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IDAHO PUBLIC
UTILITIES COMMISSION

October 26, 2009

VIA HAND DELIVERY

Jean D. Jewell, Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, ID 83702-5983

RE: Docket No. QWE-T-09-15

Dear Ms. Jewell:

Enclosed for filing with this Commission are an original and seven (7) copies of Qwest's **Response to Integra's Comments (Errata Filing) Regarding Qwest's Petition for Approval of Non-Impairment Status for DS3 Loops in the Boise Main Wire Center** together with the **Response Affidavits of Rachel Torrence and Renee Albersheim**.

Exhibit A to the Torrence affidavit is termed "Highly Confidential" under the terms of the Protective Agreement and is being provided separately under seal and is accompanied by an **Attorney Certificate**.

If you have any questions, please contact me. Thank you for your cooperation in this matter.

Very truly yours,


Mary S. Hobson
Enclosures

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Attorneys for Qwest Corporation

BEFORE THE IDAHO PUBLIC UTILITITES COMMISSION

IN THE MATTER OF QWEST
CORPORATION'S PETITION FOR
APPROVAL OF NON-IMPAIRMENT
STATUS FOR DS3 LOOPS IN THE
BOISE MAIN WIRE CENTER

Case No. QWE-T-09-15

Qwest's Response to Integra's Comments
(Errata Filing) regarding Qwest Petition for
Approval of Non-Impairment Status for DS3
Loops in the Boise Main Wire Center

Qwest Corporation ("Qwest") hereby responds to the October 19, 2009 comments (errata filing) of Integra Telecom of Idaho, Inc., Electric Lightwave, Inc. dba Integra Telecom and Eschelon Telecom, Inc. dba Integra Telecom (collectively "Integra") to Qwest's petition for approval of non-impairment status for DS3 loops in the Boise Main wire center. Qwest's petition is pursuant to, and in accordance with, the Federal Communications Commission's ("FCC's") *Triennial Review Remand Order* ("TRRO").¹ Qwest's petition is also in conformity with this Commission's July 27, 2009 Order No. 30866 in the Commission's initial *TRRO* non-impairment wire center proceeding, Case No. QWE-T-08-07. Thus, its petition seeks to add DS3 loops in the Boise Main wire center to Qwest's list of non-impairment wire centers in Idaho.

Qwest's Response to Integra's Comments (Errata Filing) ¹
regarding Qwest's Petition for Approval of Non-Impairment
Status for DS3 Loops in the Boise Main Wire Center

The Commission should reject Integra's comments. For the reasons set forth here, and the reasons in Commission Staff's October 13, 2009 comments, the Commission should approve Qwest's petition for non-impairment status for DS3 loops in the Boise Main wire center.

INTRODUCTION AND PERTINENT BACKGROUND

A. Qwest's Petition in Case No. QWE-08-07

As Qwest mentioned in its August 31, 2009 petition at issue here, Qwest had previously filed a petition in June 2008 for approval of its "non-impaired" wire center list in Idaho, pursuant to the *TRRO*, so that carriers can implement the Section 251(d)(2) non-impairment standards set forth in the FCC's *TRRO* for high-capacity dedicated transport and loops. Qwest's original petition was docketed Case No. QWE-T-08-07. In that proceeding, Qwest submitted evidence regarding the number of "business lines" and "fiber-based collocators," as those terms are defined in the *TRRO* and the FCC's associated implementation rule, 47 CFR, § 51.5, in the Boise Main and Boise West wire centers.

B. Order No. 30866 in Case No. QWE-08-07

On July 27, 2009, after prefiled testimony, briefing, and a stipulation which waived the scheduled evidentiary hearing and submitted the record to the Commission for decision, the Commission issued its Order No. 30866 ("Order"). In the Order, the Commission resolved certain issues and disputes between Qwest and the "Joint CLECs" (Integra and 360networks) that had intervened in the docket. The Commission also found that Qwest's Boise Main wire center, with five fiber-based collocators, is a "Tier 1" wire center and, thus, is non-impaired with regard to DS1 and DS3 *transport* services, and that Qwest's Boise West wire center, with three

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

fiber-based collocators, is a “Tier 2” wire center and, thus, is non-impaired with regard to DS3 transport services. However, as to Qwest’s non-impairment petition for *DS3 loops* in the Boise Main wire center, the Commission declined to make a non-impairment determination, stating: “The record does not reveal whether the *2008 year-end data* supports a finding of non-impairment for DS3 loops in the Boise Main wire center.” Order, p. 5. (Emphasis added.)

