



MCI Telecommunications Corporation

707 17th Street
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303 291 6547
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Wlevis@mcimail.com

William Levis
Regional Director, Western Region
Public Policy

REVIEWED BY COMMISSIONERS
STEPHEN F. MECHAM SM 7/1/97
CONSTANCE B. WHITE CBW 8/4
CLARK D. JONES CJ 7/17/97

RECEIVED
JUN 27 2 02 PM '97
UTAH PUBLIC SERVICE COMMISSION
June 24, 1997

46-095-02

By facsimile & by mail
Julie Orchard
Commission Secretary
Public Service Commission of Utah
160 East 300 South
Heber M. Wells Building, 4th Floor
Salt Lake City, UT 84145

Dear Ms. Orchard:

In response to criticism by consumer advocates, US West Communications, Inc. ("US West"), claimed recently that it is "making connections available to competitors." *Communications Daily* (May 29, 1997). Contrary to its claim of cooperation, however, US West is refusing interconnection with MCI metro Access Transmission Services, Inc. ("MCI metro") in Utah. Specifically, US West refuses to allow MCI metro even to place test orders so that MCI metro can be prepared to serve local customers in the state.

Enclosed is a letter and a sample Firm Order Confirmation received from US West in which US West rejects MCI metro's test resale and unbundling orders in Utah. MCI metro's response is also enclosed. US West indicated that it will continue to reject test orders until after a contract or tariff is in place. Testing is critical to ensure that, when local service is launched, customers receive the quality service that they expect and deserve. By conducting tests now, MCI metro is attempting to avoid unnecessary delays after a contract is signed. US West's refusal to process test orders not only delays MCI metro's market entry, but also denies Utah consumers a choice of local telephone service providers.

US West rejected MCI metro's orders despite MCI metro's repeated attempts to resolve this issue informally. MCI metro believes that Commission intervention may be required before US West will cooperate in the necessary testing.

Sincerely,
William Levis
William Levis

cc: Lawrence Huss



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Corporation**

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By facsimile & by mail
Julie Orchard
Commission Secretary
Public Service Commission of Utah
160 East 300 South
Heber M. Wells Building, 4th Floor
Salt Lake City, UT 84145

June 24, 1997

Dear Ms. Orchard:

In response to criticism by consumer advocates, US West Communications, Inc. ("US West"), claimed recently that it is "making connections available to competitors." *Communications Daily* (May 29, 1997). Contrary to its claim of cooperation, however, US West is refusing interconnection with MCImetro Access Transmission Services, Inc. ("MCImetro") in Utah. Specifically, US West refuses to allow MCImetro even to place test orders so that MCImetro can be prepared to serve local customers in the state.

Enclosed is a letter and a sample Firm Order Confirmation received from US West in which US West rejects MCImetro's test resale and unbundling orders in Utah. MCImetro's response is also enclosed. US West indicated that it will continue to reject test orders until after a contract or tariff is in place. Testing is critical to ensure that, when local service is launched, customers receive the quality service that they expect and deserve. By conducting tests now, MCImetro is attempting to avoid unnecessary delays after a contract is signed. US West's refusal to process test orders not only delays MCImetro's market entry, but also denies Utah consumers a choice of local telephone service providers.

US West rejected MCImetro's orders despite MCImetro's repeated attempts to resolve this issue informally. MCImetro believes that Commission intervention may be required before US West will cooperate in the necessary testing.

Sincerely,

A handwritten signature in cursive script that reads "William Levis".

William Levis

cc: Lawrence Huss



Julie Orchard
June 24, 1997
Page 2

bcc: Financial Operations
Tom Dixon, Esq.
Karen L. Clauson, Esq.



U S WEST Communications
1401 California Street, Room 2100
Denver, CO 80202
Phone: 303 896-2866
FAX: 303 896-5335
Pager: 800 724-3624 Pin # 9309064

Jasmin T. Espy
Director
MCI Account Team
Carrier Market

REVIEWED BY COMMISSIONERS

STEPHEN F. MECHAM SM
CONSTANCE B. WHITE CBW 8/4
CLARK D. JONES CJ 5/2/97

USWEST

June 17, 1997

received
6/19/97

William M. Pitcher
MCI Telecommunications Corporation
707 17th Street, Suite 4200
Denver, CO 80202

Dear Mr. Pitcher:

U S WEST Communications has received an order from MCImetro for the rebundling of services in each of the following states: Arizona, Iowa, Minnesota, Oregon, Utah, and Washington. Three of these orders have been worked and three have been rejected.

As you are aware, there are approved interconnection agreements between MCImetro and U S WEST in Iowa and Minnesota. Accordingly, the orders for rebundling in those states have been processed, and due dates have been assigned. Similarly, because there is a tariff in Oregon that provides for rebundling, that order has been processed as well. Because, however, MCImetro and U S WEST do not have approved interconnection agreements in Arizona, Utah, and Washington (and U S WEST is not otherwise obligated to provide rebundling in those states), the orders placed in those states have been rejected.

Please let me know if you would like to discuss this issue any further.

