

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 97I-198T

IN THE MATTER OF THE INVESTIGATION INTO U S WEST COMMUNICATIONS, INC.'S COMPLIANCE WITH § 271(c) OF THE TELECOMMUNICATIONS ACT OF 1996.

ORDER REGARDING QWEST'S DEMONSTRATION OF COMPLIANCE WITH THE HEARING COMMISSIONER'S RESOLUTION OF IMPASSE ISSUES RELATING TO VOLUMES IA, IIA, IIIA, AND IVA.

Mailed Date: January 2, 2002

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I. STATEMENT

A. This order addresses the sufficiency of Qwest's actions to demonstrate its compliance with my decisions to resolve the impasse issues brought before me in Volumes IA, IIA, IIIA, and IVA of Commission Staff Reports in this investigation.

B. The impasse issues for Volume IA were resolved by Decisions No. R01-651-I, June 22, 2001; and No. R01-768-I, July 24, 2001.

C. The impasse issues for Volume IIA were resolved by Decisions No. R01-848, August 17, 2001; and No. R01-990-I, September 27, 2001.

D. The impasse issues for Volume IIIA were resolved by Decisions No. R01-1015, September 27, 2001; No. R01-1094-I, October 26, 2001; and No. R01-1095-I, October 26, 2001.

E. The impasse issues for Volume IVA were resolved by Decisions No. R01-846, August 16, 2001; and No. R01-990-I, September 27, 2001.

F. In order to demonstrate its compliance with the resolution of the impasse issues specified in the above decisions, Qwest filed revisions to its Statement of Generally Available Terms and Conditions (SGAT) on June 29, September 19, October 29, November 30, and December 21, 2001.

G. This order will not recount the discussions or positions of the parties related to the impasse issues. Rather, it will focus solely on the sufficiency of Qwest's compliance demonstrations with respect to the resolution of the issues.

II. FINDINGS

A. With respect to the impasse issues that required SGAT modifications contained in Volume IA, I find as follows:

1. Issue 3-4: Access to Rights-of-Way Agreements with Private Parties.

a. The amended, approved, SGAT language regarding the treatment of access to ROW agreements with private parties was incorporated into the June 29, 2001, SGAT revision and was carried forward to the December 21, 2001, SGAT revision.¹

b. For the three sub-parts of Issue 3-4, this is sufficient for compliance with § 271 of the Act.

c. Checklist Item No. 3 was held open until the conclusion of the sub-loop unbundling workshop. Since the sub-loop issues have now been dealt with in Workshop 3 and are reflected in Commission Staffs Report Volumes III and IIIA, Checklist Item No. 3 is now closed here.

2. Issue 3-10: Reciprocal Access to Poles, Ducts, and Rights-of-Way.

a. As ordered, Qwest removed the language of SGAT § 10.8.1.4 that required reciprocity of access in the June 29, 2001, SGAT revision and carried the deletion forward to the December 21, 2001, SGAT revision.²

b. This is sufficient for compliance with § 271.

¹ SGAT Revs. 6/29/01 and 12/21/01 at §§ 10.8.2.27 through 10.8.2.27.4 and 10.8.4.1.3.

² SGAT Revs. 6/29/01 and 12/21/01 at § 10.8.1.4 (deleted).

3. Issue 3-14: Verification Response Times

a. The ordered SGAT modifications were to reflect that all verifications, without exceptions or gradations, will be completed within the 45-day interval mandated by the FCC. The ordered modifications were incorporated in the September 19, 2001, SGAT revision and carried forward to the December 21, 2001, version.³

b. This is sufficient for compliance with § 271.

4. Issue 13-7(a): Definition of Tandem Switch and Tandem Treatment of CLEC Switches.

a. The October 29, 2001, SGAT revision incorporated the previously approved language for SGAT § 4.11.2 that was included in Decisions No. R01-651-I and No. R01-768-I.⁴ In addition, Qwest proposed new language in the September 19 and October 29, 2001, SGAT revisions for § 4.11.2. The combined changes are highlighted here in italics: "A fact based

³ SGAT Revs. 9/19/01 and 12/21/01 at §§ 10.8.4.1.1, 10.8.4.1.2, 10.8.4.2, and § 2.2 of Exhibit D.