C. Qwest’s Petition in this docket

Accordingly, on August 31, 2009, Qwest filed a petition requesting the Commission’s approval of non-impairment status for DS3 loops in the Boise Main wire center, using *year-end 2008* business line data.² Qwest also filed the affidavits of Renée Albersheim and Rachel Torrence regarding the number of business lines and the number of fiber-based collocators, respectively, in the Boise Main wire center. These affidavits included the highly-confidential data supporting Qwest’s petition that this wire center is non-impaired for DS3 loops.³

D. Notice of Petition and Notice of Modified Procedure and Comments

On September 22, 2009, the Commission issued its Notice of Petition and Notice of Modified Procedure. The notice allowed comments by October 13, 2009. Order No. 30905.

On October 12, 2009, Integra filed comments, largely consisting of previously-proffered advocacy that this Commission had not accepted in Case No. QWE-T-08-07, and which made

² DS3 loop non-impairment results when a wire center houses a minimum of four “fiber-based collocators” and supports at least 38,000 “business lines,” as those terms are defined in the *TRRO* and the FCC’s associated implementation rule, 47 CFR, § 51.5. See e.g., 47 CFR, § 51.319(a)(5)(i).

³ Because this Commission has already designated the Boise Main wire center as being a “Tier 1” wire center for DS1 and DS3 transport by virtue of having exceeded the *TRRO*’s minimum number of four fiber-based collocators, there was no reason to readdress the number of fiber-based collocators in this wire center. Nevertheless, Qwest reviewed the number of fiber-based collocators in the Boise Main wire center and once again *confirmed*, with *sworn evidence* (the August 28, 2009 Affidavit of Rachel Torrence), the presence of *five* fiber-based collocators in that wire center. This is one more fiber-based collocator than is required for such DS3 loop non-impairment status.

various meritless arguments that Qwest will address below. Integra argued that Qwest's petition should be denied, and it made several recommendations, which Qwest will again address below.

The Commission's Staff thereafter submitted comments on October 13, 2009. Staff correctly noted that the Commission had directed Qwest to provide its current (December 2008) data, and that Qwest did provide the current line count data. Thus, Staff recommends approval of Qwest's petition.

Finally, on October 19, 2009, Integra filed *errata* comments. The errata deleted previous arguments about Qwest's methodology for counting business lines for non-impairment purposes, presumably because of the Commission rulings in Order No. 30866 in Case No. QWE-T-08-07.

RESPONSE

I. INTEGRATION'S INABILITY TO "VERIFY" LOOP COUNT DATA IS MERITLESS

Integra argues that it is unable to "verify" the loop count data that Qwest associates with Integra. However, this argument is completely without merit, and can easily be explained, which easily shows the speciousness of Integra's argument.

The reason that Integra apparently cannot verify the line counts that Qwest associated with Integra is that it is *not using the same vintage of data* that Qwest is using, namely, *December 2008*, which this Commission required for DS3 loop non-impairment in the Boise Main wire center (and which Integra itself had advocated). See Order, p. 5. That is, Integra is using either *August 31, 2008* data, or *August 31, 2009* data, but *not* December 2008 data. (See Errata Comments, pp. 2-3, fn. 5.) Thus, Integra's alleged inability to "verify" Qwest's business line counts for itself is of its own doing since it has engaged in an apples-to-oranges comparison. (See Response Affidavit of Renée Albersheim ("Albersheim Response Affidavit"), ¶ 7.)

The Commission will recall that the Joint CLECs in Case No. QWE-T-08-07 argued that for DS3 loop non-impairment, "Qwest should have relied *upon end of year 2008* switched

business line counts rather than end of year 2007.” Order, p. 5. (Emphasis added.) (See also Direct Testimony of Doug Denney, pp. 23, 36-38; Joint CLECs’ Pre-hearing Brief, pp. 17-19.) The Commission agreed, and thus declined Qwest’s petition as to DS3 loops in the Boise Main wire center because “[t]he record does not reveal whether the 2008 year-end data supports a finding of non-impairment for DS3 loops in the Boise Main wire center.” Order, p. 5.⁴

Accordingly, Qwest submitted *December 2008* data in this petition, as required. Integra, however, has apparently used an entirely different date (either *August 31, 2008*, or *August 31, 2009*) for its business line counts.⁵ Thus, even though Integra’s comments never explain how it counted its business line data, or for which of the several Integra companies it was counting, it is clear that its apples-to-oranges comparison explains why its data may not match Qwest’s data.

