DATE: NOVEMBER 8, 2001

DOCKET NO: T-00000A-00-0194

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judges Lyn Farmer and Dwight Nodes. The recommendation has been filed in the form of an Opinion and Order on:

QWEST CORPORATION
(INVESTIGATION INTO QWEST CORPORATION'S COMPLIANCE WITH CERTAIN WHOLESALE PRICING REQUIREMENTS FOR UNBUNDLED NETWORK ELEMENTS AND RESALE DISCOUNTS)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

NOVEMBER 28, 2001

Qwest and other parties, including Staff, are also directed to review the recommended Opinion and Order and to jointly file, by no later than the date that exceptions are due, a schedule of prices that is compliant with the Recommended Opinion and Order.

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

TO BE DETERMINED

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250.

Arizona Corporation Commission

DATE: NOVEMBER 8, 2001

DOCKETED

DOCKETED BY

BRIAN C. McNEIL
EXECUTIVE SECRETARY

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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL
CHAIRMAN

JIM IRVIN
COMMISSIONER

MARC SPitzer
COMMISSIONER

IN THE MATTER OF THE INVESTIGATION
INTO QWEST CORPORATION'S COMPLIANCE
WITH CERTAIN WHOLESALE PRICING
REQUIREMENTS FOR UNBUNDLED
NETWORK ELEMENTS AND RESALE
DISCOUNTS.

DATEs OF HEARING: July 16, 17, 18, 19, 20, 27, and 31, 2001

PLACE OF HEARING: Phoenix, Arizona

ADMIRISTRATIVE LAW JUDGES: Lyn Farmer and Dwight Nodes

IN ATTENDANCE: William A. Mundell, Chairman
Marc Spitzer, Commissioner

APPEARANCES: Mr. Timothy Berg, FENEMORE CRAIG, and Mr.
John M. Devaney and Mr. Norton Cutler, PERKINS,
COIE, LLP, on behalf of Qwest Corporation;

Ms. Mary Steele, DAVIS, WRIGHT, TREMAINE,
LLP, on behalf of AT&T Communications of the
Mountain States, Inc. and XO Arizona, Inc.;

Mr. Thomas H. Campbell, LEWIS AND ROCA, LLP,
and Mr. Thomas Dixon, Jr., on behalf of WorldCom,
Inc.;

Mr. Michael W. Patten, ROSHKA, HEYMAN &
DeWULF, PLC, on behalf of Cox Arizona Telecom,
Inc., Z-Tel Communications and McLeodUSA
Telecommunications Services, Inc.;

Mr. Eric Heath on behalf of Sprint Communications
Co., LP.;

Mr. Thomas H. Campbell, LEWIS & ROCA, LLP, on
behalf of Time Warner Telecom of Arizona, LLC; and

Mr. Christopher C. Kempley, Chief Counsel and Ms.
Maureen A. Scott, Staff Attorney, Legal Division, on
behalf of the Utilities Division of the Arizona
Corporation Commission.

DOCKET NO. T-0000A-00-0194
DECISION NO. _______________

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OPINION AND ORDER
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BY THE COMMISSION:

This docket comes before the Arizona Corporation Commission ("Commission") for a decision pursuant to the Telecommunications Act of 1996, to establish unbundled network element and interconnection prices for Qwest Corporation in the State of Arizona.

I. INTRODUCTION

The Telecommunications Act of 1996 ("1996 Act") established requirements and obligations for incumbent local exchange carriers ("ILECs") and competitive local exchange carriers ("CLECs") with respect to interconnection, provision of telecommunications services on an unbundled basis, and offering of telecommunications services for resale at wholesale rates. Pursuant to Section 251(c) of the 1996 Act (47 U.S.C. § 251(c)), an ILEC must accommodate CLEC requests to interconnect with the ILEC's existing local network and to use the network to compete for the provision of local telephone service. The ILEC must also provide a requesting CLEC with access to the elements that make up the ILEC's network on an individual or unbundled basis, and must make its retail services available on a wholesale basis for resale by a requesting CLEC. Further, the ILEC must allow for physical collocation of equipment necessary for interconnection or access to unbundled elements at the ILEC's premises or, when physical collocation is not practicable, the ILEC must provide for virtual collocation.

Under the pricing standards set forth in Section 251(d) of the 1996 Act, the rates charged for interconnection and unbundled elements must be "based on the cost (determined without reference to a rate of return or other rate-based proceeding) of providing the interconnection or network element ... [they must be] nondiscriminatory ... and may include a reasonable profit."

The 1996 Act also required the Federal Communications Commission ("FCC") to formulate rules to give effect to the 1996 Act. Under rules established by the FCC, pricing for interconnection and unbundled network elements ("UNEs") must use a forward-looking cost methodology that is based on the ILEC's total element long-run incremental costs ("TELRIC"). Pursuant to 47 C.F.R. §51 505(b), the costs must be determined using the ILEC's existing wire center locations, and using the most efficient technology available, regardless of the technology actually used by the ILEC. State
On January 30, 1998, the Commission issued an Opinion and Order1 ("First Cost Docket Order" or "Decision No. 60635") setting permanent prices for interconnection and UNEs, as well as wholesale discounts, for US West Communications, Inc., aka Qwest Corporation ("Qwest"). At the time Decision No. 60635 was issued, the FCC's local competition rules2, including pricing provisions, had been vacated by the Eighth Circuit Court of Appeals on jurisdictional grounds. Iowa Utilities Board v. FCC, 120 F.3d 753 (8th Cir. 1997). As a result of the United States Supreme Court's decision in AT&T v. Iowa Utilities Board, 119 S.Ct. 721 (1999), those rules were reinstated. The Eighth Circuit Court of Appeals subsequently vacated 47 C.F.R. §51.505. Iowa Utilities Board v. FCC, 219 F.3d 744 (8th Cir. 2000). However, the Eighth Circuit's decision has been stayed and is currently pending before the United States Supreme Court.

Decision No. 60635, as well as several of this Commission's original arbitration decisions, were appealed to the Federal District Court for the District of Arizona. In US West v. Jennings, 46 F.Supp.2d 1004 (D. Ariz. 1999), the court upheld certain of the Commission's determinations and remanded others back to the Commission for further consideration. Several of the Federal District Court's rulings were appealed to the Ninth Circuit Court of Appeals, where they are currently pending.

The docket in this case was opened in 2000 to address issues related to Qwest's pricing of wholesale products and services. Phase I of this proceeding went forward on an expedited basis in order to comply with the FCC's geographical deaveraging requirements set forth in 47 C.F.R. §51.507(f). On July 25, 2000, the Commission issued an Opinion and Order in this case ("Phase I Order" or "Decision No. 62753") adopting interim geographically deaveraged UNE rates.

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Phase II of this proceeding was designed to address issues raised by subsequent FCC orders and judicial decisions, and to establish permanent geographically deaveraged rates. On December 14, 2000, a Procedural Order was issued which stated that Qwest’s existing UNE rates would also be reviewed in Phase II. The Phase II hearing commenced on July 16, 2001 and concluded on July 31, 2001. Initial post-hearing briefs were filed on August 31, 2001. Reply briefs were submitted on September 21, 2001.

II. OVERVIEW OF COST MODELS

In this proceeding, Qwest presented its Integrated Cost Model ("ICM") to support its proposed rates for recurring costs associated with the provision of UNEs. Qwest’s ICM is comprised of the Loop Module ("LoopMod") program, the Transport Module, the Capital Cost Module, and the Expense Factors Module. As described in more detail below, the LoopMod develops investment for a subscriber loop and drop wire based on engineering loop designs, vendor prices, and placement costs. The Transport Module is used to estimate the investment in transmission and channel termination equipment needed to provide transport between switching offices. The transmission investment includes costs associated with fiber facilities and intermediate multiplexing equipment. The channel transmission investment includes electronic equipment at the switch location that converts electronic signals into optical signals (Qwest Ex. 16, at 18-19). The Capital Cost Module includes inputs for the cost of money and depreciation lives. In this proceeding, Qwest is proposing a rate of 9.61 percent for the cost of money, which was approved by the Commission as part of the settlement agreement in Qwest’s last rate case (Docket No. T-01051B-99-0105, et al.) (Qwest Ex. 18, at 18-19). Qwest’s model also employs the Commission’s prescribed forward-looking depreciation lives (Qwest Ex. 16, at 35-36). Qwest’s Expense Factor Module includes inputs that reflect Qwest’s expenses and investments adjusted for inflation factors (Id. at 23-25). For nonrecurring costs, Qwest proposes using its own nonrecurring cost model.

The CLECs rely upon the HAI 5.2a Model to support their proposed recurring costs and, for nonrecurring costs, they rely upon the AT&T/WorldCom Nonrecurring Cost Model. Staff supports use of the HAI 5.2a Model as a starting point. Staff recommends using the inputs adopted in
Decision No. 60635 and, where no inputs exist from that Decision, Staff recommends utilizing the
FCC inputs for the costs.

A. Recurring Costs

Recurring costs are the ongoing costs associated with providing a service or UNE. The costs
generally include both capital costs and operating expenses. Recurring costs are typically presented
as a cost per month or per unit of usage. Under the 1996 Act, TELRIC is the primary cost
methodology used for determining pricing of UNEs and interconnection.

1. Qwest’s LoopMod Model

LoopMod is an investment development program designed by Qwest that produces the
investment for a subscriber loop and drop wire that can be used by Qwest as a basis for costs used in
pricing decisions (Qwest Ex. 1, at 2). LoopMod calculates the investment required for loop and drop
wire based on standard engineering loop designs, vendor prices and placement cost estimates.
According to Qwest witness Buckley, the investments considered in LoopMod include materials,
construction, and engineering required to build loop plant from the central office to a subscriber. Mr.
Buckley testified that LoopMod uses quantity of lines in service, prices charged by contractors for
outside plant construction, and distribution area data that are unique to Arizona. He indicated that,
after LoopMod calculates the investment required, the results can be converted to monthly costs that
are used by Qwest to make pricing decisions for the unbundled loop (Id.).

Qwest claims that the two most important factors in developing an Arizona-specific loop plant
investment are distance and population density. Mr. Buckley stated that feeder investments are
directly affected by the distance between the central office and the end-user’s premises because
longer distances require installation of more feeder plant. In addition, the density of the distribution
area affects costs because higher density areas use larger, more efficient feeder cables and shorter
distribution cables (Id. at 3). According to Qwest, its cost studies are designed to yield the forward-
looking replacement costs of reproducing its telecommunications network considering the most
efficient, least-cost technologies that are currently available (Qwest Ex. 16, at 3).

In determining forward-looking costs, Qwest contends that its cost studies take into account
what facilities are currently deployed in the network, as well as what is reasonably expected to be
deployed on a forward-looking basis (Id. at 5). Qwest claims that LoopMod considers the most efficient mix of copper, fiber and integrated facilities and, consistent with TELRIC, uses technologies that are commercially available and currently being deployed in the industry (Id. at 7). However, Qwest asserts that its model does not rely on unproven or state-of-the-art technologies because of uncertainty as to future availability of such facilities and inefficiencies inherent in deploying the technologies where utilization of facilities is low (Id. at 5-6).

Qwest witness Teresa Million testified that Qwest also uses market prices to determine the costs of equipment and materials included in the Company’s studies. She asserts that placement costs for facilities are based on the expenditures that the network organization currently incurs to perform various functions, based on actual contracts with vendors that do work for Qwest in Arizona (Id. at 7). Ms. Million testified that Qwest's studies include forward-looking operating expenses by adjusting the Company’s recent expense information to develop annual cost factors that estimate forward-looking costs. Qwest uses historical information as a starting point, and adjusts expense factors to account for future efficiencies and expected inflationary/deflationary price impacts (Id. at 8).

Qwest also claims that it attempts to validate the assumptions and inputs it uses. As an example, Qwest asserts that component prices are taken directly from actual network contracts with Arizona vendors and that assumptions are verified through discussions with internal experts about actual construction experiences. According to Qwest, its cost analysts also spend extensive time reviewing cost data for related UNEs, and for the same UNEs in other states, to ensure that the model’s results are reasonable (Id. at 28).

The CLECs contend that Qwest’s LoopMod is simply a next generation version of the Regional Loop Cost Analysis Program (“RLCAP”) that was rejected by this Commission in Decision No. 60635. In that Decision, the Commission stated that the US West models were “based upon embedded costs and technology, and do not consider particular demographics and geology of the State of Arizona” (First Cost Docket Order, at 7). The CLECs claim that many of the concerns that caused the Commission to reject the RLCAP model in the prior proceeding still exist with respect to the LoopMod model. The CLECs argue that, similar to the rejected RLCAP model, LoopMod relies
on Qwest's embedded network when that information increases the loop cost estimate and rejects the embedded costs when it leads to a decrease in Qwest's proposed loop cost.

As an example of the alleged deficiencies in Qwest's model, the CLECs assert that LoopMod fails to use accurate customer locations in designing outside loop plant. The CLECs contend that, although LoopMod uses some information regarding customer locations, the information relied upon dates from 1996. Another criticism leveled at Qwest's model is that the use of standardized distribution groups, as applied to Qwest's existing distribution areas, ignores the possibility that more efficient designs might yield lower costs (AT&T/WorldCom/XO Ex. 8, at 43). The CLECs claim that Qwest's use of standardized designs in its model shows that the model does not reflect what is required to serve existing customers in Arizona. Therefore, the CLECs recommend that Qwest's LoopMod should be rejected.

Qwest responded to the CLECs' criticisms by asserting that LoopMod uses data relating to the density characteristics of actual Arizona distribution areas ("DAs") to develop state-specific distribution investment. Qwest claims that LoopMod's distribution network starts with standard distribution designs that account for the effect of natural and man-made obstacles, such as roads and buildings. Qwest states that LoopMod then applies a multiplier based on the individual DA densities to adjust the cable lengths in the standard design, resulting in cable lengths that are Arizona-specific (Qwest Ex. 2, at 24). Qwest argues that the use of actual Arizona DAs, current Arizona vendor prices and placement costs, and forward-looking architectures is consistent with TELRIC principles and is a least-cost approach to modeling the Company's network.

Qwest also contends that, in the First Cost Docket Order, the Commission did not adopt either the RLCAP or Hatfield model (which was sponsored by the CLECs), but used parts of each for determining the loop rate. Moreover, according to Qwest, there are many material differences between RLCAP and LoopMod that render criticisms of the prior model irrelevant. Qwest points out that differences between the models include: new design of the feeder network that is based on Arizona-specific wire centers; different weighting within the distribution network that reflects unique Arizona densities; disaggregation of placement costs by density groups and by urban/rural to reflect
placement methods an engineer would choose; and reduction in the amount of directional boring assumed in LoopMod (Qwest Ex. 1, at 5, 8, and 13; Tr. 131-133).

Qwest asserts that these differences show that LoopMod specifically accounts for Arizona-specific demographics in the distribution network based on the unique density within each Arizona distribution area. Qwest adds that LoopMod does not rely on so-called "embedded" inputs but, rather, is based on forward-looking assumptions that reflect how networks are designed and operated in the real world. Accordingly, Qwest requests that the Commission adopt LoopMod as the most appropriate recurring cost model presented in this proceeding. Based on application of its model, Qwest recommends an unbundled statewide average loop rate of $25.95 (Qwest Ex. 18, at 59), which is significantly higher than the rate of $21.98 that is now in effect in Arizona. 3

2. HAI Model

AT&T/WorldCom/XO (AT&T/WorldCom/XO may be generically referred to as "the CLECs") agree with Qwest that UNE prices should be established based on costs, but disagree with how those costs should be determined. The CLECs claim that, despite Qwest's repeated admonition that the Commission must rely on Qwest's real world costs in setting UNE rates, Qwest has failed to recognize that in the real world competition is almost non-existent in Arizona, even at the current UNE rates. The CLECs point out that Qwest has sold fewer than 23,000 unbundled loops in the entire state, resulting in a competitor penetration rate of only three percent of Qwest's voice market (AT&T/WorldCom/XO Ex. 1, at 8). CLEC witness Gillan testified that competitive carriers are scaling back plans to enter the competitive carrier market or abandoning the market altogether (I/d.). Although the CLECs agree that UNEs must be cost-based, they contend that Qwest's proposed costs do not comply with controlling TELRIC principles.