⁴ Decision No. R01-651-I at p. 23 and Decision No. R01-768-I at pp. 4,5 and footnote 3. The June 29, 2001, SGAT revision was changed to specify that a CLEC switch will be considered a tandem office switch to the extent that it serves a comparable geographic area as Qwest's tandem office switch. The September 19, 2001, SGAT revision removed the "functionality" component of the fact-based consideration to classify switches.

consideration of geography, when approved by the Commission or mutually agreed to by the Parties, shall be used to classify any switch on a prospective basis."

b. I find the proposed added language for the second sentence of § 4.11.2 to be acceptable. Further, the entirety of § 4.11.2, as reflected in the December 21, 2001, SGAT revision in the definition of "Tandem Office Switches" is sufficient for compliance with § 271.

5. Issue: Exchange Service Definition in SGAT § 4.22.

a. The language in SGAT § 4.22 in the June 29, 2001, SGAT revision was changed as ordered to remove the phrase "as defined by Qwest's then-current EAS/local serving areas". The change was carried forward to the December 21, 2001, SGAT revision.⁵

b. This is sufficient for compliance with § 271.

B. With respect to the impasse issues that required SGAT modifications contained in Volume IIA regarding interconnection and collocation, I find as follows:

⁵ SGAT Revs. 6/29/01 at § 4.22 and 12/21/01 at definition of "Exchange Service".

6. Issues 1-8 and 1-104: New Product Offerings (SGAT §§ 7.1.2 and 8.1.1).

a. The ordered modifications regarding Qwest's ability to "productize" and the limited use of the BFR process in that regard were included in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.⁶

b. This is sufficient for compliance with § 271.

7. Issues 1-9, 1-10, and 1-121: Tandem Interconnection (SGAT §§ 4.11.2, 7.1.1, 7.4.5, and 7.2.2.9.6).

a. As discussed in Issue 13-7(a), *supra*, I find that the language for SGAT § 4.11.2 included in the October 29, 2001, SGAT revision and carried forward to the definition of "Tandem Office Switches" in the December 21, 2001, SGAT revision is acceptable.

b. The ordered SGAT modifications for §§ 7.1.1 (no change required), 7.4.5 (to be deleted), and 7.2.2.9.6 were incorporated into the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.⁷

⁶ SGAT Revs. 9/19/01 and 12/21/01 at §§ 7.1.2, 8.1.1, and 17.1.

⁷ SGAT Revs. 9/19/01 and 12/21/01 at §§ 4.11.2, (definition of "Tandem Office Switches") 7.1.1, 7.4.5, 7.2.2.9.6, and 7.2.2.9.6.1.

c. In combination, these SGAT modifications are sufficient for compliance with § 271.

8. Issue 1-12(d): Whether the Mid-Span meet arrangements should be used to access unbundled network elements.

a. The ordered SGAT modifications to §§ 7.1.2.3, 7.1.2.3.1, 7.1.2.3.4, *et seq.*; and § 4.40 (definition of "Mid-Span Meet") were made in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision. The modifications incorporated the four additional meet-point arrangement proposed by WorldCom.

b. This is sufficient for compliance with § 271.

9. Issues 1-68 and 1-101: Whether the SGAT prohibition against virtual collocation at remote premises is proper.

a. The ordered SGAT modifications to allow both physical and virtual remote collocations in §§ 8.1.1.8, 8.2.7, *et seq.*, and § 8.4.6, *et seq.*, were made in the June 29, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.

b. This is sufficient for compliance with § 271.

10. Issue 1-88: Whether Qwest is permitted to charge for channel regeneration if CLEC collocation spaces are at such a distance as to require regeneration.

a. The ordered SGAT modification to incorporate the ANSI standards for regeneration compensation associated with collocation were made in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.⁸

b. This is sufficient for compliance with § 271.

11. Issue 1-97: Whether the exceptions to the FCC's 90-day provisioning interval are proper and whether forecasts from CLECs can be required as a precondition to meeting required provisioning intervals.

a. The ordered SGAT modifications to remove the requirement for forecasting associated with collocation and to reflect the FCC's 90-day default interval, with the limited exceptions that I granted, were included in the October 29, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.⁹

b. This is sufficient for compliance with § 271.

⁸ SGAT Revs. 9/19/01 and 12/21/01 at § 8.3.1.9.

⁹ SGAT Revs. 10/29/01 and 12/21/01 at §§ 8.4.2.4 et seq., 8.4.3.4 et seq., and 8.4.4.4 et seq.

12. Issue 1-99: Whether Qwest may limit the number of collocation requests by a CLEC.

a. The ordered modifications to reflect that Qwest is required to meet the 90-day collocation interval for the first five CLEC applications in a single week were made in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.¹⁰

b. This is sufficient for compliance with § 271.

