

**STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD**

**In the Matter of Qwest Corporation
d/b/a CenturyLink QC's Petition for
Board Approval of 2014 Additions to
its Non-Impaired Wire Center List**

Docket No. INU-2014- 0002

**QWEST CORPORATION D/B/A CENTURYLINK QC'S PETITION
FOR BOARD APPROVAL OF 2014 ADDITIONS TO ITS
NON-IMPAIRED WIRE CENTER LIST**

Qwest Corporation d/b/a CenturyLink QC ("CenturyLink") petitions the Iowa Utilities Board ("Board") to add CenturyLink's Davenport East and Cedar Rapids Downtown wire centers to its non-impaired wire center list in accordance with the FCC's *Triennial Review Remand Order ("TRRO")*.¹ This petition is made in conformity with and pursuant to the Board's Decisions in Docket Nos. INU-2008-0002 and INU-2009-0001.

I. INTRODUCTION AND BACKGROUND

On June 20, 2008, Qwest² filed a petition requesting that the Board open an investigation to develop a Board-approved list of "non-impaired" wire centers pursuant to the *TRRO*, to allow party review and discussion of the data, and to implement a process of updating and approving non-impaired wire center lists.³ In its decision, the

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 Re. February 4, 2005) (hereafter "*Triennial Review Remand Order*" or "*TRRO*").

² Prior to April 2011, Qwest Corporation did business as Qwest. For references before April 2011, this petition will still say "Qwest"; and for references after April 2011, it will say "CenturyLink".

³ *In re Qwest Corporation*, Docket No. INU-2008-0002.

Board adopted CenturyLink’s proposed methodology for counting business lines and found that the Des Moines Downtown, Davenport Downtown, Sioux City Downtown and Des Moines Ashworth wire centers should all be classified as Tier 2 non-impaired wire centers. The Board declined to adopt the procedures proposed by CenturyLink for future impairment decision and required that any future impairment determinations be made following the Board’s regular contested case procedures set forth in 199 IAC Chapter 7.

On May 20, 2009, and prior to the decision in INU-2008-0002, Qwest filed a second petition to update the Davenport Downtown wire center to a Tier 1 wire center for DS1 and DS3 interoffice transport and dark fiber.⁴ The Board’s decision found that the Davenport Downtown wire center met the Tier 1 non-impairment threshold, granting Qwest’s petition.

On September 9, 2013, CenturyLink filed a third petition to update the Des Moines wire center to a Tier 1 wire center for DS1 and DS3 interoffice transport and dark fiber.⁵ The Board’s decision found that the Des Moines wire center met the Tier 1 non-impairment threshold, granting CenturyLink’s petition.

II. THE FCC’S IMPAIRMENT CRITERIA FOR DEDICATED INTEROFFICE TRANSPORT AND HIGH-CAPACITY LOOPS

The necessity for this proceeding arises from the structural framework established by the FCC in the *TRRO* for determining whether high-capacity dedicated transport and high-capacity loops meet the “impairment” requirement for unbundled network elements (“UNEs”) set forth in 47 U.S.C. § 251(d)(2). The primary significance

⁴ *In re Qwest Corporation*, Docket No. INU-2009-0001.

⁵ *In re Qwest Corporation*, Docket No. INU-2013-0001

of these non-impairment determinations is that they dictate whether high-capacity transport and loops qualify as § 251(d)(2) UNEs that CenturyLink must provide to CLECs at rates based on the FCC's TELRIC ("total element long-run incremental cost") pricing methodology or whether they are no longer with § 251(d)(2) and are governed by the non-TELRIC pricing standard in 47 U.S.C §§ 201 & 202.

Under the *TRRO* framework, competitive local exchange companies ("CLECs") are deemed not to be impaired without access to DS1 transport on routes connecting a pair of wire centers where both wire centers contain at least four fiber-based collocators *or* at least 38,000 business lines.⁶ The wire centers meeting this criteria are referred to as Tier 1 wire centers. For DS3 transport and dark fiber transport, there is no impairment on routes connecting a pair of wire centers where both wire centers contain at least three fiber-based collocators *or* at least 24,000 business lines.⁷ The wire centers meeting these criteria are referred to as Tier 2 wire centers.

III. PETITION FOR ADDITION/UPDATE TO NON-IMPAIRED WIRE CENTER LIST

Following the Board's established processes for a contested case, CenturyLink now petitions the Board to add CenturyLink's Davenport East and Cedar Rapids Downtown wire centers to the list of non-impaired wire centers. Attached to this Petition is the Affidavit of Renée Albersheim attesting to the facts contained in confidential Attachments A and B, provided as CenturyLink's confidential data supporting its petition. This data establishes that the Davenport East and Cedar Rapids Downtown wire centers qualify as Tier 2 wire centers for DS3 transport and dark fiber,

⁶ *TRRO* ¶ 112.

⁷ *TRRO* ¶ 118.

based entirely on the number of fiber-based collocators in the wire center.

CenturyLink is filing the confidential data with the Board with a request for confidentiality. Thereafter, CenturyLink will provide the confidential data to any requested affected CLEC intervenor upon such CLEC's entering into a protective agreement.

As stated, the wire centers that CenturyLink is seeking to add to and amend in its list of non-impaired wire centers, based on the confidential data filed with this Petition, are as follows:

STATE	WIRE CENTER	CLLI8	TIER	NO IMPAIRMENT FOR
IA	Davenport East	DVNPIAEA	Tier 2	DS3 Transport & DF
IA	Cedar Rapids Downtown	CDRRIADT	Tier 2	DS3 Transport & DF

IV. NOTICE OF PETITION TO CLECS

CenturyLink gave notice of its intent to file this petition and its supporting data, along with a copy of this petition, to all CLECs in Iowa that CenturyLink has interconnection agreements with. Attached to Ms. Albersheim's Affidavit as Confidential Attachment C to this petition are copies of CenturyLink's May 23, 2014 notice letter that CenturyLink's Wholesale Department emailed to all such CLECs. CenturyLink is filing this confidential data with the Board with a request for confidentiality.

CONCLUSION

For the reasons set forth in this petition, CenturyLink respectfully requests that the Board open a docket for approval of CenturyLink's 2014 additions to its non-impaired wire center list.

Dated: June 20, 2014

Respectfully submitted,

By:

/s/ Becky Owenson Kilpatrick (Motion for admission Pro Hac Vice pending)

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