve CenturyLink's petition.

CONCLUSION

CenturyLink respectfully requests the Commission approve the addition of CenturyLink's American Fork and Orem wire centers to its non-impaired wire center list as outlined above and to make it effective immediately.

Dated: August 11, 2014

Respectfully submitted,

CENTURYLINK



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