⁴ The reason that the record in Case No. QWE-T-08-07 did not reveal 2008 year-end data was that Qwest had *not submitted* any such data, as it had relied on year-end 2007 (December 2007) data. This data was based on Qwest’s Automated Reporting Management Information System (“ARMIS”) 43-08 report to the FCC that Qwest had filed with its June 2008 petition. Thus, Qwest had not relied on any December 2008 data. (See e.g., Direct Testimony of Renée Albersheim in Case No. QWE-T-08-07, at pp. 31-34; Reply Testimony of Renée Albersheim, at pp. 21-22; see also Qwest’s Pre-hearing Brief, at pp. 35-36.) Since the Order requires December 2008 data, that is precisely why Qwest submitted such data in this petition. (See August 28, 2009 Affidavit of Renée Albersheim.)

⁵ Integra’s comparison of August 31, 2009 data to Qwest’s data is extremely odd for several reasons. First, although Integra makes much ado about a typographical error in one of Qwest’s spreadsheets (see Errata Comments, p. 6, and see p. 9, *infra*), it appears that Integra itself is guilty of a typographical error. That is, it claims that “Integra’s data is as of August 31, 2008, the date of Qwest’s request for DS3 loop non-impairment.” (Errata Comments, fn. 4 (emphasis added).) However, Qwest assumes this is a typographical error, and that Integra really means August 31, 2009, which was indeed the date that Qwest filed the present petition.

More importantly, even assuming this to be true, it is exceedingly odd that Integra would use August 31, 2009 data, especially since it knows full well that Qwest has used *December 2008* data for its business line counts. Indeed, not only is this clear from the petition (pp. 3-4), the August 28, 2009 Affidavit of Renée Albersheim (p. 3, ¶¶ 4-8) and Ms. Albersheim’s Highly-Confidential Attachments A -- D, but it is also the data *this Commission has required*, and that *Integra itself advocated*, in Case No. QWE-T-08-07. Order, p. 5. (See also Albersheim Response Affidavit, ¶ 7; Direct Testimony of Doug Denney, pp. 23, 36-38; Joint CLECs’ Pre-hearing Brief, pp. 17-19.)

Further still, Integra is well-aware that for business line counts in non-impairment proceedings, Qwest only uses *year-end data* for the preceding year. Indeed, as Integra knows, Qwest uses its FCC ARMIS data, and such business line data is filed by April 1 for the preceding year’s data (December of the previous year). That is precisely what Qwest did here, as well as in Case No. QWE-T-08-07, and in every *TRRO* non-impairment proceeding in its ILEC region, most of which Integra has been a party. (See Albersheim Response Affidavit, ¶ 8.)

Accordingly, the only reasonable conclusion here is that Integra purposely used *different* business line data to compare against Qwest’s business line data in an attempt to convince the Commission that its data and Qwest’s business line data do not match. Obviously, Integra’s business line counts, to the extent they are even based on the same (numerous) operating companies in the Integra corporate family, are an *apples-to-oranges* comparison, and thus are not meaningful at all. (See Albersheim Response Affidavit, ¶ 8.)

Accordingly, the Commission should completely disregard Integra's comments about its alleged inability to "verify" business line counts.⁶ Despite Integra's attempts to cloud the issues, there is no dispute that Qwest used *December 2008* data for this case, as the Commission required.

II. THE DATA QWEST RELIES ON IS APPROPRIATELY EIGHT MONTHS OLD

Integra further complains that Qwest has relied upon switched business line count data that is "almost a year old," or "at least 8 months old," at the time of Qwest's request for DS3 non-impairment in the Boise Main wire center. Integra's statement about eight-month data is true as far as it goes, but there is nothing improper in Qwest doing so. Indeed, for the reasons set forth in section I of this response (see pp. 4-6 and fns. 4-5, *supra*), this Commission required Qwest to use year-end (December) 2008 data in Order No. 30866 for any new petition for DS3 loop non-impairment, which is precisely what Qwest did. See Order, p. 5.⁷ Accordingly, not much more needs to be said, other than Qwest did not "go fishing back through time in attempts to classify wire centers as non-impairment that do not currently meet the non-impairment status," or that "Qwest is attempting to "selectively choose the time period upon which it chooses to rely." Indeed, the hypocritical and disingenuous nature of Integra's comments are shown by the fact that Qwest did precisely what this Commission has required, and that *Integra itself* advocated in Case No QWE-T-08-07. See Order, p. 5. (See also Direct Testimony of Doug Denney, pp. 23 ("Qwest should have used December 2008 line counts, rather than December 2007