The HAI 5.2a Model ("HAI Model"), which was previously known as the Hatfield Model, was sponsored by AT&T/WorldCom/XO. The CLECs argue that the Commission should base its decision regarding recurring costs on the results produced by the HAI Model. According to the CLECs, the HAI Model has the benefit of this Commission's prior review, as well as review by other

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3 The current Zone 1 loop rate of $18.96 encompasses approximately 90 percent of Qwest's access lines.
state commissions and the FCC. The CLECs claim that the HAI Model is preferable to Qwest’s ICM because the HAI uses actual customer locations in Qwest’s Arizona service area to the extent possible. Where actual customer locations are not available, the HAI Model uses surrogate customer locations placed uniformly along the roads in the census blocks where customers are located. The CLECs claim, therefore, that the HAI Model develops the distribution plant necessary to serve actual customers, as opposed to assuming an average investment based upon standardized designs (AT&T/WorldCom Ex. 3, at 11-12).

Qwest’s models are designed to calculate the investment required to provide a specific element or service. The Company then applies capital costs, and maintenance and expense factors to develop the recurring or nonrecurring charge that it proposes for the particular element (Qwest Ex. 16, at 9-10). The CLECs contend that, while Qwest’s maintenance and expense factors are based on the Company’s embedded books, the HAI Model is based on forward-looking expenses that are consistent with a TELRIC analysis.

Based on application of the HAI Model, the CLECs advocate adoption of a statewide average loop rate of $10.11. The CLECs note that Staff’s proposed statewide average loop rate is $12.35, which is close to the loop rate recommended by the CLECs (Staff Ex. 32, Sched. WD-17). The CLECs argue that Qwest’s proposal is so far out of line with the CLECs’ and Staff’s recommendation because Qwest relies on a model that is designed to produce costs that will prevent entry by competitors through the use of unbundled elements.

The CLECs also assert that the HAI 5.2a Model provides rates for unbundled loops that comply with the FCC’s TELRIC rules. The CLECs point out that the HAI Model has been reviewed in both state and federal proceedings and many portions of the model have been accepted by the FCC for estimating the forward-looking costs of providing universal service (AT&T/WorldCom/XO Ex. 3, at 16-19).

With respect to the placement of distribution plant, the CLECs claim that the HAI Model places customers where they are actually located. Where actual customer locations are not known, the model uses the U.S. Census Bureau’s location of residential households by census block (Id. at 20). Mr. Denney stated that, because this census block information places customers uniformly along
roadways, it likely overestimates the actual dispersion of customers and therefore likely overstates
the amount of the distribution plant needed to serve the customers, thereby addressing Qwest’s
concern (Id. at 21).

As indicated above, Staff recommends adoption of the HAI 5.2a Model in this proceeding.
Staff witness Dunkel testified that because TELRIC studies are intended to be forward-looking in
nature, they should be based on expected costs on a forward-looking basis for an efficient provider,
using current commercially available technology. Mr. Dunkel claims that the Commission must be
cognizant of the fact that it is in the ILEC’s interest to make charges for UNEs, collocation, and
interconnection as high as possible. According to Mr. Dunkel, ILECs benefit from higher prices for
these services because such charges are imposed on the ILEC’s competitors thereby raising the
competitive LECs’ cost of doing business (Staff Ex. 30, at 4-5).

Although Mr. Dunkel advocates adoption of the HAI Model, he stated that the model
sponsored in this case by the CLECs did not use, in some cases, the inputs specified by the
Commission in the First Cost Docket Order. Mr. Dunkel recommends that the Commission adopt
the HAI 5.2a Model, but that the Commission utilize the inputs previously approved in the First Cost
Docket Order. Where the Commission did not address a specific input in that Order, Mr. Dunkel
proposes using inputs adopted by the FCC (Id. at 72).

3. Conclusion on Recurring Cost Models

In the First Cost Docket Order, we declined to accept either Qwest’s model or the CLECs’
Hatfield Model in its entirety. After considering the evidence submitted in this proceeding, we find
that the HAI 5.2a Model relied upon by the CLECs and Staff, provides the most appropriate measure
of determining TELRIC-compliant, forward-looking costs and prices for UNEs, when used as a
starting point and subject to the determination of specific inputs as discussed below. We agree with
Staff and the CLECs that Qwest’s model is based primarily upon its embedded network and costs and
that Qwest’s model fails to adequately incorporate efficiencies that should be recognized in a
TELRIC environment.

Reliance on an incumbent LEC’s embedded costs clearly does not recognize the efficiencies
that would likely be experienced in a truly competitive environment. As discussed below in greater
detail, in evaluating the specific inputs contained in the models we must take into account whether
the components of the model reflect the least-cost, most efficient assumptions that are required under
a TELRIC analysis. Although each of the issues discussed below is evaluated independently, we
believe that, subject to the adjustments described herein, the HAI Model properly recognizes the
TELRIC methodology that is required for assessing Qwest’s costs and UNE prices.

a. **Specific Recurring Cost Issues**

i. **Placement Costs**

As used in both the HAI Model and Qwest’s LoopMod, placement costs are those costs
associated with placing cable, including costs for trenching or boring, and the frequency that those
placement methods will be used in placing buried cable. Placement costs for buried cable make up a
significant portion of the investment for the unbundled loop in both the HAI Model and Qwest’s
LoopMod.

Qwest argues that, in a competitive market, placement costs must be based on the actual costs
that would be incurred by a carrier in placing facilities. For example, Qwest claims that
consideration must be given to costs associated with navigating around many types of obstacles,
including streets, highways, sidewalks, buildings, and yards. Absent consideration of these types of
factors, Qwest asserts that the inputs will not produce accurate results that are reflective of conditions
in a competitive environment. Qwest also contends that LoopMod maintains consistency in its
assumptions by including shorter lengths of cable that would occur in a replacement network, while
recognizing that such a replacement network would require a significant amount of boring and
trenching (Qwest Ex. 1, at 16). Qwest disputes the CLECs’ and Staff’s contention that cable will not
often have to be placed around and through landscaping.

According to the CLECs and Staff, Qwest exaggerates placement costs because Qwest
assumes that a high percentage of installation jobs would require cutting and restoration of concrete,
asphalt, sod. The CLECs contend that, in its inputs Order, the FCC determined that basing costs
on small scale projects is not appropriate and the most reflective method of estimating construction of

4 Tenth Report and Order, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No. 96-
a local telephone network is for projects with expenditures over $5,000 (Id., ¶109). The CLECs state that Qwest’s placement costs used in its model are based on “numerous small jobs or routine day-to-day work activities” (AT&T/WorldCom/XO Ex. 10, ¶1, p. 10). The CLECs and Staff argue that, in the real world, Qwest most often places facilities in the ground before obstructions are built. Staff also asserts that, even in urban environments, cutting and restoration of asphalt and concrete are often not necessary because cable is placed in existing underground conduits (Tr. 914-919). Accordingly, Staff and the CLECs allege that Qwest’s pricing overstates the actual costs that would be incurred in constructing plant using a TELRIC analysis.

We agree that Qwest’s LoopMod inputs overstate the costs attributable to placement of buried cable in a forward-looking environment. Applying a forward-looking TELRIC analysis, we agree with the CLECs and Staff that an appropriate cost model should assume efficient placement techniques being used by the ILEC and should assume that some, but not the majority of placement activities would require that streets, sidewalks, and landscaping would need to be cut and restored or bored. Compared to the LoopMod assumptions, the HAI Model relies upon the more reasonable assumption that, in a forward-looking environment, cable will be placed efficiently without the requirement of extensive boring and cutting. Therefore, we will adopt the HAI Model’s assumptions on this issue.

ii. Structure Sharing

Structure sharing is included in the models as a percentage of the time it is assumed that outside plant facilities will be shared by the ILEC, cable operators, electric utilities or others, including CLECs and interexchange carriers. Staff and the CLECs contend that Qwest’s model inputs underestimate the amount of sharing that will occur in a forward-looking environment. The CLECs argue that Qwest’s sharing assumptions do not reflect that Qwest will have the same sharing opportunities that existed when its plant was built. Instead, according to the CLECs, Qwest’s study assumes that its telecommunications facilities will be rebuilt in areas where electric and cable company facilities are already in place.

Qwest argues that, to share in placing buried cable, there must be a need for multiple providers to access a given area at approximately the same time. Qwest witness Buckley stated that,
in new subdivisions, trenching activities can often be coordinated and the trenching costs shared among multiple utility providers (Qwest Ex. 1, at 24). However, Mr. Buckley contends that a rebuild of the network will not involve sharing among multiple providers because the other providers already have facilities in place. LoopMod assumes that Qwest will pay 50 percent of the costs of placing aerial cable, 80 percent of the costs of placing buried cable, and 95 percent of the costs of placing underground cable (Id. at 25-26). Qwest contends that the data from the Company’s buried placement records for the years 1995 to 1999 demonstrates that the Company has been able to trench for approximately 18 percent of the buried sheath placed. Mr. Buckley asserts that this data conservatively verifies Qwest’s LoopMod assumption that there will be opportunities to share trenching costs with other utilities no more than 20 percent of the time (Id. at 27).

Staff contends that Qwest’s proposed sharing cost for buried cable is similar to the level that was proposed by Qwest in the prior cost docket and rejected by the Commission (Decision No. 60635, at 20). Staff argues that Qwest’s proposed structure sharing percentages are based upon historical or embedded cost data and bear no relationship to the least-cost forward-looking TELRIC standard required under the 1996 Act and FCC rules.

The CLECs add that the FCC’s Inputs Order requires that sharing assumptions in a TELRIC model should reflect that the telephone industry will have at least the same opportunity to share the cost of building plant as existed when the plant was built. The CLECs argue that Qwest’s model inputs for sharing ignore this standard and, instead, assume that telecommunications plant will be rebuilt in areas where other utility providers are already in place (Qwest Ex. 29, at 50). The CLECs also point out that many communities require or encourage cooperation among providers in placing trenches, and that many developers provide the trench to utilities at no cost (Tr. 913-914).

In the last cost docket, US West claimed that it had paid for placement of facilities, for both distribution and feeder, in the following percentages: 50 percent for aerial; 100 percent for underground; and 83 percent for buried cable (Decision No. 60635, at 20). The Commission rejected US West’s facilities sharing proposal and established the sharing percentages as 50 percent each for
aerial, underground, and buried cable (Id.). Staff recommends that the same sharing percentages be maintained in this case while the CLECs propose adoption of the HAI Model's assumptions.

The structure sharing assumptions included in the HAI model are similar to those approved in the First Cost Docket Order, which we found in that Decision to be more reflective of a forward-looking network than the sharing assumptions proposed by US West. When facilities are initially being placed in a high growth market there will be a significant amount of developer-provided trench and thus, in a forward-looking model, costs should be reduced by substantial sharing. Moreover, as the CLECs and Staff point out, Qwest's proposed structure sharing assumptions are similar to the percentages that were rejected by this Commission in the First Cost Docket Order and Qwest has not convinced us that those assumptions have any more merit in this proceeding. We will, therefore, accept the sharing assumptions adopted in Decision No. 60635 of 50 percent each for aerial, underground, and buried cable, as proposed by Staff.

iii. Plant Mix

Plant mix refers to the relative percentage of facilities that are buried, placed in underground conduit, and placed on telephone poles. Qwest witness Buckley stated that conduit systems are typically used in areas where there are multiple cables and where there is a need for easy access to the cables, such as areas with high population density. In less densely populated areas, trenching and plowing is often used for cable placement. Mr. Buckley indicated that aerial cable placement has declined in recent years because it is subject to higher maintenance costs, and because many municipalities and homeowners groups now require buried cable for aesthetic reasons (Qwest Ex. 1, at 28). Placement costs will be affected by the mix of these various structures because the cost of placing aerial, buried, and underground cable varies substantially.

LoopMod assumes underground placement for cable within certain distances from the central office, depending on the size of the wire center. The model's breakpoint between underground and buried cable is 1,000 feet for very small wire centers, 7,000 feet for small wire centers, 14,000 feet for medium wire centers, and 20,000 feet for large wire centers. The default aerial input in the model is 14 percent, which Qwest states is based on a Qwest company-wide summary of cable sheath miles in service. Mr. Buckley testified that a 2000 report shows that aerial comprises 13.8 percent,
compared to 14.5 percent in 1996. Qwest asserts that this data shows a decreasing trend in use of aerial cable and that it is highly unlikely that a forward-looking network would result in an increase in aerial cable (Id. at 29).

The CLECs contend that the actual percentage of aerial cable in Arizona is approximately 19 to 20 percent (Tr. 140). The HAI model assumed an even higher percentage of aerial cable, which Mr. Denney testified comes close to replicating Qwest’s aerial sheath mileage as reported to ARMIS (AT&T/WorldCom/XO Ex. 5). The CLECs argue that Qwest’s reliance on its embedded structure for aerial structure assumptions is contrary to TELRIC. The CLECs urge the Commission to adopt the HAI assumptions, which they claim are based on a least-cost analysis that considers the cost of placing and maintaining the plant.

We agree with Qwest that the trend in decreased use of aerial cable should be reflected in a forward-looking cost model. It is inconsistent for the CLECs to argue, on the one hand, that cost inputs should not reflect Qwest’s embedded network while, on the other hand, advocating the use of historical data for purposes of determining plant mix. The evidence shows that the use of aerial cable has been declining in recent years and that its use is likely to decline into the future. However, Qwest’s proposed use of a system-wide percentage fails to recognize that aerial cable is used in a higher frequency in Arizona. Since Qwest’s witness testified that the Company’s aerial cable percentage in Arizona is currently at 19 to 20 percent, we will adopt an aerial cable ratio of 19 percent to give recognition to the declining trend in the use of such cable. Adoption of this percentage reflects a forward-looking network on an Arizona-specific basis while, at the same time, reducing the CLECs’ HAI default values which are higher.

iv. Fill Factors

The FCC’s TELRIC methodology, as set forth in its First Report and Order, requires that per-unit costs should be determined from total costs by using reasonably accurate “fill” or “utilization” factors. These fill factors represent estimates of the proportion of a facility that will be filled with network usage. The FCC stated that the per-unit costs are derived “by dividing the total cost associated with an element by a reasonable projection of the actual total usage of the element” (Id., ¶682). FCC Rule 505 provides that the TELRIC cost of an element “should be measured based on
the use of the most efficient technology currently available and the lowest cost network configuration, given the existing location of the incumbent LEC’s wire centers.” 47 C.F.R. §51.505.

The FCC stated in its Inputs Order, at Paragraph 186, that:

The percentage of the total useable capacity of cable that is expected to be used to meet current demand is referred to as the cable fill factor. If cable fill factors are set too high, the cable will have insufficient capacity to accommodate small increases in demand or service outages. In contrast, if cable fill factors are set too low, the network could have considerable excess capacity.

Qwest’s LoopMod assumes that living units will have two or three cable pairs, depending on the density group in which the living unit is located. Qwest’s two or three pair assumption per living unit is based on its claim that it is less costly to place multiple pairs at once instead of later reinforcing facilities as demand increases. Qwest witness Buckley testified that although in Arizona there are currently approximately 1.17 working lines per residence, the Company’s proposed fill factors are economically efficient and consistent with the goal of providing service on demand and minimizing held orders (Qwest Ex. 1, at 32).

