REPLY BRIEF OF COX ARIZONA TELCOM

Qwest did not state a position on subloop pricing in its opening brief. Qwest certainly was aware that subloop pricing is an important issue in this docket – indeed, the 271 docket clearly deferred to this docket on this key issue. Although Qwest presented testimony on subloop pricing at the hearing, cross-examination of Qwest’s witnesses – and the testimony of CLECs – significantly undercut the reasonableness of Qwest’s subloop pricing position, both in terms of policy and actual pricing. Much of Qwest’s response to Cox’s position (at hearing) rested on vague assertions that if campus wiring is priced separately, the overall average loop price would be higher. Qwest never attempted to quantify how much higher the loop price might be – indeed, it could be only nominally higher. Qwest also never responded to Cox’s contention that access to campus wiring at reasonable pricing was critical to competition for many consumers such as apartment tenants. Finally, Qwest never addressed the issue that appropriate campus wire pricing
would create incentives for CLECs to invest in network infrastructure.

The Commission should not tolerate any attempt by Qwest to set forth its subloop pricing proposal in its reply brief. Because Qwest’s opening brief failed to justify Qwest’s apparent – and untenable – position that any subloop should be priced at approximately 70% of the price of the loop – whether it is for an apartment complex or a rural home or whether it is just for 100 feet of a twisted pair or for the combination of FDI, distribution cable and drop – Cox now cannot respond to any after-the-fact arguments set forth in Qwest’s reply brief that try to explain or justify Qwest’s position on subloop pricing.¹

Due to Qwest’s failure to address subloop pricing in its opening brief – and based on the arguments presented in Cox’s opening brief – Cox urges the Commission to adopt the subloop pricing proposals set forth in Cox’s opening brief.


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¹ Cox reserves the right to file a surreply brief to address any subloop issues raised in Qwest’s reply brief that should have been raised in Qwest’s opening brief.
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