13. Issue 1-105: Whether Qwest can require CLECs to post a signed Method of Procedure (MOP) in conjunction with collocation. Whether Qwest is issuing documents that are inconsistent with the SGAT.

a. The required SGAT modifications regarding conflicts between Qwest's internal documents and the SGAT were made in the June 29, 2001, SGAT revision.¹¹

b. Additional consensus language for SGAT §§ 2.3 and 2.3.1 was officially filed with the Commission by Qwest on September 26, 2001, and this language was also carried forward to the December 21, 2001, SGAT revision.¹² This language is acceptable.

¹⁰ SGAT Revs. 9/19/01 and 12/21/01 at § 8.4.1.9.

¹¹ SGAT Rev. 6/29/01 at § 2.3.

¹² Qwest Errata Notice to its Legal Brief on Impasse Issues Relating to General Terms and Conditions, September 26, 2001, and SGAT Rev. 12/21/01 at §§ 2.3 and 2.3.1.

c. This is sufficient for compliance with § 271.

14. Issue 1-110: Whether the SGAT provision that requires a pro-rated forfeiture of the reservation fee, if a CLEC cancels the reservation, is proper.

a. The SGAT modification to require a non-refundable collocation space reservation fee of \$200 was included in the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, SGAT revision.¹³

b. This is sufficient for compliance with § 271.

15. Issue 1-114: Whether the SGAT provisions regarding trunk forecasts and deposits are proper.

a. Qwest submitted proposed SGAT language for §§ 7.2.2.8.6.1, 7.2.2.8.6.3, and 7.4.9 in order to comply with my previous decision¹⁴ regarding trunk forecasts and deposits in the September 19 and October 29, 2001, SGAT revisions. The proposed language was carried forward to the December 21, 2001, SGAT revision.

b. I find that the proposed language for SGAT § 7.4.9 (in the September 19, 2001, SGAT revision) is acceptable

¹³ SGAT Revs. 9/19/01 and 12/21/01 at §§ 8.4.1.7.2 through 8.4.1.7.2.4.

¹⁴ Decision No. R01-848 at pp. 35 and 36.

for reflecting both forecasted and unforecasted interconnection trunk offerings.

c. I find that the proposed language for SGAT § 7.2.2.8.6.1 (in the September 19, 2001, SGAT revision) is acceptable for establishing that deposits from CLECs are only permitted where CLEC trunk forecasts require construction of new facilities.

d. I find that the proposed language for SGAT § 7.2.2.8.6.3 (in the October 29, 2001, SGAT revision) is acceptable for establishing that the parties have accepted a contractual liability.

e. The SGAT modifications described above are sufficient for compliance with § 271.

16. Issue 1-120: Whether CLECs must divide exchange service traffic and switched access traffic onto separate trunk groups.

a. The required SGAT modifications to reflect that Qwest is obligated to commingle local and interLATA traffic were included in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, SGAT revision.¹⁵

b. This is sufficient for compliance with § 271.

¹⁵ SGAT Revs. 9/19/01 and 12/21/01 at §§ 7.2.2.9.3.1, 7.2.2.9.3.2, and 7.3.9.

C. With respect to the impasse issue that required SGAT modifications contained in Volume IIA regarding resale, I find as follows:

17. Issue 14-2: Whether Qwest's proposal governing how and when service credits and penalties are applied to resold services.

a. The required SGAT modifications were included in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001 version.¹⁶ Qwest's service credits to CLECs are subject to the wholesale discount and Qwest is not required to make duplicate reimbursements.

b. These SGAT modifications are sufficient for compliance with § 271 of the Act.

D. With respect to the impasse issues that required SGAT modifications contained in Volume IIIA regarding emerging services (dark fiber, packet switching, line sharing and sub-loops), I find as follows:

18. Issue PS-14: Whether the SGAT should be amended to remove the requirement that a CLEC wait until all four conditions are satisfied before applying for packet switching.

a. The required SGAT modification to add "in writing" to the end of § 9.20.4.1 was included in the

¹⁶ SGAT Revs. 9/19/01 and 11/30/01 at §§ 6.2.3.1a, 6.2.3.1f, 6.2.3.2a, and 6.2.3.2e.

September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, version.

b. This is sufficient for compliance with § 271.

19. Issue LS-7: Whether Qwest's five-day provisioning interval for line sharing is appropriate.

a. The required SGAT modifications to reflect a three-day provisioning interval was included in the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, version.¹⁷

b. This is sufficient for compliance with § 271.