The CLECs contend that Qwest’s fill assumption of two to three pairs per household is inconsistent with the FCC’s cable fill standards. The CLECs argue that the FCC has rejected a “pairs per location” approach in determining fill factors on a forward-looking basis. AT&T/WorldCom/XO witness Denney stated that Qwest’s fill assumption would require the purchaser of an unbundled loop to pay the cost for all growth that may occur in the future within the network (AT&T/WorldCom/XO Ex. 3, at 38-39). The CLECs assert that the FCC requires distribution fill in a TELRIC model to be sized to meet current demand, including an amount of excess capacity to accommodate short-term growth.6 The CLECs point out that, although Qwest’s models assume three pairs for most locations, actual line usage demand is far less (AT&T/XO Ex. 5). The CLECs contend that this disparity between US West’s and the CLECs’ fill assumptions in the prior cost docket led the Commission to

6 FCC Inputs Order, ¶¶199-201.
adopt the HAI model's fill factors. The CLECs also claim that, because the HAI 5.2a fill factors used in this docket are even more conservative than those previously adopted by the Commission, the CLECs' proposed fills should be adopted in this docket.

We agree with the CLECs that the HAI model's use of a 75 percent cable sizing factor for distribution plant, resulting in an average actual fill factor of 48.8 percent (or slightly more than 2 lines per household), is appropriate (AT&T/WorldCom/XO Ex. 3, at 38). As the CLECs point out, Qwest's model develops the investment required to serve some unidentified "ultimate demand" and spreads the cost of serving that ultimate future demand over only current demand (Tr. 100; AT&T/XO Ex. 5). We believe that, consistent with the FCC's Inputs Order, adoption of the HAI fill factors recognizes fills that are sized to meet current demand, including an amount of capacity to meet additional demand. Qwest's modeling of three pairs per location for most density group locations far exceeds current actual demand of less than 1.2 lines per location. As we stated in the First Cost Docket Order, "the use of achievable average fill factors of the Hatfield Model would be more representative of a forward-looking, least cost, efficient network." Further, the fills advocated by the CLECs in this docket are actually lower than those adopted in the prior docket. The CLECs' proposed fill factors will be adopted.

v. **Drop Lengths**

The drop wire is the outside plant facility that extends from a distribution terminal to the actual customer premises. Qwest breaks the lengths of the drop facilities out by aerial versus buried and by distribution density group. In Qwest's model, only density groups 3, 4, and 5 use drops, while groups 1 and 2 utilize an entrance facility as opposed to a drop wire (Qwest Ex. 1, at RJB-3, page 3). Qwest's drop length proposal is based on data from seven Qwest states which produces an average drop length of approximately 150 feet. When applied to the state specific mix of density groups, the data produce a statewide average drop length of approximately 110 to 120 feet, which Qwest has proposed to be used for this proceeding (Id.).

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7 First Cost Docket Order, at 16.
8 Id. at 17.
Qwest argues that the average drop length of approximately 66 feet produced by the CLECs' HAI model is unreasonably short. According to Qwest, its average drop length was produced from an empirical study of thousands of samples across its service area, whereas the CLECs' HAI model is based on national default values. Qwest claims that, because Arizona and many other states in Qwest's region have a large percentage of highly rural areas, the average drop lengths should be expected to be longer than the national average.

The CLECs contend that Qwest's analysis is flawed because its survey of drop lengths excludes all multi-tenant dwellings. The CLECs also assert that the technicians performing the survey did not measure actual drop lengths, but were simply asked to perform a visual estimate of the drop length or to walk off the distance. According to the CLECs, a number of the drop lengths contained in the Qwest study are long enough to extend around most of the circumference of the lot for a given property included in the survey (AT&T/XO Ex. 14). The CLECs claim that these faults undermine the validity of Qwest's drop length inputs.

Staff also argues that the HAI drop lengths should be used. Staff claims that Qwest’s regional study improperly excludes states with large urban areas, like Arizona and Colorado. Staff points out that, in Decision No. 60635, the Commission adopted the Hatfield model's calculation of drop costs, thus implicitly adopting the Hatfield drop length. Staff asserts that Qwest has not provided any compelling, Arizona-specific data to justify overruling the Commission's decision in the First Cost Docket Order.

After reviewing the evidence presented on this issue, we believe that the drop lengths advocated by Qwest, Staff, and the CLECs have deficiencies. On the one hand, we agree with Qwest that the CLECs' national default values fail to recognize that much of Qwest’s service area, including portions of Arizona, are highly rural and require longer drops to implement service. On the other hand, we are concerned that Qwest’s study failed to include multi-tenant units that would significantly reduce the results of the drop length average. In addition, Qwest's analysis fails to recognize that many of the "rural" areas in Arizona are uninhabited and thus not served by any telephone service provider. We also note that Qwest’s service area in Arizona includes the metropolitan Phoenix and Tucson areas, where a significant number of the drop lengths would likely
be shorter than average. Given our concerns with the two extremes of drop lengths presented for our
consideration, we believe that an Arizona statewide average drop length of 90 feet is a reasonable
middle ground that gives recognition to the flaws of both proposals. This drop length of 90 feet shall,
therefore, be adopted in this docket.

vi. **IDLC Unbundling Costs**

Qwest claims that it incurs costs when it separates individual unbundled loops from integrated
digital loop carrier ("IDLC") systems. Because DLC systems use high bit rate circuits (DS-1 or OC-
3) to transport multiple low bit rate circuits from the remote electronics to the central office, when a
CLEC orders an unbundled loop that is carried on IDLC, Qwest must "groom" or unbundle the loop
to permit it to be terminated on an intermediate distribution frame and then cross-connected to a
CLEC's equipment. Grooming is not required for copper loops or for loops derived from universal
DLC systems (Qwest Ex. 2, at 18-19). Qwest contends that, because grooming is only necessary for
IDLC loops, it assumes in Arizona that 44 percent of the loops are on IDLC (id.).

The CLECs argue that Qwest's assumption that 44 percent of all loops will be carried over
IDLC is unsupported. The CLECs claim that Qwest currently has substantially less than 44 percent
IDLC unbundled loops. The CLECs assert that the result of this disparity is that Qwest’s proposal
seeks recovery of costs that it does not incur in the real world. The CLECs further contend that, in a
forward-looking network, it should be assumed that CLECs could purchase loops in a fully-integrated
DLC environment that would not require de-multiplexing at the central office (AT&T/WorldCom Ex.
8, at 32). Staff also argues that because Qwest has removed the tap and bridge coils on many loops,
CLECs should not be required to pay grooming charges on any loops included in Qwest's bulk
de-loading project in Arizona. Staff further asserts that a recurring fee is improper because loop
grooming is a one-time activity. The CLECs and Staff claim, therefore, that the proposed grooming
charge is unnecessary and anticompetitive and should be rejected.

Although Qwest discounts the CLECs contention that in a forward-looking environment
there would be no need for grooming IDLC loops, the Company’s proposed assumption of 44 percent
IDLC loops significantly overstates its actual experience (See, AT&T/WorldCom Exs. 28 and 29).
We agree with the CLECs that in a “forward-looking” network no loops will need to be groomed and,
thus, no charges should be imposed on IDLC loops. However, the C-ECs fail to recognize that the purchase of IDLC loops likely will increase on a going-forward basis, and that those loops that are not universal LDC will need to be groomed to provide service to purchasing CLECs. There is wide disparity in the positions taken by Qwest and the CLECs, and we do not believe that either position is appropriate. We conclude that an input of 10 percent IDLC loops will properly recognize the likelihood of increased purchases and use of IDLC loops on a forward-looking basis.

vii. Overhead Costs

Qwest argues that the CLECs’ HAI model employs an unreasonably low overhead rate of 10.4 percent, which is based on AT&T’s own overhead from 1994. Qwest claims that the use of AT&T’s overhead is inappropriate because interexchange carriers collect a large amount of revenue from their customers that is passed on directly to local exchange carriers in the form of access charges. According to Qwest, because these revenues are not generated by AT&T’s network, they are not properly attributable to AT&T in the calculation of overhead (Qwest Ex. 9, at 58-59). Dr. Fitzsimmons points out that the HAI model’s 10.4 percent overhead factor has been rejected by at least one other state commission\(^9\) which adopted an overhead factor of 13.6 percent. He also stated that because AT&T’s long distance business is very different from Qwest’s local telecommunications business, direct cross-company comparisons are meaningless. Dr. Fitzsimmons claims that Qwest’s overhead values for 1999 and 2000 were 13.3 and 12.9 percent, respectively (Id. at 61). Dr. Fitzsimmons recommends that an overhead factor of 13.0 percent should be adopted, resulting in an increase of $0.44 for the unbundled loop cost (Id.).

The HAI model assumes an overhead factor of 10.4 percent, which is based on AT&T’s own operations (Qwest Ex. 29, at 58-59; Tr. 1452). In his direct testimony, AT&T/WorldCom/XO witness Denney included a table comparing Qwest’s ARMIS data for the corporate overhead accounts to Qwest’s operating revenues. The table shows that Qwest’s five-year average corporate overhead factor, from 1996 through 2000, was 10.4 percent. From this data, Mr. Denney concluded that the HAI model’s default overhead factor of 10.4 percent is reasonable (AT&T/WorldCom/XO 27

Mr. Denney conceded on rebuttal that his calculation of Qwest's corporate overhead factor should have subtracted corporate overhead expense from operating revenues in his calculation (AT&T/WorldCom/XO Ex. 5, at 6). However, his recalculation of Qwest's five-year average of 11.6 percent does not change his recommendation that the HAI model's default 10.4 percent factor is reasonable (Id.).

We agree with the CLECs that Qwest's proposed overhead factor of 13.0 percent significantly overstates the overhead that should be assumed for an efficient carrier in a forward-looking environment. As Mr. Denney shows in his rebuttal testimony, compared to other Regional Bell Operating Companies ("RBOCs"), Qwest consistently has the highest corporate operations percentages. Mr. Denney testified that the RBOC average for the year 2000 was 8.3 percent, which is less than even the HAI model's default value, and substantially less than the 13.0 percent factor advocated by Qwest (Id.). Based on the record presented in this proceeding, we believe that the HAI default value is reasonable and should be adopted.

viii. MST Function

The HAI model uses a right-angle routing feature called Minimum Spanning Tree ("MST") to take account of groups of customers within a cluster group. CLEC witness Denney states that the MST is used by the FCC in the FCC Synthesis Model (AT&T/WorldCom/XO Ex. 5, at 2). He noted, however, that the MST function can overestimate required distribution cable because it uses right angle routing, rather than minimum distance routing. Mr. Denney claims that the MST likely spreads customers out further than they are in reality, thereby overestimating required cable (Id.).

Qwest is critical of the HAI Model’s MST function because, according to Qwest, real world customers are not on a blank page and a real world network must be placed around natural and man-made obstructions such as buildings and lakes (Qwest Ex. 29, at 36). Dr. Fitzsimmons contends that the MST function results in understated distribution cable requirements in low-density rural areas (Id. at 37). Qwest requests that, if the Commission adopts the HAI model, the MST function should be turned off to mitigate the understatement Qwest alleges results from deployment of the HAI model. Dr. Fitzsimmons states that turning off the MST function would result in an increase in the loop investment per line by $31 and the per month unbundled loop cost by $0.76 (Id. at 39).
We believe that the HAI Model's MST function properly reflects legitimate network design inputs for modeling distribution plant. As Mr. Denney suggests, the surrogate customer location methodology employed by the MST is likely to overstate distribution requirements because the model assumes a uniform spacing of customer locations along roads and does not recognize clusters of customers that often exist in small towns (AT&T/WorldCom/XO Ex. 3, at 24). Therefore, contrary to Qwest's assertions, we believe that the HAI model provides a reasonable estimate of the actual distribution distances required and that the model produces sufficient distribution plant to serve customers on a forward-looking basis.

ix. **Depreciation Values for Drops, NIDs and SAI s**

Qwest contends that the depreciation values used in the HAI model for serving area interfaces ("SAIs"), network interface devices ("NIDs"), and drops are inappropriate because they are much longer than those for comparable classes of outside plant (Qwest Ex. 29, at 61). Ms. Gude claims that, although the HAI model appears to isolate investments associated with NIDs, SAIs, and drops, the capital carrying costs for the investments should still reflect the depreciation parameters for the proper investment accounts as they were authorized by the Commission in its most recent depreciation order (Qwest Ex. 27, at 38). She asserts that the HAI model uses an adjusted depreciation "projection life" of 19 years for NIDs, SAIs, and drops, rather than employing the Commission's designated depreciation life and related "adjusted projection life" values of 11.21 years for 45C, Account 2423 - Buried Cable Metallic; 9.45 years for 52C, Account 2421 - Aerial Cable Metallic; and 14.15 years for 5C - Account 2422 - Underground Cable Metallic. Ms. Gude asserts that these substantial departures from Commission-approved depreciation rates in the HAI model results in improper reductions to the interconnection and unbundled element cost outputs (Id.).

No party rebutted Qwest's proposed adjustments to these depreciation elements and, on brief, the CLECs stated that they do not contest Qwest's proposed corrections (AT&T/XO Reply Brief at 21). We will, therefore, adopt Qwest's position on this issue and adjust the NID, SAI, and drop depreciation parameters in accordance with Qwest's recommendation.
According to Qwest witness Fitzsimmons, the CLECs' HAI model continues to count many
digital access lines on an access line equivalent basis, thereby improperly reducing Qwest's costs on
a per line basis (Qwest ex. 29, at 40-41). Qwest claims that the issue raised is whether digital access
lines should be included in a cost study on a "channel equivalent" basis or on a "physical pair" basis.
Qwest contends that earlier versions of the HAI model treated digital access lines on a channel
equivalent basis, resulting in DS1s being counted as 24 physical lines and DS3s counted as 672
physical lines. Qwest states that, by treating DS1s and DS3s in this manner, the HAI model
previously added thousands of "lines" over which the cost of loops was determined, thereby
artificially reducing the per loop cost.

Qwest claims that the FCC and a number of other state commissions determined that access
lines should be treated on a physical pair basis and, as a result, the proponents of the HAI model have
attempted to treat access lines in this manner. However, according to Qwest, the problem has not
been fully corrected by the HAI 5.2a model presented in this case because business access lines, such
as provided by ISDN Primary Rate service, continue to be treated on a channel equivalent basis
(Qwest Ex. 29, at 40-41). Qwest argues that there is no valid reason to treat access line counts
differently and that, in fact, CLEC witness Denney agreed that treating business access lines on a pair
equivalent would be consistent with his treatment of special access lines in the model (Tr. 1404-
1408). Qwest contends that, if the Commission relies on the HAI model, Dr. Fitzsimmons'
sensitivity analysis should be deployed thereby increasing the loop investment per line by $16 and the
per month loop cost by $0.42 (Qwest Ex. 29, at 41).

The CLECs argue that, contrary to Qwest's assertions, the FCC's Synthesis Model has
rejected Qwest's position and counts digital circuits on a channel basis in the same manner that the
CLECs calculated them in this proceeding. According to the CLECs, use of per channel line counts
permits continued reliance on public information rather than on proprietary information that can be
obtained only from Qwest. Indeed, the CLECs point out that Qwest's own proprietary line count

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10 Line Counts Order, at 16; Inputs Order, ¶393.
information contained significant anomalies that Dr. Fitzsimmons was unable to explain on cross-
examination (See, Tr. 1038-1041).

