Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Qwest Petition for Pricing Flexibility for Special Access and Dedicated Transport	)	**CCB/CPD File No. 01-18**
	)	
	)	
	)	

WORLDCOM OPPOSITION

Pursuant to the Common Carrier Bureau's October 12, 2001 Public Notice, WorldCom, Inc. (WorldCom) hereby submits its opposition to the Petition for Pricing Flexibility filed by Qwest Corporation (Qwest) on October 10, 2001.

At least three collocation arrangements included in Attachment F of Qwest's pricing flexibility petition do not satisfy the standards set forth in the Pricing Flexibility Order. Pursuant to that order, a price cap ILEC seeking pricing flexibility may count only those wire centers where carriers unaffiliated with the incumbent LEC have established "operational" collocation arrangements.[1] But three collocation arrangements in the Minneapolis MSA attributed to WorldCom by Qwest – in the BLTNMNSO, BLTNMNCE, and BLTNMNNO wire centers – were never operational and have now been entirely decommissioned, i.e., WorldCom has removed all equipment from these wire centers and has returned the collocation space to Qwest.

[1] In the Matter of Access Charge Reform, Fifth Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 96-262, released August 27, 1999, at ¶ 77.

Consequently, Qwest may not rely on these collocation sites to satisfy the pricing flexibility triggers.

The Commission should deny Qwest's petition because the mistaken inclusion of the three WorldCom collocation sites reveals serious flaws in Qwest's methodology. First, Qwest's methodology does not accurately determine whether a collocation site is operational. It appears that Qwest's methodology counts a collocation site towards the pricing flexibility trigger as long as Qwest's records show that the space was turned over to the CLEC. In light of the fact that the three WorldCom offices mistakenly included on Qwest's list were never operational, the inclusion of these offices shows that Qwest's methodology does not accurately assess whether the collocation arrangements turned over to the CLEC became operational. And, in light of the fact that the three WorldCom offices mistakenly included on Qwest's list have been decommissioned, the inclusion of these offices shows that Qwest's methodology does not check whether the collocation space was subsequently returned to Qwest or otherwise determine whether a collocation arrangement remains operational.

Second, the mistaken inclusion of the three WorldCom collocation arrangements on Qwest's list shows that Qwest's methodology does not accurately determine whether the collocator is using transport facilities provided by a transport provider other than the incumbent LEC. Because the three WorldCom collocation sites mistakenly included on Qwest's list were never operational, WorldCom never built its own fiber to the wire centers in question nor purchased transport to these wire centers from a CLEC (or from Qwest, for that matter). It is possible that Qwest's methodology assumes that any collocator that is not using Qwest transport must be using non-ILEC transport. But that is not a valid assumption. The lack of an order for

Qwest transport does not necessarily indicate that the collocator is using non-ILEC transport; it may simply indicate that the collocation site is not operational.

A methodology that does not accurately determine whether a collocation arrangement is operational would generate wildly distorted results. In the past year, many CLECs have been forced to curtail plans to use previously-ordered collocation arrangements or, in many instances, have been forced to abandon existing collocation arrangements or exit the business entirely. Obviously, a defunct CLEC would be in no position to file comments challenging any collocation arrangements attributed to the CLEC by Qwest in this proceeding.

The potential for error is compounded by the Qwest methodology's failure to accurately identify whether a collocator is using non-ILEC transport. That flaw could result in Qwest counting collocation arrangements ordered by Northpoint and other "data CLECs" that did not deploy their own transport facilities.[2] Because the data CLECs' collocation arrangements represent a significant fraction of the collocation arrangements ordered in recent years, inclusion of wire centers with these arrangements on Qwest's list would significantly distort the results. And, because most data CLECs are bankrupt, they are in no position to file comments challenging collocation arrangements attributed to them by Qwest in this proceeding.

These flaws in Qwest's methodology may help to explain the anomalous results that Qwest has produced. Qwest's petition should be given careful scrutiny by the Commission because the scope of relief sought by Qwest is far broader than that sought by any other price cap ILEC. Whereas Ameritech, for example, obtained Phase II relief for end user channel terminations in only two small MSAs, and Verizon obtained Phase II relief for end user channel

[2] Pricing Flexibility Order at ¶ 82.

terminations in 10 small MSAs (in a territory much larger than the Qwest region), Qwest is seeking Phase II relief for end user channel terminations in 26 MSAs, including all major MSAs in its region.

For the reasons stated herein, the Commission should deny Qwest's petition for pricing flexibility.

Respectfully submitted,
WORLDCOM, INC.

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October 25, 2001

CERTIFICATE OF SERVICE

I, Alan Buzacott, do hereby certify that copies of the foregoing Opposition were sent via facsimile to the following on this 25th Day of October, 2001.

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