20. Issue LS-15: Whether Qwest should be required to conduct a data continuity test as part of the line sharing provisioning process.

a. The agreed-to language regarding Qwest testing for electrical faults and § 9.4.6.3.3 was included in the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, version.

b. This is sufficient for compliance with § 271.

¹⁷ SGAT Revs. 9/19/01 and 12/21/01 at Exhibit C, § 1.0(f).

21. Issue LS-18: Whether Qwest is obligated to provide line sharing over fiber fed loops.

a. The ordered modifications were made to SGAT § 9.4.1.1 to reflect that Qwest must provide line sharing whenever it is technically feasible to do so and to specify that Qwest has the burden of demonstrating technical infeasibility. The modifications were made in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, version.

b. This is sufficient for compliance with § 271.

22. Issue SB-16: Whether the SGAT's provisions for access to sub-loop elements at MTE terminals is consistent with the FCC's definition of, and rules regarding access to, the unbundled NID.

a. The revised SGAT language for SGAT § 9.3.1 *et seq.*, that reflected the Qwest and AT&T agreed resolution of two of the three remaining issues in dispute, was included in the October 29, 2001, SGAT revision and carried forward to the December 21, 2001, version. I previously ruled that the agreement reached between the parties was reasonable and closed these two issues.¹⁸

¹⁸ Decision No. R01-1095-I at p. 3.

b. The proposed modification of the Standard MTE Access Protocol to include AT&T's proposed and approved language was officially filed with the Commission by Qwest on December 31, 2001.¹⁹ Regarding the provisions with respect to line protection of Qwest facilities (page 6, paragraph 3) and local service requests (page 7), I accept Qwest's argument for not changing these provisions.²⁰ These provisions are acceptable as written and need not be changed. The other minor wording changes on pages 9 and 23 are also acceptable.

c. The SGAT modifications and the appropriately revised Standard MTE Access Protocol are sufficient for compliance with § 271.

23. Issue SB-19: Intrabuilding cable ownership determination.

a. The required modifications to SGAT §§ 9.3.5.4.1 and 9.3.5.4.1.1 were included in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, version. The language is consistent with both Staff's recommendation and AT&T's comments regarding intrabuilding wiring ownership determinations.

¹⁹ *Qwest's Standard Multi Tenant Environment (MTE) Terminal Access Protocol, Version 2*, filed 12/31/01.

²⁰ *Id.* at p. 6, n. 1 and at p. 7 n. 2.

b. This is sufficient for compliance with § 271.

24. Issue SB-27: Reservation process for sub-loops while an FCP is being created and established.

a. As ordered, the December 21, 2001, SGAT revision included language that establishes a sub-loop reservation process that is available to CLECs while FCPs are being created and established.²¹ I find the proposed sub-loop reservation process to be reasonable and acceptable.

b. This is sufficient for compliance with § 271.

E. With respect to the impasse issues that required SGAT modifications contained in Volume IVA regarding Checklist Items No. 2, No. 5, and No. 6, I find as follows:

25. Issues CL2-11 and TR-6: Whether CLECs should be required to pay for regeneration charges in conjunction with access to UNEs, dedicated transport, and collocation.

a. The ordered SGAT modifications to incorporate the ANSI standards for regeneration compensation were included in the September 19, 2001, SGAT revision and were carried forward to the December 21, 2001, version.²²

²¹ SGAT Rev. 12/21/01 at §§ 9.3.5.4.8 through 9.3.5.4.8.5.

²² SGAT Revs. 9/19/01 and 12/21/01 at §§ 8.3.1.9, 9.1.10, and 9.6.2.3.

b. This is sufficient for compliance with § 271.

26. Issues CL2-15 and UNE-C-19: Whether Qwest is required to construct facilities for UNEs for CLECs.

a. The required modification to reflect that Qwest will assess whether to build for CLECs in the same manner as it assesses whether to build for itself was included in SGAT § 9.19 in the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, version.

b. This is sufficient for compliance with § 271.

27. Issue EEL-1: Whether EELs can be connected to tariffed services.

a. The required SGAT modification to SGAT § 9.23.3.7.2.7 to reflect that EELs or private line/special access will not be provisioned if these services will be connected directly to a tariffed special access service was included in the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, version.

b. This is sufficient for compliance with § 271.