⁶ For these reasons, Integra's repeated comments (in this docket and in Case No. QWE-T-08-07) about one wire center in Minnesota where Qwest withdrew its request for non-impairment is completely irrelevant here. Qwest has already addressed this Minnesota wire center example in Case No. QWE-T-08-07 (see Rebuttal Testimony of Rachel Torrence, pp. 20-22), and it need not repeat the explanation here.

⁷ Qwest also notes that it promptly filed its petition here a little more than a month after the Commission had issued its order in Case No. QWE-08-07.

line counts, to support non-impairment status for DS3 loops in the Boise Main wire center”), 36-38; Joint CLECs’ Pre-hearing Brief, pp. 17-19.)⁸ Qwest meets DS3 loop non-impairment here.

III. QWEST DID NOT FAIL TO SUBMIT COLLOCATION EVIDENCE

Integra also makes much ado that Qwest needs to submit “supporting data” for fiber-based collocations in its new petition. Integra protests too much, as this Commission has already established the number of fiber-based collocators in the Boise Main wire center, which Integra conceded as undisputed. See Order, pp. 4, 8. Thus, the number need not be addressed again.

Moreover, even if it were necessary, Qwest has *already provided evidence*, through the sworn August 28, 2009 Affidavit of Rachel Torrence, confirming the presence of the *same five* fiber-based collocators that were at issue in Case No. QWE-T-08-07: Ms. Torrence further confirmed there were no decommissioning of any collocations in the Boise Main wire center, and thus that this wire center “still housed the previously identified five fiber-based collocators.” (See August 26, 2009 Affidavit of Rachel Torrence, ¶¶ 7- 8.)

Although Integra argues that Qwest “failed to supply required supporting documentation to support that claim,” it conveniently ignores that Ms. Torrence’s sworn affidavit is *undisputed evidence* of the presence of these same five fiber-based collocators. Integra certainly does not dispute Ms. Torrence’s evidence. Nor does Integra request a hearing because of any concern that the evidence she presents about these *same* five collocators is somehow untrue. It appears that Integra somehow believes that a sworn affidavit from Qwest’s collocation witness (the same witness who submitted testimony in Case No. QWE-T-08-07, and who asserts she is knowledgeable about these issues) is not sufficient evidence of this fact, or that somehow more is

⁸ Moreover, the FCC stated in the *TRRO* (¶ 105) that “by basing our definition an ARMIS filing required of incumbent LECs, and adding UNE figures, which must also be reported, we can be confident in the accuracy of the thresholds, and a simplified ability to obtain the necessary information.” Qwest has presented 2008 ARMIS data to this Commission. Qwest meets the non-impairment threshold for DS3 loops.

needed. However, absent any basis for Integra to dispute what Ms. Torrence says, which it has not presented, there is sufficient (and *undisputed*) evidence to support Qwest's petition regarding the *same five fiber-based collocators* that this Commission has already found are fiber-based collocators in the Boise Main wire center in the order in Case No QWE-08-07.⁹

IV. THE TIME PERIOD OF QWEST'S DATA IS NOT "UNCLEAR"

Consistent with its overall theme of objecting for the mere sake of objecting, Integra makes a last-ditch and desperate effort to cast doubt on Qwest's evidence because an exhibit to Ms. Albersheim's affidavit contains a table with an indication of "200712." Thus, Integra claims it is "unclear" whether Qwest is using "December 2007" business line data, instead of December 2008 data, and that "in no event should Qwest have relied upon line data that was *20 months old* at the time Qwest made its filing." (Errata Comments, p. 6 (emphasis added).) Once again, Integra protests too much, and its protests are all the more odd given that Integra should know better (and indeed, does know better).

