

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

In the Matter of the)	
)	
Six-Month Review of Qwest)	DOCKET NO. UT-033020
Corporation's Performance)	
Assurance Plan)	

COMMENTS OF AT&T

Pursuant to Administrative Law Judge Rendahl's Request for Comments on Process For Commission's Six-Month Review of Qwest's Performance Assurance Plan (QPAP), AT&T Communications of the Pacific Northwest, Inc. and AT&T Local Services on behalf of TCG Seattle and TCG Oregon ("AT&T") hereby submit its Comments.

1) The Long Term PID Administration (LTPA) governing documents have recently been finalized, and the LTPA process will soon begin. The LTPA process will not address all issues identified for the six-month review in Section 16.1 of the QPAP. If Washington State participates in the LTPA process, when should the Commission begin its six-month review process? Should we begin our proceedings in late June, or wait for the LTPA process before beginning proceedings in Washington State?

AT&T Response – AT&T believes that the Commission should wait for the LTPA process to further develop before beginning the six-month review process because of the nascency of the Washington QPAP.

Section 16.1 of the QPAP identifies the scope of the six-month review as:

“whether measurements should be added, deleted, or modified; whether the applicable benchmark standards should be modified or replaced by parity

standards; and whether to move a classification of a measurement to High, Medium, or Low or Tier 1 to Tier 2.”

Two of the first three items identified in Section 16.1 above are items that can be effectively addressed by the LTPA process before consideration in the six-month review. Moreover, Section 16.1.1 recognizes the role the LTPA process can play in “adding, modifying, or deleting performance measurements as permitted by section 16.1.”

The most efficient means of dealing with PID issues relating to the PAP is to first give the LTPA process an opportunity to reach agreement on PID issues or to develop a record on disputed issues that may be addressed in the Washington six-month review. Starting the Washington six-month review before the LTPA has had a chance to narrow and clearly define the PID issues would lose the efficiencies the parties hoped could be gained through the LTPA process.

In addition to the efficiencies that can be gained by first working PID issues through the LTPA process, the relatively recent implementation of the QPAP in Washington has resulted in very little experience with the actual operation and payments associated with the QPAP. The first QPAP payments were not due until the end of March. At this point, Qwest has made only two months of payments. Notwithstanding the mock payment reports, it is difficult to assess what is working and what may need adjustment in the QPAP based merely on two months of payments. It may also be the case that all of the CLECs that are intending to opt into the QPAP in Washington have not yet progressed through the negotiation and approval process. The incomplete list of CLECs that have opted into the QPAP also limit the ability to assess the QPAP’s effectiveness at this point.

2) What specific issues do you believe the Commission should consider in its six-month review of the QPAP? For example, are there particular performance measures or sections of the QPAP that should be addressed?

AT&T Response – AT&T expects the following general issues to be relevant through the LTPA process and any associated PAP six-month reviews:

- a. The changing of diagnostic standards to benchmark or parity standards –
Some measurements or services within measurements were initially assigned a “diagnostic” standard because of limited experience with the measurement or service. AT&T believes that for some of these measurements and services within measurements there has been enough experience to justify the assignment of a benchmark or parity standard.
- b. The addition of new measurements – Further experience with Qwest’s wholesale processes has identified some critical processes that have no associated performance measurement. AT&T will be seeking to have performance measurements developed for some of these key Qwest wholesale processes.
- c. The introduction of measurements that have been modified through the collaborative process – While the LTPA governance process was being developed, Qwest, CLECs and regulators have worked to modify the OP-5 New Service Installation Quality and PO-20 Service Order Accuracy PIDs. As these PIDs are finalized through the collaborative effort, AT&T will be seeking to have the modified PIDs introduced into the Washington QPAP.

3) What type of process should the Commission establish to consider proposals from parties during the six-month review, *i.e.*, a paper record, workshop process, or formal hearing?

AT&T Response – AT&T expects that the process of modifying the QPAP and the associated PIDs will use a combination of negotiations between the parties, paper record and formal hearings. The exact approach will depend upon the issue and the portion of the QPAP for which modification is sought. For example, a party may seek to change or clarify a portion of the QPAP that is not directly related to performance measurements. As an initial step, AT&T would prefer that the parties first have an opportunity to come to a negotiated agreement. If a negotiated agreement is not possible, more of a contested case approach could be employed. AT&T believes that resolving the disputed issues through either a paper process or formal hearings will be dependent upon the magnitude and number of disputed issues. AT&T's preference would be to employ a paper process primarily. However, AT&T believes the parties should have the ability to have the disputed issues heard in a formal hearing. For any issues in which the parties have come to a negotiated agreement, AT&T believes that the proposal can be considered through a paper process.

4) If you prefer a workshop or formal hearing process, how many days of hearing would you require to present your position or discuss the issues? Would you prefer that the Commissioners be present at the hearing or workshop, or should an administrative law judge preside without the Commissioners?

AT&T Response – For the negotiations between the parties, AT&T suggests that they take place via conference calls. To encourage broad and open negotiations, AT&T suggests that these discussions not be transcribed and that the parties agree upon the scheduled negotiation times. If the issues warrant a formal hearing, the exact number of

days of hearing would be dependent upon the number and complexity of issues. At this juncture AT&T cannot envision a formal hearing going longer than three days. AT&T's preference would be that the Commissioners be present at a formal hearing. However, if scheduling issues become a problem, AT&T would not be opposed to having an administrative law judge preside over the hearing.

5) If you prefer a workshop process or hearing led only by an administrative law judge, should the Commission schedule a time for presenting issues to the Commissioners for review?

AT&T Response – If an administrative law judge leads the hearing or workshop, the Commission should schedule a time to hear issues either for review of the recommended decision or oral argument.

6) Do you anticipate sponsoring a witness to testify during the six-month review process, or do you plan to submit only written comments? If you anticipate sponsoring a witness, do you plan to submit pre-filed testimony, or have the witness present direct testimony on the record?

AT&T Response – AT&T's prefers the use of written comments. If a formal hearing is required, the parties should sponsor witnesses to support the comments and answer any questions regarding the comments.

7) Should the parties file comments or briefs prior to the proceeding or at the conclusion of the proceeding?

AT&T Response – Comments should be filed prior to the proceeding and closing briefs should be filed after the proceeding. Although legal issues and arguments may arise and be discussed in the comments, the witnesses supporting such comments would be primarily fact witnesses proffered to support the facts contained therein.

8) Should the Commission set a deadline for concluding the proceeding? Should the Commission establish an expedited schedule for the six-month review proceeding or allow the proceeding to progress at its own pace?

AT&T Response – Once it has been determined to initiate a six-month review proceeding, AT&T believes that the Commission should set a deadline for concluding the proceeding. Deadlines will keep all of the parties focused on resolving the issues and will “set the pace” for the proceeding. However, with good cause, the Commission should be able to modify the deadline to reflect the actual pace of the proceeding.

Respectfully submitted this 29th day of May, 2003.

**AT&T COMMUNICATIONS OF THE
PACIFIC NORTHWEST, INC., AND
AT&T LOCAL SERVICES ON BEHALF
OF TCG SEATTLE AND TCG OREGON**

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