28. Issue UNE-C-4(b): Whether the SGAT prohibition against directly connecting UNE combinations to finished services is proper.

a. The ordered SGAT modifications to reflect that UNEs can be directly connected to finished services unless it is expressly prohibited by existing rules were included in the October 29, 2001, SGAT revision and were carried forward to the December 21, 2001, version.²³

b. This is sufficient for compliance with § 271.

29. Issue UNE-P-16: Rates for lines in Density Zone 1 of the Top 50 MSAs.

a. The ordered SGAT modification to reflect that unbundled switching in Density Zone 1 of the TOP 50 MSAs for subscribers with four or more lines should be priced on a market basis was included in the June 29, 2001, SGAT revision and was carried forward to the December 21, 2001, version.²⁴

b. This is sufficient for compliance with § 271.

30. Issue TR-2: Whether there should be a distinction between UDIT and EUDIT.

a. The required SGAT modifications to remove the distinction between UDIT and EUDIT were included in the

²³ SGAT Revs. 10/29/01 and 12/21/01 at §§ 9.6.2.1 and 9.23.1.2.2.

²⁴ SGAT Revs. 6/29/01 and 12/21/01 at §§ 9.11.2.5 et seq.

October 29, 2001, SGAT revision and were carried forward to the December 21, 2001, version.²⁵

b. This is sufficient for compliance with § 271.

31. Issue FOR-1: Trunk utilization forecasting process.

a. As with Volume IIA Issue 1-114, *supra*, I find Qwest's proposed language in the September 19 and October 29, 2001, SGAT revisions for SGAT §§ 7.4.9, 7.2.2.8.6.1, and 7.2.2.8.6.3 acceptable with regard to the forecasting issues. The language was carried forward to the December 21, 2001, SGAT revision.

b. The ordered SGAT modification to reflect that trunk forecasts will be on a total trunk basis was included in § 7.2.2.8.4 of the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001 version.

c. These SGAT modifications are sufficient for compliance with § 271.

32. Issue SW-9: Unbundled switching when EELs are not available.

a. The required SGAT modification to be consistent with the FCC's unbundling exemption and to specify that the exception will not apply in wire centers where Qwest

²⁵ SGAT Revs. 10/29/01 and 12/21/01 at §§ 9.6.2 et seq., 9.6.3 et seq., 9.6.4.1, 9.6.6, and § 2.0 of Appendix C; 9/26/01 Errata SGAT at § 4.63.

has held orders for transmission facilities needed for EELs or where CLECs are unable to obtain sufficient collocation space to terminate EELs was made in SGAT § 9.11.2.5.3 in the September 19, 2001, SGAT revision and was carried forward to the December 21, 2001, version.

b. This is sufficient for compliance with § 271.

III. CONCLUSIONS

A. By prior decisions, I found that the Commission Staff Report Volumes I and IA, the absence of remaining impasse issues, and the consensus reached in Workshop 1 established Qwest's compliance with Checklist Item Nos. 7, 8, 9, and 12 with respect to the non-pricing terms and conditions of Qwest's SGAT.²⁶

B. Decision No. R01-768-I inadvertently indicated that Checklist Item No. 10 was awaiting verification of modified SGAT language. The impasse issues dealt with in Volume IA relating to Checklist Item No. 10 (Issues 10-5 and 10-6 regarding access to Qwest's CNAM and ICNAM databases) were resolved and no modifications to the SGAT were ordered. Therefore, the

²⁶ Decision No. R01-651-I at page 28 and Decision No. R01-768-I at pages 2 and 5.

Commission Staff Report Volumes I and IA, the absence of remaining impasse issues, and the consensus reached in Workshop 1 establish Qwest's compliance with Checklist Item No. 10 with respect to the non-pricing terms and conditions of Qwest's SGAT.

C. Qwest has satisfactorily demonstrated its implementation of the ordered resolution of the impasse issues associated with Checklist Items No. 3 and No. 13 as they relate to Volume IA. Based upon this demonstration, combined with the Commission Staff Reports Volumes I and IA, the absence of remaining impasse issues, and the consensus reached in Workshop 1, I conclude that Qwest is in compliance with Checklist Items No. 3 and No. 13 with respect to the non-pricing terms and conditions of Qwest's SGAT.

D. Qwest has satisfactorily demonstrated its implementation of the ordered resolution of the impasse issues associated with Checklist Item No. 1 (Interconnection and Collocation) and Checklist Item No. 14 (Resale) as they relate to Volume IIA. Based upon this demonstration, combined with the Commission Staff Reports Volumes II and IIA, the absence of remaining impasse issues, and the consensus reached in Workshop 2, I conclude that Qwest is in compliance with Checklist Items No. 1 and No. 14 with respect to the non-pricing terms and conditions of Qwest's SGAT.