We agree with the CLECs that, whenever possible, it is important to rely on publicly available
data and information. We are likewise concerned that Qwest’s own witness was unable to explain
why the line counts relied upon by Qwest contained numbers that Dr. Fitzsimmons was unable to
reconcile with the number of digital facilities assumed by Qwest’s calculations. Moreover, the FCC
has not accepted the modifications recommended by Qwest. Accordingly, we find that Qwest has
failed to sustain its burden of proof on this issue and we therefore reject Qwest’s proposed
modifications to the digital line counts assumed in the HAI model. We conclude that the CLECs’
proposed input is reasonable and appropriate.

xi. General Support Assets

“General support” costs refer to Qwest’s investment and expenses related to furniture, office
equipment, general purpose computers, motor vehicles, garage work equipment, and other work
equipment. Qwest argues that the HAI model artificially reduces these costs by over 50 percent by
applying “allocators” to both estimated investment and expenses for these assets (Qwest Ex. 27, at
43). Ms. Gude claims that the documentation supporting the HAI model provides no explanation for
applying these allocators, which she claims reduces costs for investment and expenses by 50.33
percent and 54.22 percent, respectively. Ms. Gude states that the HAI model’s reductions to these
costs should be rejected by the Commission (Id.).

AT&T/XO argue that the HAI model properly allocates general support expenses between
wholesale and retail. The CLECs claim that HAI reduces these expenses to recognize that they are
incurred primarily for the benefit of Qwest’s retail operations. The CLECs contend that retail
expenses must be excluded from the TELRIC model in accordance with FCC rules. The CLECs
assert that Qwest’s run of the HAI model which included all general support expenses, without a
Corresponding reduction for the furniture, office equipment, general purpose computers, and other
equipment used by Qwest’s retail operations, was inappropriate.

11 47 C.F.R. §51.505(d).
We agree with the CLECs that it is improper for Qwest to include these general support expenses as part of the wholesale rate structure. Qwest's inclusion of clearly retail expenses in its alternative model run is inconsistent with TELRIC principles and will be rejected. As the CLECs point out, the HAI model produces an allocation of such expenses between wholesale and retail costs. We will, therefore, adopt the CLECs' position on this issue.

xii. Network Operations Expenses

The network operations factor includes expenses associated with providing network administration, testing, plant operations, administration, and engineering. Qwest contends that the HAI model's default input for this factor assumes that Qwest could immediately cut its network operations expense in half in a forward-looking TELRIC environment (Qwest Ex. 29, at 55). Dr. Fitzsimmons testified that, if the Commission were to adopt the HAI model's network operations factor, it would send a message to Qwest that it needs to perform network operations functions with only 50 percent of the resources it uses currently. Dr. Fitzsimmons explained that, although network operations expenses declined between 1995 and 1997, since that time these expenses have remained relatively flat (Id. at 56-57). Qwest requests that the Commission reject the HAI model's 50 percent reduction assumption and reset the network operations expense factor to its year 2000 level.

The CLECs argue that the deployment of forward-looking technologies will necessarily lead to expense reductions. Therefore, the HAI model uses a network operations factor of 50 percent, applied to Qwest's Arizona actual network operations expenses, to recognize Mr. Denney's assertion that these expenses are incurred on an antiquated network (AT&T/WorldCom/XO Ex. 3, at 37-38). As an example, the CLECs claim that the deployment of SONET-based transport lessens the likelihood of outages, which in turn lessens network administration expenses. The CLECs further contend that retail expenses must be removed from Qwest's network operations expenses to develop appropriate TELRIC pricing. The CLECs claim that the per-line network operations expense factor developed by the HAI model in this docket is very close to the per-line expense developed by the FCC in its Inputs Order (Tr. 1440-1447). Accordingly, the CLECs assert that the HAI model's network operations expense reduction should be adopted by the Commission.
We do not believe that it is realistic to assume that Qwest’s costs for this expense would be 50 percent less, even under the application of a forward-looking TELRIC methodology. Although the CLECs contend that the HAI default results in a per-line factor that is close to the FCC’s per-line expense, the CLECs’ witness was not aware that the FCC also allocates an additional $1.05 for special access (Tr. 1447-1448). We do not believe that the CLECs have adequately supported the HAI model’s default factor that results in a 50 percent reduction to Qwest’s actual Arizona network operations expense. On the other hand, we agree with the CLECs that some recognition should be given to the likelihood that forward-looking technologies will ultimately reduce Qwest’s network operations expenses. Accordingly, we will maintain the 85 percent factor adopted in the First Cost Docket Order (See, AT&T/WorldCom/XO Ex. 5, at 5). Adoption of the current 85 percent factor recognizes that forward-looking technologies will likely have an effect in reducing network operations expenses while, at the same time, not imposing on Qwest the unrealistic assumption that these expenses should be immediately reduced by 50 percent.

b. Geographic Deaveraging

In Phase I of this docket (Decision No. 63753), the Commission approved US West’s proposed methodology for establishing three geographically deaveraged rates. We noted that, although the proposals advocated by Staff and AT&T reflected costs more accurately than US West, the Commission’s retail rate setting policy also needed to be considered. We indicated that to do otherwise could result in retail rates that were not cost-based competing with wholesale rates that are cost-based. Accordingly, we approved US West’s geographically deaveraged rates for UNEs of $18.96 for the base rate area (which includes approximately 90 percent of access lines); $34.94 for zone one; and $56.73 for zone two (Phase I Order, at 5-7). Qwest’s current statewide average loop rate is $21.98. We also stated that these rates were interim, and subject to refund at the time permanent rates are established in Phase II. the proceeding that is the subject of this Decision (Id. at 8).

In this docket, Qwest originally sought to deaverage loops by calculating loop costs at the wire center level and assigning wire centers to deaveraged zones based on costs. In response to AT&T/WorldCom/XO witness Denney’s testimony, Qwest revised its recommendations and now
proposes to deaverage loops by calculating loop costs at the wire center level and assigning wire centers to deaveraged zones using an optimization program proposed by Mr. Denney. This optimization program has been adopted in Washington and Minnesota (Qwest Ex. 18, at 57). Under its revised recommendation, Qwest proposes to group the two lowest cost wire centers in Arizona (Phoenix Main and Tempe) into Zone 1 and to use the deaveraging optimization program to determine the appropriate breaking point between Zones 2 and 3. Qwest's proposal results in the following three-zone UNE rates: Zone 1 - $16.89 (5.6 percent of access lines); Zone 2 - $22.57 (63.1 percent of access lines); and Zone 3 - $34.34. (31.3 percent of access lines). Qwest's revised recommendation produces a statewide average loop rate of $25.95 (Id. at 59).

As indicated above, the CLECs have proposed deaveraging unbundled analog and high-capacity loops on a wire center basis, and applying the optimization program that divides the Qwest wire centers into three groups based on the costs for serving loops within the wire center (AT&T/WorldCom/XO Ex. 3, at 44-49). The CLECs acknowledge that Qwest has revised its position and Qwest now agrees with the CLECs' methodology, including the optimization program. However, the CLECs argue that Qwest's analysis improperly applies the methodology by using results from Qwest's LoopMod model. The CLECs also criticize Qwest's recommendation because Qwest utilizes the AT&T optimization program for two of the three zones, but then develops a third by simply placing the two lowest cost wire centers into one zone. The CLECs claim that Qwest provided no rationale to support this approach and that it should be rejected by the Commission. The CLECs' proposed statewide average loop rate is $10.11. This average is produced as a result of the following proposed CLEC zone structure: Zone 1 - $7.34 (68.1 percent of access lines); Zone 2 - $11.23 (24.6 percent of access lines); and Zone 3 - $32.06 (7.3 percent of access lines).

Staff argues that its proposed statewide average loop rate of $12.35 was derived from application of the HAI model as a starting point, along with input values recommended by Staff. Staff then recommends deaveraging the statewide average loop rate as follows: Zone 1 - $9.93; Zone 2 - $14.60; and Zone 3 - $35.41. Staff recommends using the same zone structure proposed by the CLECs (i.e., 68.1 percent of access lines in Zone 1, 24.6 percent in Zone 2, and 7.3 percent in Zone 3). Staff indicates that its proposed statewide average rate is very close to the proxy rate of $12.85
originally proposed by the FCC for Arizona in its Local Competition Order. Staff’s proposed deaveraging incorporates the CLECs’ concept of minimizing the deviation between the average cost for a zone and the individual wire center costs in those zones (Staff Ex. 30, at 74). Mr. Dunkel testified that this program groups the wire centers so as to make as small a difference as possible between the cost of each wire center, and the average cost for the zone which includes that wire center. Mr. Dunkel stated that this procedure is less arbitrary than other methods that divide wire centers between zones (Id.). Staff compares to Qwest’s current loop rates (where approximately 90 percent of access lines are in the base rate area at loop rate of $18.96) with Qwest’s proposal here (where only 5.6 percent of access lines are in the base rate area at a loop rate of $16.89). Staff points out that Qwest’s proposal in this docket results in a substantial rate increase for more than 80 percent of wholesale access lines. Accordingly, Staff recommends that the Commission reject Qwest’s geographic deaveraging proposal.

As indicated in the Phase I Order (Decision No. 62753), the purpose of geographic deaveraging is to recognize “geographic cost differences” while “minimiz[ing] implicit subsidies” (Id. at 3). We also stated in that Decision that “Commission policy” must be considered “in setting geographic deaveraged UNE rates” (Id. at 5). As Staff points out, the best way to reflect geographic price differences is to group the majority of low-cost urban loops in Zone 1. Indeed, this is precisely what the Commission did, at the request of US West, in establishing the interim deaveraged rates with a Zone 1 that included approximately 90 percent of access lines (Id. at 3).

We agree with Staff and the CLECs that Qwest should not be permitted to adopt the optimization program utilized in Washington and Minnesota, on the one hand, and then apply the program only where it is beneficial to the Company. Under Qwest’s recommendation, Zones 2 and 3 would utilize the optimization program, while a Zone 1 is arbitrarily created by Qwest for the two lowest cost wire centers. These two wire centers would make up the entirety of Qwest’s Zone 1, and would include only 5.6 percent of the Company’s access lines. If, as Qwest concedes, the optimization program is a legitimate approach to deaveraging, it should be used across all zones and

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12 47 C.F.R. §51.513.
III. NONRECURRING COSTS

Nonrecurring costs are the one-time charges Qwest proposes to impose when a CLEC orders an unbundled element to allow the CLEC to serve its own retail customer. Qwest states that these costs usually arise from specific activities or transactions that Qwest performs to fill a CLEC order for service or for a UNE. In this proceeding, Qwest has presented its Enhanced Nonrecurring Cost Studies ("ENRC"), which is a collection of cost studies developed by Qwest to estimate the nonrecurring TELRIC for UNEs and interconnection services (Qwest Ex. 16, at 26). Ms. Million testified that the ENRC calculates nonrecurring costs for provisioning and installation activities based on time estimates and probabilities of occurrence associated with performing the necessary tasks (Id.). Ms. Million stated that the ENRC calculates the direct nonrecurring costs for each UNE and interconnection service based on time estimates and labor rates associated with each job function. The ENRC next applies expense factors to the direct nonrecurring costs to provide the TELRIC for each UNE and interconnection service, followed by an allocation of common costs to each nonrecurring cost element (Id. at 72).

According to Qwest, the studies used by the Company in this process are based on the actual provisioning of services in place today, or scheduled to be implemented, and include charges anticipated by subject matter experts. Ms. Million claims that component and placement prices associated with these costs are taken directly from vendor quotes, and that the assumptions contained in the cost studies are verified through discussions with these internal experts (Id. at 28).

According to the FCC’s Local Competition Order, nonrecurring charges may pose barriers to entry. The CLECs assert that the FCC’s rules require that nonrecurring charges must be developed using the same TELRIC principles used in developing recurring rates, and that a state commission may require an ILEC to recover nonrecurring costs through recurring charges in order to reduce barriers to entry for competitive carriers. The CLECs also point to this Commission’s First Cost

13 Local Competition Order, ¶¶ 747, 749.
Docket Order, wherein we stated that the proposed nonrecurring charges ("NRCs"), if approved, "would act as barriers to competition," and that US West’s proposed NRCs "could significantly affect its [a CLEC’s] ability to compete" (Id.). The Commission therefore approved, on an interim basis, Qwest’s tariffed retail charges for NRCs, less an 18 percent avoided cost discount (Id. at 28-29). On review, however, the federal court for Arizona reversed and remanded the Commission’s decision on this issue, holding that the Commission "must price NRCs on the basis of forward-looking costs without regard to the retail price."  

Qwest contends that, contrary to the CLECs’ assertions, it has presented in this case documentation that supports the times and probabilities, as well as labor rates, used in the Company’s nonrecurring cost studies (Qwest Ex. 18, at TKM-3R). Qwest also claims that its proposed NRC studies are forward-looking, as evidenced by its assumed flow-through rate of 85 percent for UNE-P products and a flow-through rate of 60 percent for most other loop products. Qwest disputes the CLECs’ contention that, for POTS loops, there can be a flow-through of 98 percent with no manual processing activity. Qwest argues that, in the real world, orders placed by CLECs often require some amount of manual processing.

Qwest also claims that the CLECs’ NRC model omits a number of nonrecurring costs that Qwest will incur to provide interconnection services and access to UNEs. For example, Qwest asserts that the CLEC’s NRC model does not produce any nonrecurring costs or rates for entrance facilities, DS1 and DS3 trunk rearrangements, DS1 and DS3 channel regeneration, and loop installations. In addition, Qwest contends that the CLECs’ NRC model fails to include any costs associated with Qwest’s interconnect service center ("ISC"). The personnel at Qwest’s ISC perform tasks necessary to process CLEC UNE orders, including the provision of corrective measures for orders that are submitted incorrectly and do not “flow-through” automatically. According to Qwest, it is unreasonable to assume that the activities performed by the ISC would never be required and that no human interaction would ever be required to process orders. Qwest also criticizes the CLEC’s NRC model because it assumes that certain nonrecurring costs will be recovered through recurring

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15 First Cost Docket Order, at 29.
rates. Qwest claims that the CLECs' exclusion of these costs leaves a gap between the costs Qwest recovers in its recurring rates and the activities the Company performs to accommodate CLEC orders and provisioning.

The CLECs take a different approach to the determination of nonrecurring costs. The CLECs' nonrecurring cost model assumes that manual processing of orders will be kept to a minimum by the implementation of forward-looking OSS systems (AT&T/WorldCom/XO Ex. 6, at THW-14). The CLECs cite to a decision by an ALJ at the Minnesota Commission wherein the same model proposed by the CLECs in this case was adopted on the basis that it reflected what would be experienced in a forward-looking environment.¹⁷

The CLECs argue that Qwest’s NRC studies simply take a list of tasks Qwest claims will be necessary to establish each service, multiplied by an estimate of the probability that the task will be performed and by Qwest’s labor rates. The CLECs contend that Qwest’s studies are derived from estimates provided by the Company’s subject matter experts based on Qwest’s current OSS systems. The CLECs claim that Qwest has failed to take into consideration the efficiencies that forward-looking OSS systems achieve. The CLECs also claim that the Minnesota Commission, in the same decision cited above, rejected Qwest’s NRC studies on the basis that they did not include forward-looking assumptions (Minnesota Report, ¶285).

The CLECs are also critical of Qwest’s proposed imposition of both connection charges and disconnection charges at the time a CLEC orders an unbundled element. According to the CLECs, in most circumstances where Qwest is providing UNEs there is no basis for imposing a disconnection charge because most often there is no need to disconnect elements when service by a new entrant is terminated.

As an example of the alleged unreasonableness of Qwest’s proposed NRCs, the CLECs point to Qwest’s installation charges for UNE analog loops, which range from $88.29 to $232.25, compared with Qwest’s own nonrecurring charges for basic service installation to retail customers of

$35.00 for residential customers and $56.00 for flat-rate business customers. The CLECs assert that this wide disparity between such inappropriate and unsupportable wholesale prices and the corresponding retail prices will necessarily result in a “barrier to competition.” The CLECs complain that Qwest supports these prices by assuming significant manual intervention is required to process and provision unbundled loops. The CLECs criticize Qwest’s Interconnect Service Center because Qwest assumes, for example, that the ISC will be required to manually process 15 percent of all unbundled loop orders that are received electronically. The CLECs contend that their NRC model more appropriately assumes that, in a forward-looking environment, there will be minimal manual interaction needed to process CLEC orders.

