

WELDON B. STUTZMAN
DEPUTY ATTORNEY GENERAL
IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, IDAHO 83720-0074
(208) 334-0318
IDAHO BAR NO. 3283

RECEIVED
2009 OCT 13 PM 12:12
IDAHO PUBLIC
UTILITIES COMMISSION

Street Address for Express Mail:
472 W WASHINGTON
BOISE ID 83702-5918

Attorney for the Commission Staff

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF QWEST)
CORPORATION'S PETITION FOR APPROVAL) **CASE NO. QWE-T-09-15**
OF NON-IMPAIRMENT STATUS FOR DS3)
LOOPS IN THE BOISE MAIN WIRE CENTER)
)
) **COMMENTS OF THE**
) **COMMISSION STAFF**
)

COMES NOW the Staff of the Idaho Public Utilities Commission, by and through its Attorney of record, Weldon B. Stutzman, Deputy Attorney General, and in response to the Notice of Petition and Notice of Modified Procedure issued in Order No. 30905 on September 22, 2009, submits the following comments.

BACKGROUND

On August 31, 2009, Qwest Corporation filed a Petition for approval of non-impairment status for DS3 loops in the Boise Main wire center. In an earlier Order, the Commission determined that Qwest's Boise Main wire center satisfies the standard as a Tier 1 non-impaired wire center with regard to DS1 and DS3 transport services. Order No. 30866. The Commission did not make a determination of non-impairment for DS3 loops at the Boise Main Wire Center because "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 No. 30866, p. 5. DS3 loop non-impairment is determined

when a wire center houses a minimum of four fiber-based collocators and at least 38,000 business lines. Qwest filed affidavits with its Petition to demonstrate that the standards for DS3 loop non-impairment are met at the Boise Main wire center.

STAFF REVIEW

In its August 31, 2009, petition the Company provided affidavits of Renee Albersheim and Rachel Torrence. The attachments to Ms. Albersheim's affidavit stated that the data provided was for December 2008. This data complies with the Commission directive that Qwest must provide the most recent data available to establish evidence of non-impairment. There is a decrease in the line counts from the 2007 data used in Case No. QWE-T-08-07 and this filing, but this decrease will not affect a non-impairment determination because the threshold line count is still present.

In its final Order, the Commission noted another concern about Qwest's filing in Case No. QWE-T-08-07, wherein the Company stated that "there are currently no DS3 unbundled loops in the Boise Main wire center." This statement gave the Commission pause about "reaching a meaningless decision."

With this filing Qwest points out that "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, and as such, the Boise Main wire center will remain a Tier 1 non-impaired wire center in perpetuity."¹ Staff does not disagree that the Boise Main will remain a non-impaired wire center for DS1 and DS3 transport services. The question here is whether the Boise Main wire center meets the standards for the DS3 loop non-impairment determination. To make this determination the Commission directed the Company to provide current line counts and Qwest did provide the current line count data.

STAFF RECOMMENDATION

Based on the information provided in the case, that the line counts appear to be within the required number of business lines, Staff recommends approving the Company's petition for non-impairment status for DS3 Loops in the Boise Main Wire Center.

In future non-impairment status filings Staff will request the most recent data as directed by the Commission in Order No. 30866.

¹ Page 3, Qwest's Petition for Approval of Non-Impairment Status for DS3 Loops in the Boise Main Wire Center.

Respectfully submitted this 13th day of October 2009.



Weldon B. Stutzman
Deputy Attorney General

Technical Staff: Carolee Hall

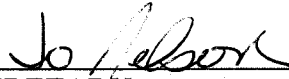
i:\misc:comments/qwet09.15.wsch comments.doc

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS 13TH DAY OF OCTOBER 2009, SERVED THE FOREGOING **COMMENTS OF THE COMMISSION STAFF**, IN CASE NO. QWE-T-09-15, BY MAILING A COPY THEREOF, POSTAGE PREPAID, TO THE FOLLOWING:

ALEX M. DUARTE
QWEST CORPORATION
421 SW OAK ST., ROOM 810
PORTLAND, OR 97204
E-MAIL: alex.duarte@qwest.com

MARY S. HOBSON
QWEST CORPORATION
999 MAIN ST., SUITE 1103
BOISE, ID 83702
E-MAIL: mary.hobson@qwest.com



SECRETARY