Specifically, Integra *already has Qwest's December 2007 business line data* for the Boise Main wire center from the record in Case No. QWE-T-08-07. Thus, Integra clearly is in a position to compare this data with the data in Case No. QWE-T-08-07 to determine whether Qwest had inadvertently used December 2007 data instead of December 2008. If it had done so, it would have easily seen that Qwest has *not* used December 2007 data.

⁹ Integra itself recognizes that this Commission recently reviewed the number of fiber-based collocations in the Boise Main wire center, and there are likely no material changes since that review (only a couple of months ago) that would impact whether Qwest meets the DS3 loop fiber-based collocation non-impairment threshold. (Errata Comments, fn. 11.) Moreover, Integra fails to mention that this Commission found *five* fiber-based collocators in the Boise Main wire center, which Integra itself conceded, and which is *one more* fiber-based collocator than is required for DS3 loop non-impairment. Absent any basis for Integra to dispute the factual basis of Ms. Torrence's sworn affidavit about the presence of the *same five* fiber-based collocators that this Commission has previously (and recently) found in the Boise Main wire center, the Commission should disregard Integra's comments. Nevertheless, just so there is no dispute that these same five fiber-based collocators were *still in the Boise Main wire center* at the time of Qwest's August 31, 2009 filing, Qwest submits a response affidavit of Ms. Torrence confirming that fact.

More importantly, Qwest's petition (at pp. 3-4) and its sworn evidence in this case (the August 28, 2009 Affidavit of Renée Albersheim, p. 3, ¶¶ 4-8 and Highly-Confidential Attachments A through D) make it very clear that Qwest relies on *December 2008* data, and not December 2007 data, which the Commission had previously rejected. Integra, of course, conveniently makes no claim that it truly believes that Qwest has used December 2007 data (or "data that was 20 months old at the time Qwest made its filing"), because it cannot. Instead, it apparently would rather try to cast doubt on what is easily explained as a typographical error. (See Albersheim Response Affidavit, ¶ 5 (confirming this was just a typographical error, and that Qwest used December 2008 business line data for the Boise Main wire center).) Typographical errors happen sometimes (as shown by Integra's own typographical error in referring to the vintage of data that it erroneously used to compare its line counts with those that Qwest had submitted). (See Errata Comments, fn. 5, and discussion, *supra*, at fn. 5.) This is a non-issue.

V. THE COMMISSION SHOULD GRANT QWEST'S PETITION ON MODIFIED PROCEDURES, WITHOUT A HEARING

Finally, the Commission should grant Qwest's petition for DS3 loop non-impairment in the Boise Main wire center on its Modified Procedure, and without the need for a hearing, which Integra did not request, and which is not needed in any event. Although Integra had an opportunity to do so in its comments, it does not request a hearing, nor does it argue that a hearing is necessary. Moreover, while Integra makes several meritless arguments, and states general conclusions about alleged concerns with Qwest's data, it does not provide any specificity regarding any such concerns. Moreover, Qwest has addressed the comments in this response.

Accordingly, Qwest respectfully submits that based on Qwest's petition, the original affidavits of Renée Albersheim and Rachel Torrence, its response here, and the response affidavits of Ms. Albersheim and Ms. Torrence, the Commission has everything it needs to

decide this petition on Modified Procedure. The Commission can issue its order approving Qwest's petition based on the written positions in this docket. Thus, Qwest respectfully submits the Commission should grant Qwest's petition for approval of DS3 loop non-impairment status in the Boise Main wire center as an addition to its non-impaired wire center list in accordance with the FCC's *TRRO* and Order No 30866 in Case No QWE-T-08-07, on Modified Procedure.

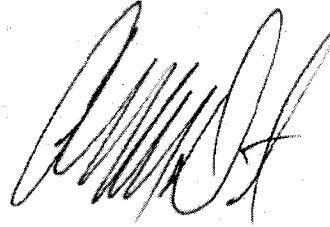
CONCLUSION

Accordingly, Qwest respectfully requests the Commission reject Integra's comments in their entirety. Qwest further respectfully requests the Commission approve Qwest's addition of the Boise Main wire center to its Idaho non-impaired wire center list with respect to DS3 loops.