For high capacity loops, the CLECs claim that Qwest’s NRC assumptions are even more egregious. Qwest proposes installation charges for these services ranging from $144.15 for basic installation to more than $300 for coordinated installation and testing. The CLECs assert that it is unreasonable for Qwest to assume that all high capacity loop orders will be reviewed by the Qwest ISC because such an assumption discriminates against new entrants. The CLECs claim that, in a forward-looking system, a CLEC would be able to place orders directly to Qwest’s OSS without manual intervention.

As the CLECs point out, Qwest’s NRC studies are comprised of a list of tasks that are alleged by Qwest’s subject matter experts to be necessary to perform a number of tasks, multiplied by labor rates associated with performing such tasks. Qwest’s studies fail to recognize efficiencies that would likely be realized with a fully mechanized OSS system.

For example, the Qwest studies that developed these costs make assumptions that manual processing will often be required to provision a CLEC UNE order and that only a limited number of UNEs will be able to be processed electronically. Qwest’s studies are based on its current OSS system and therefore do not reflect efficiencies that will occur in a forward-looking environment. The HAI model, on the other hand, assumes that manual processing should be kept to a minimum in a forward-looking environment. We believe that the CLEC-sponsored NRC model properly recognizes the efficiencies that will occur in a forward-looking network and we, therefore, adopt the CLEC model in this proceeding.
A. **Specific NonRecurring Cost Issues**

1. **Access to Conduits**

Another issue raised by Qwest's nonrecurring cost studies relates to access to conduits. Qwest's NRCs include proposed charges for this service requested by CLECs. Although the CLECs' NRC study does not develop costs for this element, the CLECs claim that Qwest's proposed charges for this item are unsupported and should be rejected.

As an example, the CLECs point to Qwest's proposed charge for "field verification for conduit occupancy," which would impose a charge for inspecting each manhole along the proposed route to ensure that sufficient space is available to accommodate the CLECs' fiber. The CLECs contend that no such activity should be necessary because Qwest can review its existing records for such information. In addition, the CLECs claim that Qwest is compensated for the records review through a separate conduit occupancy inquiry fee.

The CLECs argue that, even if it were appropriate for Qwest to assess a field verification charge, the proposed fee of $450 per manhole is excessive. The CLECs claim that this charge assumes that more than 6.5 hours will be required to enter each manhole to determine whether spare conduit exists. According to the CLECs, this task should take no more than 2 hours to perform. The CLECs contend that, in any event, Qwest has not produced evidence that it actually performs the verifications for which it proposes to charge CLECs.

Qwest asserts that it has presented documentation that supports the times and probabilities used in its nonrecurring studies (Qwest Ex. 18, TKM-3R). Qwest claims that the submitted documentation includes assumptions that underlie the studies and memoranda from subject matter experts. Qwest contends that, while the CLECs challenged some of the work times used in Qwest's studies, they did not challenge many others. Qwest states that the absence of challenges to many of the assumptions in Qwest's studies in effect validates those assumptions.

We agree with the CLECs that Qwest's underlying assumptions for this charge appear to be excessive. A charge of $450 for Qwest to discover whether its own network has sufficient space available to serve CLECs is not appropriate in a forward-looking environment and will contribute to erecting barriers to competition. We believe that, in a TELRIC model, it should be assumed that
Qwest has sufficient information available to verify whether conduit is available to accommodate CLEC cable requirements.

However, if we assume that some facilities verification activity is necessary, a significantly reduced charge should be assessed. CLEC witness Knowles testified that Qwest does not inspect every manhole along the proposed CLEC route but, instead, inspects only the manholes on either end of the route (AT&T/WorldCom/XO Ex. 12, at 18). Therefore, we will reduce Qwest’s charges for conduit occupancy verification to no more than two hours of engineering time, and the charge should apply to no more than half of the manholes along the conduit route requested by the CLEC.

2. **Loop Conditioning**

ILECs, including Qwest, have in the past installed devices such as “load coils” and “bridge taps” on longer loops to ensure an adequate quality signal for voice communications. Digital services such as DSL will not function over a loop with load coils and bridge taps and such devices must, therefore, be removed prior to provisioning digital services over the loop. This removal process is referred to as “loop conditioning.” Qwest contends that, if a CLEC requests that load coils and bridge taps be removed in order to serve a migrating customer, Qwest should be entitled to recover the costs incurred in removing the devices. Qwest has proposed a nonrecurring charge of $652.83 for loop conditioning, whether the CLEC orders 1 or 25 conditioned loops at a given location (Qwest Ex. 18, at 11; Attach. TKM-01R, at 8).

The CLECs argue that there is no basis for a loop conditioning charge because bridge taps and load coils are not placed in a forward-looking network and, therefore, Qwest should not be permitted to charge CLECs to bring its network up to standards necessary to provide advanced services. The CLECs also contend that such costs may already be recovered in Qwest’s recurring rates, thereby raising the possibility of double recovery with the imposition of a nonrecurring charge for loop conditioning (AT&T/WorldCom Ex. 14, at 21-23). The CLECs claim that, even if the Commission were to impose a loop conditioning charge, Qwest’s proposal is excessive. The CLECs point out that the Commission, in Decision No. 60635 (at pages 25-27), found Qwest’s proposed loop conditioning charge of $557.12 was “significantly overstated.” Finally, the CLECs assert that Qwest has failed to
support its estimated charges for de-loading the loops. They claim that Qwest’s proposal is a barrier
to entry for competitors and should be rejected.

Staff and Sprint concede that Qwest should be permitted to recover a fee for load coil and
bridge tap removal. However, both Staff and Sprint agree that Qwest’s proposed charge is excessive.
Sprint witness Farrar testified that in North Carolina, where Sprint operates as an ILEC, its cost study
produced a cost for loop conditioning of less than $40 for loops under $18,000 feet and $64.28 for
loops greater than 18,000 feet. Mr. Farrar stated that Qwest’s proposed loop conditioning costs are
overstated because the Qwest study contains excessive engineering and work time, Qwest fails to
recognize the lower incremental cost of performing additional unloading at the same time and
location, and Qwest’s studies include excessive allocations of shared and common costs (Sprint Ex.
2, at 11-14).

Staff witness Dunkel agreed with Sprint that Qwest’s proposed conditioning charges are
excessive. Mr. Dunkel stated that it is not efficient for Qwest to send a person out to unload a single
loop at a time. Mr. Dunkel proposed a rate of $40 per loop to remove load coils or bridge taps under
18,000 feet; $70 per location for aerial and buried loops over 18,000 feet; and $400 per location for
underground loops. For loops over 18,000 feet, Mr. Dunkel would also impose a $2 charge for each
additional coil or tap at the same time, location, and cable (Staff Ex. 30, at 51-52: Sched. WD-8).

The FCC has stated that an ILEC has the right to recover costs associated with conditioning
existing loops. When a CLEC seeks to provide digital loop functionality, such as DSL, the ILEC
must condition the loop to permit the transmission of digital signals if it is technically feasible to do
so. The requesting CLEC must, however, “bear the cost of compensating the incumbent LEC for
such conditioning.” We agree that Qwest is entitled to compensation for conditioning a loop under
the circumstances described in the FCC’s Order. However, as we indicated in Decision No. 60635,
Qwest’s proposed conditioning cost is “significantly overstated.” We believe that Staff witness
Dunkel’s proposal will appropriately compensate Qwest for its loop conditioning costs when an
unbundled loop is requested by a CLEC. As indicated by Staff and Sprint, it is not reasonable for

18 First Report and Order, ¶682.
Qwest to assume that only a single loop will be unloaded when a technician is sent to provision the
CLEC’s order. Rather, an efficient provider should unload the entire binder group when the binder is
opened by the technician and, accordingly, the costs associated with performing the conditioning
function will be spread over a greater number of loops than the single loop assumed by Qwest. We
believe Staff’s proposal fairly recognizes the costs incurred by Qwest and we, therefore, adopt Staff’s
position on this issue.

IV. COLLOCATION

Collocation in a Qwest central office is the means by which CLECs are able to place their
telecommunications equipment for purposes of interconnecting to Qwest’s network and purchasing
UNEs from Qwest. In order to collocate within Qwest’s central office, CLECs are assessed charges
for costs incurred by Qwest to provide the necessary space. In a physical collocation arrangement,
the CLEC pays the ILEC for the use of the central office space and is permitted to enter the central
office to install, maintain and repair collocated equipment (AT&T/WorldCom/XO Ex. 13, at 22).

Qwest’s collocation cost estimates are based on the Company’s analysis of 41 careless
collocation jobs that were performed by Qwest. According to Qwest witness Fleming, Qwest
assembled averages of the cost of all the tasks needed to install collocation sites, after removing the
jobs with the highest and lowest costs. The tasks necessary for installing a collocation site include
engineering, installing HVAC ductwork and cable racking, and running power cables to the
collocated equipment. Where necessary, Qwest made additional adjustments to the cost data from
the careless jobs to include costs for caged jobs (Qwest Ex. 8, at 53). Qwest claims that because
demand for collocation has fluctuated in its service areas, the Company assumed that outside
contractors would be used for a substantial portion of the collocation preparation work. Qwest’s
study assumed the use of 50 percent outside vendor installations and 50 percent internally installed
sites by Qwest employees.

The CLECs contend that Qwest’s collocation study produces inflated costs because none of the
41 jobs in the study were located in Arizona central offices. AT&T/WorldCom/XO witness Rex
Knowles stated that Qwest’s study is also unreliable because all of the jobs were for cageless
collocation and thus cannot be used to support the Company’s cost estimates for entrance facilities
or
cage construction (AT&T/WorldCom/XO Ex. 11, at 4.). WorldCom also criticizes Qwest’s studies because they are based on the current office technology, rather than being forward-looking. As an example, WorldCom argues that Qwest’s existing central offices accommodate new technologies by adding floors or extending buildings horizontally, rather than using forward-looking strategies that minimize the overall, long-term requirement for equipment space (AT&T/WorldCom/XO Ex. 13, at 27). According to WorldCom, these practices result in central offices that have congested cable racking and require cable lengths for CLECs that are longer than necessary (Id). WorldCom asserts that a forward-looking central office would be fully air-conditioned and would be prepared to accept CLEC telecommunications equipment, thereby eliminating the need for additional space preparation or conditioning. WorldCom is also critical of Qwest’s studies based on 41 cageless collocation jobs because the invoices from the jobs lack the detail necessary to determine the reasonableness of the costs.

Staff criticized Qwest’s collocation study for being unrepresentative of Qwest’s actual experiences for collocation installations. Staff claims that Qwest’s study should reflect the fact that the majority of Qwest’s collocation installations are performed by Qwest’s own personnel, at a cost that is much less than that required for the outside vendors included in Qwest’s study. Staff points out that in the year 2000, Qwest’s internal installation affiliate, QTI, completed 79 percent of the collocation jobs in Arizona while only 21 percent of the jobs were performed by outside vendors (Staff Ex. 11). For the year 2001 in Arizona (as of July), 83 percent of the collocation jobs were performed by QTI and 17 percent by outside vendors (Id). Despite these actual experiences, Qwest continues to maintain that the 41 jobs it relied upon in its study are reflective of the Company’s actual collocation costs.

We agree with Staff and the CLECs that Qwest’s allegedly “actual” collocation costs are not representative for purposes of establishing TELRIC-based costs in this proceeding. Contrary to Qwest’s claims, the 41 collocation jobs relied upon in its cost study do not reflect its actual experience, especially in Arizona. Accordingly, we find that Staff’s calculation using 80 percent labor provided by QTI and 20 percent provided by contract labor is consistent with Qwest’s experiences in Arizona, and with a forward-looking network, and should be adopted in this case.
Each of the specific price elements associated with Qwest’s other proposed collocation rates is addressed below.

A. Specific Collocation Costs

1. Entrance Facilities

Entrance facilities refer to the fiber connectivity between the first manhole outside the ILEC’s central office and the CLEC’s equipment (AT&T/WorldCom/XO Ex. 13, at 23). Qwest initially assumed that a separate utility hole dedicated to collocation would be placed outside of every central office. Qwest later revised its studies to assume that a separate collocation manhole would be needed only when network congestion requires a separate facility, which the Company estimates will be 10 percent of the time (Qwest Ex. 8, at 31-32).

The CLECs argue that Qwest’s revised assumption remains unsupported and therefore a zero percent assumption of separate manholes should be used by Qwest for collocation purposes. WorldCom also contends that Qwest overestimated the total demand for cable racking because Qwest ignores the fact that CLEC cables share cable racking with Qwest cables, especially when they share the same manholes. WorldCom further asserts that Qwest’s studies assume that the manholes, conduit, and cable racking will be dedicated to the use of only three CLECs, rather than being shared with additional CLECs and Qwest. WorldCom claims that all of these deficiencies in Qwest’s studies cause the Company’s studies to result in excessive costs.

We agree with WorldCom that Qwest has not adequately supported its claims on this issue. In a forward-looking environment, Qwest should assume that an entrance enclosure is part of the Company’s central office that is shared by all occupants and not just collocators. Further, Qwest should not assume that cable racking is used exclusively by collocators but, rather, that CLEC cables share cable racking and support with Qwest’s cables. For these reasons, we will adopt the CLECs’ position on this issue.

2. Quote Preparation Fee

When a CLEC inquires about available collocation in a central office, Qwest assesses the CLEC a “quote preparation fee” which is a “non-refundable, non-recurring charge for the work required to verify space, power, cable terminations, review design requested; and develop a price
quote for the total costs to the CLEC” (Qwest Ex. 5, at 18). As a result of the prior wholesale cost
docket (Decision No. 60635), Qwest was authorized to charge a $1,381.54 quote preparation fee to
perform these services (AT&T/WorldCom/XO Ex. 13, at 43). In this case, Qwest’s proposed quote
preparation fee has more than tripled to $4,763.06 for caged collocation and $4,380.68 for cageless or
virtual collocation (Id).

Qwest argues that its quote preparation fee is based on time estimates of Qwest personnel
involved in processing the quotes. The Company states that each task was identified and assigned
time requirements, with appropriate labor rates applied to the time requirements. Qwest claims that
the quote preparation fee is necessary to guard against cancellations of collocation orders. In order to
accomplish this goal, Qwest proposes to credit the quote preparation fee against the space
construction charge once the CLEC proceeds with the collocation job (Qwest Ex. 7, at 7).

As WorldCom points out, the document supporting the proposed quote preparation fee
includes a number of items that, on their face, appear unreasonable (WorldCom, Ex. 7). For
example, the quote preparation fee includes, among other things, one hour for making copies, one
hour for preparing a form letter, and multiple hours for preparing a chart (Id). Based on the record,
we believe that Qwest should maintain its quote preparation fee at its current rate of $1,381.54, and
should credit the fees against the space construction charge if the CLEC proceeds with the collocation
job.

WorldCom also requests that a separate “augment” fee should be identified by Qwest for
collocation requests that seek only to add power to connectivity cabling to an existing collocation
arrangement. As explained by Mr. Lathrop, such requests do not require the same extent of
information verification or design review and, therefore, a separate reduced charge should apply. We
agree with WorldCom that requests for collocation “augments” should have a separate reduced price.
Qwest’s rate for this service should be no more than $345, or approximately one-fourth of the price
established for the full quote preparation fee for new collocation requests.