E. Qwest has satisfactorily demonstrated its implementation of the ordered resolution of the impasse issues associated with Checklist Item No. 5 (Local Transport) and Checklist Item No. 6 (Local Switching) as they relate to Volume IVA. Based upon this demonstration, combined with Commission Staff Reports Volumes IV and IVA, the absence of remaining impasse issues, and the consensus reached in Workshop 4, I conclude that Qwest is in compliance with Checklist Items No. 5 and No. 6 with respect to the non-pricing terms and conditions of Qwest's SGAT.

F. Qwest has satisfactorily demonstrated its implementation of the ordered resolution of the impasse issues associated with the emerging services portion of Checklist Item No. 2 as they relate to Volume IIIA and Workshop 3. Based upon this demonstration, combined with Commission Staff Report Volumes III and IIIA, the absence of remaining impasse issues, and the consensus reached in Workshop 3, I conclude that Qwest is in compliance with the emerging services portion of Checklist Item No. 2 with respect to the non-pricing terms and conditions of Qwest's SGAT. I will reserve my overall conclusion for Checklist Item No. 2 until the completion of the Volume VA impasse issue resolution implementation and verification process.

G. Qwest has satisfactorily demonstrated its implementation of the ordered resolution of the impasse issues associated with Checklist Item No. 2 as they relate to Volume IVA and Workshop 4. Based upon this demonstration, combined with Commission Staff Report Volumes IV and IVA, the absence of remaining impasse issues, and the consensus reached in Workshop 4, I conclude that Qwest is in compliance with the portions of Checklist Item No. 2 with respect to the non-pricing terms and conditions of Qwest's SGAT that were dealt with in Workshop 4. I will reserve my overall conclusion for Checklist Item No. 2 until the completion of the Volume VA impasse issue resolution implementation and verification process.

H. Any recommendations of compliance with a § 271 checklist item are subject to modification by the results of the region-wide Operations Support Systems (OSS) test currently underway under the auspices of the Qwest Regional Oversight Committee (ROC). Similarly, actual commercial experience in Colorado will inform the Commission's recommendations.

IV. ORDER

A. It Is Ordered That:

1. Commission Staff Reports Volumes I and IA, along with the resolution of the impasse issues and Qwest's demonstrated implementation of that resolution, the absence of

remaining impasse issues, and the consensus reached in Workshop 1 establish Qwest's compliance with Checklist Items No. 3, No. 7, No. 8, No. 9, No. 10, No. 12, and No. 13 with respect to the non-pricing terms and conditions of Qwest's SGAT. The Hearing Commissioner recommends that the Colorado Commission certify that compliance and make a favorable recommendation of the same to the FCC.

2. Commission Staff Reports Volumes II and IIA, along with the resolution of the impasse issues, Qwest's demonstrated implementation of that resolution, the absence of remaining impasse issues, and the consensus reached in Workshop 2, establish Qwest's compliance with Checklist Items No. 1 and No. 14 with respect to the non-pricing terms and conditions of Qwest's SGAT. The Hearing Commissioner recommends that the Colorado Commission certify that compliance and make a favorable recommendation of the same to the FCC.

3. Commission Staff Reports Volumes III and IIIA, and IV and IVA, along with the resolution of the impasse issues, Qwest's demonstrated implementation of that resolution, the absence of remaining impasse issues, and the consensus reached in Workshops 3 and 4, establish Qwest's compliance with the emerging services portions of Checklist Item No. 2 and the portions of Checklist Item No. 2 that were dealt with in Workshop 4 with respect to the non-pricing terms and conditions

of Qwest's SGAT. The Hearing Commissioner will make a final recommendation on Checklist Item No. 2 upon the completion of the process for Workshop 5 and Staff Report Volumes V and VA.

4. Commission Staff Reports Volumes IV and IVA, along with the resolution of the impasse issues and Qwest's demonstrated implementation of that resolution, the absence of remaining impasse issues, and the consensus reached in Workshop 4 establish Qwest's compliance with Checklist Items No. 5 and No. 6 with respect to the non-pricing terms and conditions of Qwest's SGAT. The Hearing Commissioner recommends that the Colorado Commission certify that compliance and make a favorable recommendation of the same to the FCC.

B. This order is effective immediately upon its Mailed Date.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



RAYMOND L. GIFFORD

Hearing Commissioner

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Bruce N. Smith".

Bruce N. Smith
Director