Sincerely,

Jasmin T. Espy

Copy to: Betty Johnson





MCI Telecommunications
Corporation
107 17th Street
Suite 4100
Denver, CO 80202

By facsimile & by mail
Jasmin T. Espy
Director, MCI Account Team
Carrier Market
US West Communications
1801 California, Suite 2130
Denver, CO 80202

June 12, 1997

Dear Jasmin:

Yesterday, we received your letter dated June 11, 1997 regarding MCImetro's orders for a combination of unbundled network elements in Arizona, Iowa, Minnesota, Oregon, Utah, and Washington. In your letter, you confirm that US West rejected MCImetro's orders for combined unbundled elements in Arizona, Utah, and Washington. US West has also rejected MCImetro's resale orders in those states, indicating as a reason for the rejection: "not certified and/or contract not negotiated to completion." *See, e.g.,* enclosed Firm Order Confirmation.

US West states as its reason for the rejection of MCImetro's unbundling orders that MCImetro and US West do not yet have interconnection agreements in those states and US West "is not otherwise obligated to provide rebundling in those states." The federal Telecommunications Act (the "Act") specifically requires US West to provide "unbundled network elements in a manner that allows requesting carriers to combine such elements in order to provide such telecommunications service." 47 U.S.C. § 251(c)(3). US West is obligated to provide unbundled network elements and combinations of those elements in all of its states. *See id.*

US West has also rejected orders for combinations of unbundled network elements on the grounds that MCImetro did not refer to the orders as "rebundling" orders. US West has required MCImetro to re-submit orders using the term "rebundled" before US West will process those orders. The term "rebundling" does not appear in the Act, nor is it an accurate description of the orders. US West simply uses the term to reinforce its failed "sham unbundling" argument. There is no legal requirement that MCImetro use the term "rebundling," and US West's rejection of orders on this basis is invalid.



Ms. Jasmin T. Espy

June 19, 1997


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Regarding testing, no written agreement or tariff is necessary to conduct trials. Tests also do not require local certification, because they do not involve actual provision of local service. The customers are employees, not actual customers, and no money exchanges hands. MCImetro and other new competitors would be severely disadvantaged if they were precluded from conducting any tests before providing service to new customers. Delaying testing until after written agreements are signed or tariffs are in place would increase the amount of time that customers must wait to have a choice in local service providers. MCImetro needs to begin testing now, so that it can begin serving local customers as soon as possible after contracts and tariffs are in place.

This issue is an old one, and MCImetro has consistently communicated its position to US West. For example, in William Pitcher's letter to Jeana Elijah-Asnicar, dated May 9, 1997, MCImetro stated that: "US West has an obligation to provide resale and unbundling under the federal act and the various arbitration orders. Under the law, no written agreement or tariff is necessary to conduct tests. . . . MCImetro will continue to place test orders, and US West must process them." You were copied on that letter. Mr. Pitcher again raised this issue at a meeting yesterday with Bill Stewart of US West. Because the law allows MCImetro to place these orders and MCImetro has made its position clear to US West, MCImetro considers US West's rejection of these orders to be a knowing violation of the law.

MCImetro has given US West ample notice of its position and may bring this issue to the appropriate Commissions at any time. If US West seeks to avoid that result, it should immediately complete the previously rejected orders.

Sincerely,



Dale Tucker

(303) 291-6274

cc: Bill Stewart, *by facsimile & by mail*



303 584 2590

Sherry

US WEST COMMUNICATIONS

FIRM ORDER CONFIRMATION

RESALE

RESALE ORDER REQUEST: 1. REJECTED X 2. ISSUED _____
3. SUPPED _____ 4. CANCELLED _____

from: US WEST SERVICE CENTER. Kevin DATE 6-5-97

RESELLER CONTACT SECTION

RESELLER NAME: MCI

RESELLER FAX NUMBER: 303 584 2590

CONTACT PERSON: Ginger Allen

PO#: 0003WA LSR _____

ADMINISTRATIVE SECTION

TELEPHONE NUMBER: N/A

ORDER NUMBER: N/A

DUE DATE: _____ BILL ACCT NBR: _____

REMARKS SECTION

ACCESS INFORMATION: _____

OTHER: Not certified and/or contract not negotiated to completion



Don Dilworth

US WEST COMMUNICATIONS

FIRM ORDER CONFIRMATION

RESALE

RESALE ORDER REQUEST: 1. REJECTED X 2. ISSUED _____
3. SUPPED _____ 4. CANCELLED _____

from: US WEST SERVICE CENTER: Kevin DATE 6-5-97

RESELLER CONTACT SECTION

RESELLER NAME: MCI

RESELLER FAX NUMBER: 303 584 2590

CONTACT PERSON: Ginger Allen

PO#: 0001UT LSR _____

ADMINISTRATIVE SECTION

TELEPHONE NUMBER: N/A

ORDER NUMBER: N/A

DUE DATE: _____ BILL ACCT NBR: _____

REMARKS SECTION

ACCESS INFORMATION: _____

OTHER: Not certified and/or contract not negotiated
to completion