3. Engineering Costs

Qwest also assesses charges for collocation engineering tasks. For caged and cageless
collocation, the engineering charges are based on an average from the 41 least expensive jobs
Qwest claims that these engineering costs amount to approximately $10,000 (Id. at 2). Qwest contends that its engineering charges are unfairly criticized by the CLECs and Staff. Qwest claims that the costs are derived from estimates by experienced subject matter experts who have been involved in provisioning numerous collocation and similar central office jobs (Qwest Ex. 8, Attach. 6).

WorldCom claims that Qwest’s documentation does not support its proposed engineering charges. WorldCom asserts that Qwest’s engineering costs included within the space construction charge are unreasonably high and should not exceed $2,000. Although Qwest claims that the engineering costs were derived from its actual costs in the collocation model, Mr. Knowles testified that Qwest simply averaged the costs for engineering from its 41-job study, but did not provide documentary support for how the costs were incurred. Mr. Knowles also noted that Qwest’s proposed engineering costs are several times higher than the collocation engineering rate of $1,129 that Verizon charges in Washington (AT&T/WorldCom/XO Ex. 11, at 12).

We agree with the CLECs that Qwest’s proposed engineering charges for collocation requests appear to be excessive. Mr. Lathrop testified that Qwest’s claimed engineering costs are not specifically supported on a per-activity basis and that Qwest’s charges for engineering are inefficient because they assume that caged and cageless collocation arrangements will be engineered one job at a time rather taking into account efficiencies that are likely to occur as Qwest gains experience (AT&T/WorldCom/XO Ex. 13, at 45-46). Although Qwest discounts the relevance of comparisons to other states, we believe that the engineering costs identified in Washington, which are many times less than those proposed by Qwest in this docket, warrant some consideration as a check on the reasonableness of Qwest’s charges. We will, therefore, adopt Mr. Lathrop’s recommendation to reduce Qwest’s proposed collocation engineering charge by one-half. We believe that adoption of this recommendation allows Qwest to recover a reasonable amount for costs associated with these engineering activities.

4. **Floor Space Rental Cost**

Qwest also proposes to assess collocators a charge of $3.96 per square foot for floor space rental. In developing this cost, Qwest used the *RS Means Construction Cost Data Book*, a text widely
used in the construction industry for estimating costs. Qwest used the median value from *RS Means* and added costs for architectural fees, land costs, site work, landscaping, and Qwest’s project management. Mr. Lathrop stated that these additional costs account for almost 30 percent of the total investment developed by Qwest (AT&T/WorldCom/XO Ex. 13, at 48).

WorldCom argues that, although *RS Means* states it does not *generally* include architectural costs, land costs, or site work, Qwest has improperly assumed that *RS Means never* includes such costs (*Id.*). WorldCom recommends that Qwest’s proposed per foot space rental charge should be reduced by 10 percent to account for potential double counting of these costs. Mr. Lathrop also asserts that Qwest failed to justify why it changed from a three-zone rate structure proposed in the last cost docket, ranging from $2.06 to $2.75 per square foot, to one-zone structure in this case at a rate of $3.96.

Qwest claims that no duplication of charges is contained in its proposed floor space rental charge. According to Mr. Fleming, Qwest affirmed that *RS Means* provides legitimate cost information and, ultimately, made adjustments to remove duplicative costs from the floor space rental fee (Tr. 435-437).

We do not believe that Qwest has provided adequate justification for the significant increase in floor space rental cost from the last cost docket, which was conducted only three years ago. Although Qwest contends that its proposed charge is based on objective cost criteria, it is not clear that all duplicative costs for HVAC, electrical, architectural fees, land costs, site work, landscaping, and Qwest project management were removed from its proposed charge. Accordingly, we will adopt WorldCom’s recommendation to reduce Qwest’s proposed floor space rental charge by 10 percent to account for duplicative costs and to keep the cost closer to the amount that was approved less than three years ago. Qwest should adjust its collocation floor space rental charge to no more than $3.56 per square foot.

5. **Power Costs**

Qwest proposes to charge collocators $15.05 or $18.73 per amp, in addition to the power cabling charges (see discussion below), depending on whether the usage is less than 60 amps or greater than 60 amps (WorldCom Ex. 1, §8.1.3). Qwest’s power usage charge includes the cost of
purchasing power from the electric company and the cost of the power plant and maintenance to provide power to the CLEC equipment (Qwest Ex. 16, Attach. TRM-06, page A-10).

Mr. Lathrop stated that Qwest’s proposal is excessive, given that Qwest’s FCC power charges range from $8.70 to $12.66 in Arizona and that, generally, other ILEC power charges are less than $10.00 per amp (AT&T/WorldCom/XO Ex. 13, at 56). Mr. Lathrop testified that Qwest did not provide sufficient information to determine whether the proposed power investments are representative of power plants that would be installed in the Company’s Arizona central offices. Mr. Lathrop recommends that, given the range of central office sizes, it would be more appropriate to develop an average of the investments for different sized central offices (Id. at 57).

Qwest argues that WorldCom’s comparisons have different structures and vintages and are not appropriate for comparison. Qwest claims that its FCC tariff for virtual collocation relies on a completely different power charge system. Qwest contends that some other ILECs charge for “fused amps,” which are up to 100 percent higher than the “amps-used” number charged by Qwest.

On August 16, 2001, Sprint filed a Motion to Strike certain testimony that had been admitted during the hearing due to alleged inconsistencies between Qwest witness Fleming’s testimony and Qwest’s actual practices. Attached to the motion was an affidavit of David Stahly that Sprint requested be admitted in the event that the Commission denies the Motion to Strike. Sprint claims that Mr. Fleming erroneously indicated that Qwest bills CLECs for actual power usage over 60 amps because, according to Mr. Stahly’s affidavit, Qwest does not measure power usage at any level. Sprint contends that Qwest charges CLECs per amp ordered regardless of whether the CLEC’s power cable is fed from the central office’s power board or the battery distribution fuse board (“BDFB”).

Qwest argues on brief that Sprint misunderstood Mr. Fleming’s testimony and is confused about the difference between fused amps and load amps. According to Qwest, it bills for load amps which can be more than the amount actually used, but corresponds to the amount ordered. Fused amps, on the other hand, reflect the maximum capacity of the cabling, which usually exceeds the load.

Qwest filed a response to the motion on September 6, 2001 opposing Sprint’s request to strike Mr. Fleming’s testimony, but agreeing that Mr. Stahly’s affidavit may be admitted into the record. Based on Qwest’s response, Sprint withdrew its Motion to Strike on the condition that the Commission admits Mr. Stahly’s affidavit. Since admission of the affidavit is not opposed by Qwest, we shall admit it into the record of this proceeding.
amps by 50 percent. Qwest claims that it does not bill for fused amps or redundant feeds and that, although Sprint's bills may not reflect the new collocation rate structure, Sprint can opt into the new system if it is approved by the Commission.

We agree with Qwest that WorldCom's comparisons are not appropriate in this instance. Although Qwest's proposed power costs exceed the rates cited by WorldCom, Qwest explained the reasons why the comparisons are not valid. Therefore, we will adopt Qwest's proposed power costs. As a final matter, we note that Qwest agreed during the hearing to remove the cost of the BDFB\textsuperscript{20} from the per amp cost developed for power fees in excess of 60 amps (Tr. 386-387). With respect to Sprint's issue, we believe Qwest has adequately explained how it intends to bill CLECs for power costs. Therefore, Qwest's proposal on this issue is adopted.

6. **Power Cabling Costs**

WorldCom also believes that Qwest's proposed costs for power and grounding cable are excessive. WorldCom asserts that the industry guides, *RS Means* and *Cobra Wire & Cable*, show material costs ranging from several percent less for power cable to 10 to 15 percent less than Qwest's proposals for grounding cable (Tr. 711-714; World Com Exs. 9 and 10). WorldCom contends that Qwest's cost study shows the actual Phoenix cost for ground wire was below the average but Qwest chose to use the average cost, thereby increasing the cost for Arizona CLECs. WorldCom recommends that the Commission adopt an average of the two quotes using the industry guides for power and grounding cable costs. WorldCom claims that such an approach is reasonable given the probability that Qwest's costs are even lower due to the Company's ability to negotiate volume discounts (AT&T/WorldCom/XO Ex. 13, at 58-59).

WorldCom also argues that Qwest's power cable lengths are overstated and inconsistent. WorldCom claims that, according to Qwest witness Fleming, the average cable length in Arizona is 177 feet (Qwest Ex. 8 at 31). WorldCom points out that in Qwest's space rent study, using a typical central office, Qwest only includes 70 feet as a standard length for cabling (WorldCom Ex 6, App. At...)

\textsuperscript{20} The battery distribution fuse board is essentially an intermediate circuit breaker, for runs of 60 amps or less (AT&T/WorldCom/XO Ex. 11, at 10).
1). WorldCom recommends, therefore, that the lower number used in the space rent study should be used in this proceeding.

Qwest argues that WorldCom has misconstrued the data and that the data Qwest relies upon was taken directly from the 41 jobs in Qwest's study. According to Qwest, the costs contained in the RS Means and Cobra Cable & Wireless manuals are not necessarily reflective of rates in Arizona. Mr. Fleming testified that actual costs of the cables used in constructing a particular facility is a better gauge of costs than a price list in a manual (Qwest Ex. 8, at 78). Mr. Fleming also disagreed with WorldCom's assertions regarding cable lengths. Mr. Fleming stated that the average length of cables in Arizona running directly to the power board is 177 feet and the average cable length running to a BDFB is 80 feet. He indicated that, because the average lengths used in Qwest's model are 183 feet and 83 feet, respectively, the model's results are reasonably reflective of actual results in Arizona (Id. at 79).

We agree with WorldCom that an average of the RS Means and Cobra Cable & Wireless manuals is a more appropriate measure of proper cabling costs, especially since Qwest's estimates are not Arizona specific but were developed based on a sample of five non-Arizona central offices. Although the cost manuals cited by WorldCom are not specific to Arizona, they provide an objective measure of costs for cabling. As recommended by Mr. Lathrop, Qwest should use an average of the RS Means and Cobra Cable & Wireless manuals for calculating power cabling costs.

7. Fencing Costs

WorldCom argues that the fencing component of the standard space construction charge for caged collocation is overstated. According to Mr. Lathrop, Qwest used a multi-state average for developing fencing costs, despite the fact that the Arizona specific costs in the study are significantly less than the average (AT&T/WorldCom/XO Ex. 13, at 31-32). WorldCom also claims that the cage costs contained in the Qwest rent study (WorldCom Ex. 6) are derived from the RS Means cost manual and include 16 percent for general overhead profit, 13 percent for consulting fees, and 5 percent for real estate project management. WorldCom points out that, despite these significant additional costs, the RS Means costs are approximately one-half the costs used by Qwest in its cost
study (AT&T/WorldCom/XO Ex. 13, at 53; WorldCom Ex. 8). WorldCom requests that the Commission use the *RS Means* data for determining Qwest’s caged fencing costs.

We agree that, for caged collocation fencing costs, Qwest should use the *RS Means* cost guidelines identified in Mr. Lathrop’s testimony. As Mr. Lathrop indicated, Qwest’s cage construction estimates are based on an average of quotes obtained from 13 vendors, but no evidence was presented to verify whether these quotes took into account cost reductions related to installing multiple adjacent cages. Nor did Qwest present evidence that the cage estimates excluded activities such as demolition and reconstruction (AT&T/WorldCom/XO Ex. 13, at 53). We believe the *RS Means* data fairly represents a reasonable cost for cage construction.

8. **Terminations**

Terminations are the elements needed to connect a CLEC’s collocated equipment with ILEC unbundled loops, including DS-1 and DS-3 loops (AT&T/WorldCom/XO Ex. 11, at 13). A termination is located between a CLEC collocation arrangement and Qwest’s intermediate distribution frame (“IDF”), and one element of the termination is the termination block. Mr. Knowles testified that Qwest’s proposed termination rates are significantly higher than comparable rates approved for Verizon by the Washington Utilities and Transportation Commission. Mr. Knowles claims that the nonrecurring charges for 100 DS-0 terminations for Verizon total $622.24, which is less than half of what Qwest has proposed in this case. For 28 DS-1 terminations, the Verizon rates in Washington total $595.32, again less than half the rate proposed by Qwest (*Id.* at 14). Mr. Knowles recommends that the Commission adopt the Verizon rates approved in Washington as a ceiling on Qwest’s rates.

Qwest argues that the CLECs have failed to provide any supporting evidence as to Verizon’s rate structure in Washington. Accordingly, Qwest contends that without adequate information upon which to base a valid comparison, the Commission should not rely on the comparisons posed by Mr. Knowles. Qwest claims that its actual expenditures are a better gauge of costs than the CLECs’ recommendation. According to Mr. Fleming, Qwest’s termination costs were developed on the basis of its 41 collocation job study, which is a much more accurate assessment of Qwest’s costs than costs approved in another state for a different company (Qwest Ex. 8, at 81).
We agree with the CLECs that Qwest's proposed termination rates are excessive and should be reduced. As noted by Mr. Knowles, Qwest's supporting information for its proposed rates does not provide sufficient data to adopt its proposal. We further agree that, as a benchmark, Qwest's rates for collocation termination should, at this time, be set at no more than the rates identified in Mr. Knowles's testimony (AT&T/WorldCom/XO Ex. 11).

9. **Regeneration**

A regenerator, or repeater, is a type of circuit equipment that amplifies or regenerates electronic digital signals as they travel along cables within the central office. AT&T/WorldCom/XO witness Lathrop described the circumstances when such equipment is required. He stated that, when DS1 and DS3 circuit lengths exceed 650 feet and 450 feet, respectively, a repeater is used to regenerate the signal (AT&T/WorldCom/XO Ex. 13, at 62). Mr. Lathrop testified that, although Qwest has identified regeneration costs as optional, collocators should not be assessed any charges for this service because the collocators have no control over where in the central office their equipment is placed (Id.). He indicated that the FCC has specifically precluded ILECs from charging regeneration costs. Mr. Lathrop recommended that if a collocator requires regeneration as a consequence of where its equipment is located within a central office, the service should be provided without charge (Id. at 63).

We agree with the CLECs that if regeneration is required for DS1 and DS3 circuit lengths over 650 feet and 450 feet, respectively, the service should be provided without charge. As the CLECs point out, Qwest controls where in its central offices a CLEC's collocated equipment will be located. Therefore, CLECs should not bear the costs associated with provisioning an adequate signal over these lengths. This conclusion is consistent with the FCC policy.21

10. **Cable Racking**

WorldCom contends that Qwest's proposed cable racking charges are excessive because, while Qwest and CLECs share virtually all cable racking in the central office, Qwest assumes that 100 percent of the caged and 50 percent of the cageless collocation arrangements require new cable.21

racking aerial support (AT&T/WorldCom/XO Ex. 13, at 36). According to WorldCom, the amount of cable racking dedicated to any one collocator would be minimal if Qwest placed CLEC equipment in the same manner in which Qwest places its own equipment. WorldCom claims that, if Qwest decides to place all collocators in a separate area of the central office, instead of utilizing available pockets of space, more cable racking is required unnecessarily (Id.). Mr. Lathrop recommends that, because Qwest has the ability to minimize the amount of cable racking used for CLECs, no cable racking or aerial support should be included in the costs for cageless collocation. For caged collocation, Mr. Lathrop claims that the percentage of jobs requiring major cable racking and aerial support should be set at 10 percent and the percentage of jobs requiring any cable racking and aerial support should be set at 20 percent (Id. at 37).