Dated: October 26, 2009

Respectfully submitted,

QWEST CORPORATION



By _____

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF QWEST CORPORATION'S PETITION FOR APPROVAL OF NON-IMPAIRMENT STATUS FOR DS3 LOOPS IN THE BOISE MAIN WIRE CENTER	Case No. QWE-T-09-15
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RESPONSE AFFIDAVIT OF RENÉE ALBERSHEIM

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

I, RENÉE ALBERSHEIM, being first duly sworn, depose and state that:

1. My name is Renée Albersheim. I am employed by Qwest Corporation as a Staff Witnessing Representative in the Wholesale Organization. My business address is 1801 California St., 24th Floor, Denver, Colorado 80202.
2. On August 31, 2009, Qwest filed a petition with this Commission requesting approval of "non-impairment" status for DS3 loops at the Boise Main wire center pursuant to the Federal Communications Commission's ("FCC's)

Triennial Review Remand Order (“*TRRO*”) and this Commission’s Order No. 30866 in Case No. QWE-T-08-07. DS3 loop non-impairment results when a wire center houses a minimum of four fiber-based collocators *and* supports at least 38,000 “business lines,” as that term is defined in the *TRRO* and the FCC’s associated implementation rule, 47 CFR 51.5. Rachel Torrence and I filed affidavits and data in support of Qwest’s petition.

3. In support of Qwest’s August 31, 2009 filing, Qwest prepared “business line” data that is in compliance with the *TRRO*’s requirements and the requirements in Order No. 30866 in Case No. QWE-T-08-07. The business access line data for the Boise Main wire center that is at issue in this case were attached as Highly-Confidential Attachments A, B, C and D to my affidavit.
4. On October 12, 2009, Integra filed comments in opposition to Qwest’s petition. On October 19, 2009, Integra filed an errata to its previously-filed comments by deleting its previous arguments about Qwest’s methodology of counting business lines for non-impairment purposes, presumably because of this Commission’s rulings in Order No. 30866 in Case No. QWE-T-08-07. This affidavit is in response to Integra’s October 19, 2009 errata comments.
5. **Qwest filed the most current data available.** As this Commission ordered in Order No. 30866 in Case No. QWE-T-08-07, Qwest filed its most current business line data available for the Boise Main wire center with its petition; specifically, business line count data from the end of *December 2008*. This fact is stated in Qwest’s petition, in my original affidavit, and in the header for Attachment A to my original affidavit. Integra apparently places much weight on a typographical error contained in one column header in Exhibit A, which it apparently believes may indicate a wrong year. I reaffirm here that the data that Qwest provided in its petition represents December 2008 business line counts for the Boise Main wire center.
6. **Integra’s alleged concern about the age of Qwest’s data.** Integra complains about the age of Qwest’s data. However, Integra is well aware that Qwest only

collects business line data once a year, at the end of the year. This is so because the source of the business line data that Qwest presents in this and other non-impaired wire center cases is the business line data that Qwest files with the FCC in its Automated Reporting Management Information System (“ARMIS”) 43-08 report, which is year-end (December) data that Qwest files with the FCC by April 1st of the following year. This fact was thoroughly explained in the petition here, my original affidavit, and in Case No. QWE-T-08-07, as well as in the other *TRRO* non-impaired wire center dockets in other states in which Integra has been involved. Thus, the data that Qwest filed with its petition in this case is the most current data available for the Boise Main wire center; specifically, the business line data collected at the end of *December 2008*.

7. **Qwest cannot verify the vintage of Integra’s data.** Integra provided alleged Integra “loop counts” (but without any back-up documentation or calculations showing how it reached these total loop counts) in its comments that it claims are contrary to Qwest’s business line data. (See Integra’s Comments, pages 2-3.) Qwest cannot determine the vintage of the data that Integra provides (nor is it clear which of the several CLEC companies that are part of the Integra corporate family were included). The only statement that Integra provided to indicate when its data was collected is footnote 5 to Integra’s comments, which states: “Integra’s data is as of *August 31, 2008*, the date of Qwest’s request for DS3 loop non-impairment.” (Emphasis added.) Qwest notes, however, that it filed its petition in this case on August 31, 2009. Thus, Qwest does not know whether Integra’s data is dated four months prior to December 31, 2008, or eight months after December 31, 2008. Either way, however, Integra’s data is not of the same vintage as Qwest’s data. These data sets are snapshots of business line counts taken at two different points of time, and therefore cannot be expected to match. Integra’s comparison is an apples-to-oranges comparison.
8. Moreover, it is very surprising that Integra would use August 31 data to compare, especially given that it knows full well that Qwest has used December

2008 data for its business line counts here. Further still, Integra was a party in Case No. QWE-T-08-07, and in most of Qwest's other *TRRO* non-impaired wire center dockets in other states, and thus is fully aware that Qwest uses only year-end (December) business line data from the preceding year, which Qwest then files with the FCC in its ARMIS 43-08 report the following April. Here, since Qwest filed this petition on August 31, 2009, and thus its most current business line data is the December 2008 data that it filed with its ARMIS 43-08 on April 1, 2009, Qwest filed *December 2008* business line data, as this Commission ordered in Order No. 30866 in Case No. QWE-T-08-07.