We disagree with WorldCom’s arguments on this issue. As discussed in the preceding section on regeneration, Qwest generally has discretion with respect to the location of collocation equipment. Qwest may also have legitimate reasons for grouping collocators in a separate area of the central office, such as for security and ease of collocation construction. We do not believe that Qwest should be required to place collocators in any available pocket of central office space simply to accommodate a CLEC’s desire to minimize cable racking costs. However, Qwest should make every effort to accommodate CLECs in locating both caged and cageless equipment as close as possible to Qwest’s switching facilities, without jeopardizing Qwest’s legitimate and nondiscriminatory location policies.

11. CLEC-to-CLEC Connections

CLEC-to-CLEC connections allow a CLEC collocated in a Qwest central office to connect collocated equipment either to its own collocated equipment located elsewhere in the central office, or to another CLEC’s collocated equipment. Mr. Knowles stated that often such equipment is located a short distance away because Qwest generally groups collocating CLECs together within the central office (AT&T/WorldCom/XO Ex. 11, at 15-16). As a result, he claims that connection of collocated equipment should be simple and inexpensive in the majority of circumstances. Mr. Knowles asserts that Qwest’s proposed charges of $1,353.22 to engineer central office cross-connections and $425.99 to open and close an existing cable hole are excessive (Id.). Mr. Knowles recommends that Qwest
should be authorized to charge no more than the $244.82 nonrecurring charge, and no recurring
charges, consistent with Qwest's current charges for such connections in its Arizona central office
(AT&T/WorldCom/XO Ex. 13 at 2-3).

Qwest argues that its costs for this item are supported by a separate stand-alone cost study
attached to Ms. Million's testimony. Ms. Million testified that Qwest will not charge CLECs for
installing cable racking if they use existing cable racking. She states that Qwest's cost study for
CLEC-to-CLEC connections assumes that a CLF will utilize existing cable racking 95 percent of
the time and that 5 percent of the time such connections will require installation of an additional 20
feet of new cable racking. Ms. Million noted in her rebuttal testimony that this assumption had not
been carried through to the engineering time required for CLEC-to-CLEC connections and, as
corrected, the engineering component charge is reduced from $1,353.22 to $791.63 (Qwest Ex 18 at
13-15).

We agree with the CLECs that Qwest's CLEC-to-CLEC connection charge should be
maintained at its current level of a $244.82 nonrecurring charge, with no recurring charge. Qwest
shall also be permitted to assess a nonrecurring engineering charge of $791.63, when necessary, in
accordance with Ms. Million's rebuttal testimony and Mr. Lathrop's recommendation that this
engineering cost should be based on no more than 10 hours (AT&T/WorldCom/XO Ex. 13, at 47-48).

12. **Reusability of Collocation Facilities**

The CLECs contend that Qwest's proposal to assess a nonrecurring charge for space
construction would result in complete cost recovery each time a new entrant begins to use a
collocation cage. In order to minimize the risk of over-recovery by Qwest, Mr. Lathrop
recommended that, instead of imposing a nonrecurring charge, Qwest should use a recurring cost
spread over a period of five years (Id. at 51). Time Warner expressed a concern that Qwest could
unilaterally impose new contract terms on CLECs, including imposition of a new collocation
decommissioning fee that would include decommissioning fees.

Qwest argues that the FCC has determined that an ILEC may assess nonrecurring charges for
equipment dedicated to a particular CLEC, regardless of whether the equipment is reusable by a
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subsequent collocator. In that proceeding, the FCC stated that requiring the first collocator “to pay the full cost of the equipment up front is reasonable because LECs should not be forced to underwrite the risk of investing in equipment dedicated to the interconnectors’ [CLECs] use, regardless of whether the equipment is reusable” (Id.). Qwest also points out that its experience shows abandoned collocation installations are generally not being reused in Arizona (Qwest Ex. 7, at 18). Qwest contends that its “collocation decommissioning policy” provides CLECs with an appropriate means of vacating a collocation site. Under this policy, Qwest will reimburse a vacating CLEC for the reusable elements of the vacated site for up to one year after decommissioning. CLECs may also negotiate terms and conditions with other CLECs for occupying an abandoned collocation site (Id.).

With respect to Time Warner’s concerns, Qwest states that it cannot unilaterally impose a new collocation decommissioning policy on CLECs that conflicts with an existing interconnection agreement. Qwest points out that its proposed SGAT makes this clear. According to Qwest, in any conflict between a new Qwest policy and an existing interconnection agreement, the terms of the existing agreement would prevail. Accordingly, Qwest claims that CLECs are protected from any new policy regarding collocation decommissioning.

We agree with Qwest that its collocation decommissioning policy provides reasonable protections for CLEC collocators with respect to the reusability of collocation facilities. Not only are CLECs entitled to transfer occupancy of collocation sites, but Qwest will reimburse the vacating CLEC for reusable equipment at the CLEC site for up to one year. Qwest indicates that it also accounted for reusability by establishing recurring charges for almost half of the costs of collocation.

V. LINE SHARING

“Line Sharing” is a technology that enables CLECs the opportunity to offer advanced data services simultaneously with an existing end user’s analog voice-grade (“POTS”) service on a single copper loop. Under this arrangement, Qwest would continue to provide POTS service to the end user while a CLEC uses the high frequency portion of the loop (“HFPL”) to provide the same end user with data services, such as digital subscriber line (“DSL”) service (Qwest Ex. 10, at 5).

“splitting” of the loop is accomplished by employing a POTS splitter, provided by the CLEC, which is placed in either a collocation or common area of Qwest’s central office (ld. at 7).

Qwest proposes to charge CLECs $5.00 per month per loop for use of the HFPL, in addition to a number of other nonrecurring and recurring charges associated with provisioning the line sharing service (ld.). Staff recommends that the line sharing price should be set at 20 percent of the proposed statewide average unbundled loop rate of $12.35, or $2.47 per month (Staff Ex. 30, at 8; Staff Ex. 32, Sched. WD-17, at 11). Sprint and Z-Tel both argue for a $0 charge for use of the HFPL by CLECs.

According to Qwest, the HFPL is a valuable piece of property that may not be used by a competing entity without appropriate compensation. Qwest argues that the 1996 Act and FCC rules require the Commission to reject the CLECs’ claim that the HFPL should be assigned a cost of $0. Qwest asserts that the HFPL should be assigned a positive price that compensates Qwest for the forced surrender of its property. Qwest contends that, pursuant to the FCC’s First Report and Order, just compensation is defined as the “fair market value of the property subject to the taking.” Qwest claims that in a competitive market the HFPL would have a positive price and that, when it leases the HFPL to the competitor, Qwest is thereby precluded from providing xDSL service itself over the HFPL.

With respect to its proposed $5.00 loop rate for the HFPL, Qwest argues that all of the costs associated with the unbundled loop are rendered “common costs” because of the presence of dedicated connections from a single customer to two different providers. Qwest claims that, because the FCC’s pricing rules require a “reasonable allocation” of common costs, the Company’s proposed allocation of common costs between the two dedicated connections on the loop is reasonable and consistent with the 1996 Act’s requirement of just and reasonable rates. Qwest further contends that a price of $0 for the HFPL would distort competition and discourage investment in alternative methods of providing high-speed data services.

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23 First Report and Order, ¶740.
In the FCC’s *Line Sharing Order*, the FCC directed state commissions to establish the price for the HFPL “in the same manner as they set the price for other unbundled network elements.” Qwest witness William Fitzsimmons stated that, although there is no “correct” method of allocating common costs, any such allocation must pass a reasonableness test. According to Dr. Fitzsimmons, Qwest’s proposed HFPL price is consistent with the FCC’s intent to establish UNE prices that are in accordance with the result in a competitive market. Dr. Fitzsimmons stated that the allocation of common costs resulting in a positive price for the HFPL furthers competition in a nondiscriminatory manner (Qwest Ex. 28, at 11-12). Qwest also argues that a loop price of $0 for the HFPL would give a competitive advantage to DSL providers over other high-speed data service providers using technology such as cable modems or satellite. Qwest claims that the result of such a competitive advantage will be a decreased incentive to invest in new technologies or, for DSL providers, a disincentive to build their own facilities (Id. at 17-19). Qwest asserts that, contrary to the CLECs’ arguments, there is no evidence that Qwest is already recovering the cost of the loop through its retail prices. Qwest also states that the 1996 Act and FCC rules require that all UNEs must be cost-based, without consideration of retail rates.

Sprint and Z-Tel argue that the HFPL should be set at $0 because Qwest already recovers the full cost of the loop through its retail prices and thus any additional revenue from the loop will result in an over-recovery. They contend that if a positive price is charged for the HFPL, the low frequency portion of the loop must be reduced. Sprint and Z-Tel further assert that, because CLECs must pay substantial recurring and nonrecurring charges for interconnection and line sharing services, any additional charge to access the HFPL will result in a windfall for Qwest.

Staff agrees with Qwest that the HFPL should carry a positive price. Moreover, Staff states that its proposed $2.47 charge, which is 20 percent of its recommended statewide unbundled loop rate average, is comparable to Qwest’s proposed $5.00 charge, which approximately equals 20 percent of the Company’s proposed unbundled loop cost. However, Staff argues that there is no explanation in the record for how Qwest actually calculated its proposed $5.00 recurring charge for HFPL.

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We agree with Staff that the HFPL should carry a positive price. We also agree that Qwest has failed to support how it arrived at its proposed $5.00 charge. Staff’s recommended charge of $2.47 recognizes that there are some common costs that should be allocated to users of the service while, at the same time, providing a reasonable price to reflect an allocation of those costs. Consistent with Staff’s recommendation, the HFPL charge should be established at 20 percent of the statewide unbundled loop average determined in this proceeding.

A. **Line Splitting**

The FCC has defined “line splitting” as the delivery of voice and data services provided by competitive carriers over a single loop. In a line splitting arrangement, two different CLECs split the low and high frequency portions of the loop, with the voice CLEC controlling the loop (Qwest Ex. 11, at 5-6). By comparison, line sharing occurs where the ILEC occupies the low frequency portion of the loop for voice-grade service, and a single CLEC occupies the high frequency portion of the loop to provide data service (Id.). Qwest has not provided any new cost studies that are specific to line splitting because the costs associated with line splitting are addressed with proposed or existing rates (Qwest Ex. 11, at 7). Qwest recommends that the Commission refrain from ordering firm deadlines for deployment of line splitting and that the Commission instead allow for a collaborative process to determine the operational impacts of line splitting before establishing a deployment schedule.

No party objected to Qwest’s proposal to engage in a collaborative process regarding line splitting. We believe Qwest’s recommendation is reasonable and we direct Qwest to contact the other parties within 30 days of the date of this Decision for purposes of establishing a collaborative process on this issue. The parties to the collaborative should address operational impacts of line splitting and the establishment of a deployment schedule, as well as any other relevant concerns related to this issue.

B. **Operational Support System Costs**

Qwest’s Operational Support System (“OSS”) is a computer system that does not directly provide telecommunications service to customers, but supports employees performing operational duties such as issuing service orders, testing trunks and maintaining switching systems (Qwest Ex. 3,
at 3). Qwest claims that, pursuant to Section 252(d)(1) of the 1996 Act, it is entitled to recover the costs of providing access to UNEs. Qwest also cites the FCC’s Line Sharing Order for the proposition that Qwest may recover OSS costs associated with providing line sharing.

Qwest is seeking to recover $12,826,720 in costs it claims were incurred in modifying its OSS. The majority of this amount ($11.9 million) is related to a contract with Telcordia for delivery of a long-term line sharing solution. Qwest seeks a $2.74 recurring per line per month charge to recover the costs of modifying its OSS for a long-term solution to line sharing. Qwest claims that these costs are solely attributable to line sharing and would not be necessary if not for modifications needed to support line sharing (Qwest Ex. 3, at 24). Qwest states that, in order to accommodate line sharing, it was required to engage in a series of developmental and implementation activities with CLECs. Qwest participated in a number of meetings with interested CLECs in order to develop a process associated with ordering, provisioning, billing, and maintenance of OSS for line sharing (Id. at 12). Qwest contends that its efforts working with the “joint team” on this issue required a significant amount of resources that should be compensated.

According to Qwest, the modifications to its OSS were essential to the CLECs’ ability to access Qwest’s OSS in order to perform line sharing functions. Qwest argues that it made the OSS changes solely for the purpose of enabling CLECs to provide xDSL service over the same line on which Qwest provides voice service. Qwest claims that, because it does not need these OSS modifications to provide its own xDSL product, CLECs should bear the entire cost of the OSS modifications (Id. at 24).

Staff argues that because the majority of Qwest’s claimed OSS costs are related to a custom contract with Telcordia, these costs should be disallowed as imprudently incurred. According to Staff, if Qwest had waited for a nationwide rollout of Telcordia’s line sharing solutions, the Company’s costs would likely have been lower. In addition, Staff contends that it is improper for Qwest to assess nearly the entire cost of the OSS improvements to CLECs based on Qwest’s assertion that the OSS modifications did not need to be made to support its own xDSL service. Staff claims that Qwest’s proposed exemption of its own affiliate from supporting the OSS improvements violates the 1996 Act’s requirement of nondiscriminatory access to CLECs, and amounts to a subsidy
for Qwest and its DSL affiliate. Staff recommends that the proposed OSS charge for line sharing be reduced to $0.10 per shared line per month (Staff Ex. 30, at 36).

We agree with Staff that Qwest's proposed line sharing OSS charge is excessive and discriminatory. As Staff witness Dunkel points out, under Qwest's proposal, the $2.74 OSS charge would be charged to unaffiliated xDSL providers but not to Qwest's affiliate, Broadband Services, Inc. (Id. at 33). Moreover, although Qwest's OSS would only be used by CLECs when an order is placed or service is required, the Company's proposed OSS charge would remain in place indefinitely on a recurring monthly basis. In addition, Qwest did not look into the possibility that OSS costs associated with the Telcordia contract could be shared with other telecommunications providers but, instead the Company opted for a custom solution (Id. at 35). For these reasons, we agree with Staff that the recurring line sharing OSS charge should be reduced to $0.10. The charge will be applicable to all providers of xDSL service, including Qwest affiliates that are using the HFPL through line sharing.

VI. OTHER ISSUES

A. Avoided Cost Discount

The avoided cost discount reflects the rate discount applies to wholesale services it sells to CLECs for resale to an end-use customer. In the First Cost Docket Order, the Commission established wholesale discount rates of 12 percent for residential basic exchange service and 18 percent for all other services to which the discount applies. The Arizona District Court remanded this issue to the Commission, directing the Commission "to consider the range of cost savings for different categories of service, as well as the potential for abuse through selective ordering tactics, and determine whether additional discount rates are needed."

Although Qwest argued for reductions in the current discount rates, Staff witness Dunkel testified that Staff does not have the information needed to more accurately identify the cost savings associated with various services. Mr. Dunkel claims that the Uniform System of Accounts ("USOA") records, Automated Reporting Management Information System ("ARMIS") reports, and other records kept by the Company do not show the avoided costs by product lines, and what portion of those costs would be avoided by product line. According to Mr. Dunkel, Qwest's allocation of
costs to product lines, and the determination of what portion of those costs would be avoided, was based primarily on managerial judgment. Accordingly, Mr. Dunkel stated that "there is no factual basis on which to establish a more accurate disaggregation of the avoided cost discounts than was established in Decision No. 60635" (Staff Ex. 30, at 55). Based on these facts, Mr. Dunkel recommended that the Commission maintain the current discounts.

On July 25, 2001, Staff and Qwest entered into a stipulation whereby Qwest agreed to maintain the current wholesale discounts now in effect. No party opposed the agreement between Staff and Qwest to maintain the existing discount rates. We will adopt the stipulation between Staff and Qwest to maintain the current discount rates of 12 percent for basic residential service and 18 percent for all other services to which the discount rate applies.

B. **Subloop and Access to Wire in Multi-Tenant Environments**

Cox raises the argument that access to subloops, especially in a multi-tenant environment, is critical to competition, especially facilities-based competition. Cox provides competitive telephone services to end users via a hybrid fiber-coaxial ("HFC") network. For purposes of this proceeding,

Cox is concerned that Qwest's proposed rates and practices with respect to accessing subloops and wire used to serve residential tenants in apartment complexes and other multi-dwelling units ("MDUs"), and for business customers in high rise office buildings and other multi-tenant environments ("MTEs"), may preclude such customers from receiving the benefits of competition.

The FCC has defined subloops as "portion" of the loop that can be accessed at terminals in the incumbent's outside plant." Cox contends that access to subloops is critical to competition because the subloop is a part of the access puzzle that is not easily duplicated by CLECs. The FCC indicates that unbundling of subloops will promote efficiencies because a requesting CLEC "will not have to buy the entire loop in order to connect its own facilities with wiring on the customer premises." Cox also cites to the FCC's *MTE Order* to support its assertion that the FCC is concerned with competitive access to subloops in multi-tenant environments. In that order, the FCC indicated

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26 UNE Remand Order at ¶212.

27 *In the Matter of the Promotion of Competitive Networks in Local Telecommunications Markets*, WT Docket No. 99-217; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-
that incumbent LECs can use their control over “on-premises” wiring to frustrate competitive access in multi-tenant buildings. In this case, Cox claims that Qwest’s pricing proposal acts as a barrier to competition because the Company proposes to charge $12.12 (in Zone 1) regardless of how much of the subloop is used by the CLEC. According to Cox, Qwest’s proposal discourages CLECs from extending their networks. Cox also argues that Qwest’s proposal will allow Qwest to over-recover costs related to provisioning these facilities. As an example, Cox points out that Qwest’s costs for provisioning a 1,000 foot “campus wire” pair is substantially less than the $12.12 the Company seeks in this case.

Cox further contends that CLECs need an appropriate price for campus wire because there are many existing MDU/MTE configurations where Qwest owns the campus wire and, in order to create competition for those tenants, a CLEC will need access to that wire. Cox complains that Qwest has created an arbitrary distinction between “intrabuilding cable” and “campus wire.” In defining “inside wire,” the FCC recognized that such wiring may be located not only within single family premises, but also “within a campus, a commercial park, or a garden apartment complex.” The FCC also noted that “inside wire is often out of doors, as in the case in garden apartments and campuses, among other places” (Id.).

In accordance with the FCC’s definitions, Cox maintains that this Commission should define both “campus wire” and “intrabuilding cable” as “on-premises wire” for purposes of UNE pricing. According to Cox, “on-premises wire” should be priced at the rate proposed by Qwest for “intrabuilding cable,” and a “campus wire” subloop should be priced the same as the “intrabuilding cable” subloop.

Cox also argues that, upon request of a MDU/MTE wiring owner, Qwest should be required to create a single demarcation point a: the minimum point of entry (“MPOE”) and relinquish ownership of the wire on the customer side of the demarcation point. The MPOE and demarcation

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28 UNE Remand Order at ¶170.

point are the point at which the local exchange carrier’s network ends and the property owner’s telecommunications facilities begin (Cox Ex. 2, at 9). Cox cites to the FCC’s *MTE Order*, where the FCC stated that in multi-unit premises, “the incumbent carrier must move the demarcation point to the MPOE upon the premises owner’s request.” Although the ILEC’s obligation to move the demarcation point is apparently settled, the question of compensation for the relinquished wire remains at issue. Cox contends that the relinquished wire and facilities should be priced at “residual value,” which Cox defines as the initial cost borne by Qwest, less accounted depreciation up to the time of conveyance.

Although Qwest did not address this issue in its initial brief, in its reply brief Qwest argues that Cox improperly assumes that its distribution plant excludes cable on private property. Qwest claims that its LoopMod design contains underground cabling placed in building owner provided duct. According to Qwest, this cable provides connectivity between the SAI and the building terminals at each building in a MDU/MTE environment (Qwest Ex. 2, at 28-29).

Qwest asserts that it should not be required to break out costs and separately price campus wire because campus wire or intrabuilding cable in MDUs is simply one form of subloop distribution plant (Qwest Ex. 8, at 101-102). Qwest claims that both the HAI model and Qwest’s ICM produce a distribution subloop that blends MDU and non-MDU architectures. Qwest maintains that campus wire should not be treated as a separate element because such treatment would cause all other subloop prices to increase significantly. Qwest argues that adoption of Cox’s proposal would lead to excessive deaveraging of subloops, resulting in prices in other areas above the level that stimulates competition.

Qwest also opposes Cox’s recommendation regarding relocation of the demarcation points to the MPOE. Qwest concedes that, pursuant to the FCC’s *MTE Order*, MDU owners may request ILECs to move the demarcation point to the MPOE. However, Qwest maintains that because property owners are not public service corporations, adoption of Cox’s proposal would raise serious issues regarding the Commission’s jurisdiction over wiring and facilities. Qwest concludes that if the

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29. *MTE Order* at ¶54.
Commission makes any determination regarding pricing on this issue, the appropriate measure of compensation should be based on the fair market value of the property or on a TELRIC basis.

We agree with Cox that Qwest’s pricing proposal could indeed act as a barrier to competition and discourage CLEC investment in facilities. We believe that Cox’s proposal to treat campus wire and intrabuilding wire synonymously as “on-premises wire” is appropriate. In order to compete in MDU situations, CLECs need to have access to Qwest-owned campus wire because to do otherwise would allow Qwest to maintain control over such wire and thereby frustrate competition. Accordingly, Qwest should price both campus wire and intrabuilding cable at the same “on-premises wire” price, as proposed by Cox.

With respect to the relocation of the demarcation point and purchase of campus wire facilities, we also agree with Cox’s proposal. In the event that a MDU/MTE owner requests the demarcation be moved to the MPOE, Qwest is obligated to relinquish wire on the property owner’s side of the demarcation, and to price those facilities at residual value. Residual value should be determined by taking into account Qwest’s initial costs (assuming Qwest first proves ownership of the wire) less depreciation up to the time of conveyance.

Although property owners would not be required to reconfigure the demarcation point and MPOE, or purchase the inside wire, adoption of this proposal gives the property owners additional options in dealing with Qwest regarding the price for any on-premises wire. As Cox points out, the cost of any such reconfiguration of the demarcation point could be borne by a CLEC that is interested in serving tenants in a building, thereby relieving the building owner of the cost of reconfiguration and allowing tenants to enjoy the benefits of competitive choice. Accordingly, we adopt Cox’s recommendations on this issue.

C. Operator Services/Directory Assistance

In its UNE Remand Order, the FCC found that ILECs are not required to unbundle operator services and directory assistance (“OS/DA”) unless the ILECs do not provide customized routing. The FCC stated, in relevant part:

We find that where incumbent LECs provide customized routing, lack of access to the incumbents’ OS/DA service on an unbundled basis
does not materially diminish a requesting carrier’s ability to offer telecommunications service. The record provides significant evidence of a wholesale market in the provisioning of OS/DA services and opportunities for self-provisioning OS/DA services. Accordingly, incumbent LECs need not provide access to OS/DA as an unbundled network element.\[^{30}\]

Qwest states that the FCC’s decision makes sense given the ability of customized routing to enable CLECs “to self-provide or select among other providers of interoffice facilities, operator services and directory assistance” (Qwest Ex. 12, at 3). Qwest claims that the FCC’s decision makes clear that a TELRIC-based UNE need not be offered, as long as the ILEC offers customized routing. Qwest witness Brohl stated that customized routing enables a CLEC “to designate a particular outgoing trunk that will carry certain classes of traffic originating from [the] CLEC’s end-users,” including OS/DA service (\[Id\].). According to Qwest, it offers customized routing and has developed a process whereby CLECs may request and receive the service, although no CLECs have yet requested custom routing service from Qwest (\[Id\.] at 4; Tr. 562). Qwest asserts that, despite the arguments raised by the CLECs, pricing customized routing on an individual case basis (“ICB”) does not diminish the fact that the service is available (\[Id\].). As such, Qwest contends that it is not required to offer OS/DA as a separate unbundled element.

WorldCom claims that Qwest must continue to offer OS/DA as an unbundled element at cost-based rates until it actually provides customized routing. According to WorldCom, Qwest’s mere offer of service at an ICB rate is not sufficient to qualify for the exemption from UNE pricing as set forth in the FCC’s *UNE Remand Order*.[^31] WorldCom argues that, even if customized routing is provided, OS/DA must be made available on a nondiscriminatory basis, not only with respect to prices between competing carriers but also as to what price Qwest charges itself. WorldCom contends that Qwest has not provided a cost study in this docket that shows what Qwest charges itself.

[^30]: *UNE Remand Order* ¶¶441-442
[^31]: *UNE Remand Order* ¶462.
for OS/DA services and, therefore, Qwest must continue to provide OS/DA as a UNE, at cost-based prices.

Aside from the arguments described above, WorldCom maintains that the customized routing issue cannot be resolved in this phase of the docket because Qwest has only recently filed its customized routing cost study, which will be considered in Phase II(A) of this proceeding. According to WorldCom, until the Commission has reviewed that cost study and has established prices for that service, OS/DA must be offered at TELRIC prices.

We agree with WorldCom that, until such time as the Commission has considered Qwest's cost study dealing with customized routing in the next phase of this docket, no decision should be made with respect to the pricing of OS/DA on an ICB basis. Accordingly, Qwest should continue to offer OS/DA as a UNE at a TELRIC price pending our decision in Phase II (A) of this proceeding.

D. **Reciprocal Compensation**

In its order addressing reciprocal compensation for internet traffic, the FCC has recently ruled that such traffic is interstate in nature and, as such, the FCC has exclusive jurisdiction to decide the issue.\(^{32}\) The FCC further stated that, given the interstate nature of such traffic, “state commissions will no longer have authority to address this issue.”\(^{33}\) Based on the FCC’s ruling, the parties agreed to remove all testimony regarding reciprocal compensation from this proceeding. Therefore we need not address the issue in this docket.

E. **Unbundled Network Element-Platform**

Unbundled Network Element-Platform ("UNE-P") refers to an arrangement where a CLEC orders unbundled network elements that remain connected together. The UNE-P is essentially a complete bundled set of UNEs (i.e., NID, local loop, switch port, transport facilities) which enables a CLEC to purchase a complete end-to-end voice circuit from the ILEC. Under a UNE-P arrangement, Qwest provides service to the CLEC ordering the service using the same facilities that Qwest would use to provide service to a retail customer. Qwest continues to provide the services using the same.
interaction assumptions are not based on a forward-looking TELRIC environment and should, therefore, be rejected.

We agree with Staff that, in the event these UNE-P issues are not resolved through negotiations, Qwest should be required to connect traffic that originates on a CLEC-subscribed UNE-P line to its appropriate destination within the LATA at the rates the Commission has established for the various UNE-P functions. We therefore adopt Staff's position on this issue.

VII. CONCLUSION

With the passage of the Telecommunications Act of 1996, Congress established a new regulatory scheme to foster local exchange competition among telecommunications carriers. This docket represents the Commission's second opportunity to implement the 1996 Act, and bring about local exchange competition in Arizona, through the establishment of interconnection and UNE prices for Qwest. Establishing just and reasonable rates for interconnection and UNEs is a difficult and complex process and parties on both sides have strong incentives to advocate that rates be set in a manner that is most advantageous to their individual interests. ILECs like Qwest stand to lose customers and associated revenues, while CLECs hope to gain new customers and revenues, depending on the level of prices that are established for these competitive services.
Given these competing interests, it is our duty and our goal in this proceeding to set prices for interconnection and network elements at a level that fairly compensates Qwest and allows CLECs that operate as efficient providers to compete, thereby bringing competitive choices to the intended beneficiaries of the 1996 Act, the end-user customers. In evaluating the competing arguments raised in this case, we have placed great reliance on the expertise and opinions of our Staff, which is the only party with no pecuniary interest in the outcome of this proceeding. Although we have not used Qwest’s retail rates as a means of determining interconnection and UNE rates in this docket, the Company’s embedded retail costs are sometimes useful as a measure of whether the proposed UNE prices fall within a range of reasonableness. Similarly, comparison to interconnection and UNE prices established in other states, although obviously not binding, can be a useful tool for determining whether the costs and rates proposed in this case are within a zone of reasonableness.

As stated throughout this Decision, we believe that Qwest’s UNE costs and prices must be reviewed in the context of an efficient provider’s forward-looking network. We believe that the findings made herein are fully supported by the record, they reflect our weighing of the competing interests, and implement the 1996 Act in a manner that will provide benefits to Arizona customers. As such, we believe that the individual issues addressed herein have been decided in a reasonable and objective manner. Accordingly, we will adopt the findings stated herein.

* * * * * * * * * *

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

**FINDINGS OF FACT**

1. Qwest is certificated to provide local exchange and intraLATA telecommunications services to the public in Arizona, pursuant to Article XV of the Arizona Constitution.

2. In the *First Cost Docket Order* (Decision No. 60635), the Commission set prices for interconnection and UNEs, as well as wholesale discounts.

3. The docket in this case was opened to address Qwest’s pricing of wholesale products and services. Phase I of this proceeding, addressing geographic deaveraging, was considered on an expedited basis and resulted in a Decision being issued on July 25, 2000 (Decision No. 62753).
Phase II of this docket was opened in 2000 to address issues raised by subsequent FCC orders and judicial decisions, and to establish permanent geographically deaveraged rates.

On December 14, 2000, a Procedural Order was issued which stated that Qwest's existing UNE rates, as determined in Decision No. 60635, would also be reviewed in this Phase II proceeding.

Intervention in this case was granted to AT&T Communications of the Mountain States, Inc., XO Arizona, WorldCom, Inc., Cox Arizona Telecom, Inc., Z-Tel Communications, Inc., McLeodUSA Telecommunications Services, Inc., Sprint Communications Co., L.P., and Time Warner Telecom of Arizona, LLC.

Cost studies were submitted for recurring and nonrecurring charges by Qwest and the CLECs.

Pre-filed direct expert testimony was filed by Qwest, Staff, and the intervenors.

The hearing in this docket commenced on July 16, 2001 and concluded on July 31, 2001.

On August 31, 2001, the parties filed their initial post-hearing briefs.

On September 24, 2001, the parties filed their post-hearing reply briefs.

The Commission has analyzed the issues and the evidence as presented by the parties and has resolved the issues as stated in the Discussion above.

The Commission hereby adopts the Discussion and incorporates the parties' positions and the Commission's resolution of the issues herein.

**CONCLUSIONS OF LAW**

1. Qwest Corporation is a public service corporation within the meaning of Article XV of the Arizona Constitution.

2. Qwest Corporation is an incumbent LEC within the meaning of 47 U.S.C. §252.

3. The Commission has jurisdiction over the parties and of the subject matter in this docket.
4. The Commission's resolution of the issues pending herein is just and reasonable, consistent with the 1996 Act, FCC Orders and Rules, the Commission's Rules, and all applicable law, and is in the public interest.

5. The burden of proof to establish a proper cost basis under the 1996 Act is on Qwest Corporation.

6. The prices for unbundled network elements are "based on the cost (determined without reference to a rate of return or other rate-based proceeding) of providing the interconnection or network element...[and are] nondiscriminatory."

ORDER

IT IS THEREFORE ORDERED that the Commission hereby adopts and incorporates as its Order the resolution of the issues contained in the above discussion.

IT IS FURTHER ORDERED that the parties shall file within 30 days of the date of this Decision, a joint schedule setting forth all rates and charges approved herein.

IT IS FURTHER ORDERED that Qwest shall contact the other parties to this proceeding within 30 days of the date of this Decision for purposes of establishing a collaborative process with respect to the line splitting issue.
IT IS FURTHER ORDERED that the rates and charges approved herein shall be effective immediately.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ___ day of ________, 2001.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

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