9. **Qwest would qualify for non-impairment even if Integra's data were used.** Finally, even ignoring the vintage of Integra's data, Integra's total counts are higher than those that Qwest provided, which would indicate that the Boise Main wire center qualifies for non-impairment for DS3 loops. This is especially true given that DS1 loops and DS1 EELs are counted in the same way, as each represents 24 lines in service, and in the end, the totals for both types of loops are the same whether one uses Integra's data or Qwest's data.

Further affiant sayeth not



RENÉE ALBERSHEIM

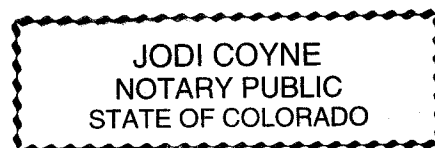
SUBSCRIBED AND SWORN to before me the 23 day of October, 2009.



NOTARY PUBLIC

My Commission Expires:

10-24-10



My Commission Expires 10/24/2010

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BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF QWEST
CORPORATION'S PETITION FOR
APPROVAL OF NON-IMPAIRMENT
STATUS FOR DS3 LOOPS IN THE BOISE
MAIN WIRE CENTER

Case No. QWE-T-09-15

RESPONSE AFFIDAVIT OF RACHEL TORRENCE

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

I, RACHEL TORRENCE, being first duly sworn, depose and state that:

1. My name is Rachel Torrence. I am employed by Qwest Corporation as a Director supporting Network Operations. My business address is 700 W. Mineral, Littleton, Colorado, 80120.
2. On July 27, 2009, the Idaho Commission issued its Order No. 30866 in Case No. QWE-T-08-07, in which it found that Qwest's Boise Main wire center, with five fiber-based collocators, was a "Tier 1" wire center and therefore, is non-impaired with regard to DS1 and DS3 transport services.

3. However, in its Order No. 30866, the Commission declined to make a determination of non-impairment for *DS3 loops*, and stated: “The record does not reveal whether the 2008 year-end [business line] data supports a finding of non-impairment for DS3 loops in the Boise Main wire center.” Order 30866, p. 5.
4. Accordingly, on August 31, 2009, Qwest filed a petition with this Commission requesting approval of non-impairment status for DS3 loops at the Boise Main wire center. DS3 loop non-impairment results when a wire center houses a minimum of *four* fiber-based collocators *and* supports at least 38,000 “business lines,” as that term is defined in the *TRRO* and the FCC’s associated implementation rule, 47 CFR 51.5. Renee Albersheim and I filed affidavits and data in support of Qwest’s petition. My affidavit, dated August 26, 2009, discussed the five fiber-based collocators in the Boise Main wire center, which were the *same collocators* at issue in Case No. QWE-T-08-07. The five fiber-based collocators at the Boise Main wire center are also one more fiber-based collocator that is required for Tier 1 non-impairment.
5. as stated, this Commission has already recently established in Case No. QWE-T-08-07 that the Boise Main wire center is a Tier 1 non-impaired wire center for DS1 and DS3 transport, based on the number of fiber-based collocators in that wire center. Therefore, Qwest does not believe that the number of fiber-based collocators in that wire center needs to be readdressed for purposes of a finding that the wire center has the requisite number of fiber-based collocators for *DS3 loop* non-impairment. Nevertheless, as I mentioned in my August 26, 2009 affidavit, I reviewed the number of fiber-based collocators in the Boise Main wire center, and once again confirmed the presence of the *same five fiber-based collocators* that were at issue in Case No. QWE-T-08-07, which is sufficient for non-impairment status for DS3 loops.
6. In addition, as I stated in my August 26, 2009 affidavit (paragraph 8), I determined that no collocations in the Boise Main wire center had been “de-commissioned” (taken out of service), and that in April 2009, I confirmed that the Boise Main wire center *still housed* the five previously-identified fiber-based collocators.