

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the Investigation Into)	
	)	DOCKET NO. UT-003022
U S WEST COMMUNICATIONS, INC.'s ¹)	
)	
Compliance With Section 271 of the)	
Telecommunications Act of 1996)	
_____)	
	)	DOCKET NO. UT-003040
In the Matter of)	
	)	18 th SUPPLEMENTAL ORDER;
U S WEST COMMUNICATIONS, INC.'s	)	PREHEARING CONFERENCE
	)	ORDER; ESTABLISHING
Statement of Generally Available Terms	)	PROCESS FOR REVIEW OF
Pursuant to Section 252(f) of the	)	REMAINING ISSUES; NOTICE OF
Telecommunications Act of 1996	)	PREHEARING CONFERENCE
_____	)	(October 17, 2001); NOTICE OF
	)	HEARING (December 5, 2001)

1 **Proceeding.** Docket Nos. UT-003022 and UT-003040 are consolidated in a proceeding to review Qwest's compliance with the requirements of Section 271 of the Telecommunications Act and the terms of the Statement of Generally Available Terms (SGAT) Qwest has filed with the Commission.

2 **Conference.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on July 31, 2001, before Administrative Law Judge Ann E. Rendahl, to identify the remaining issues in this proceeding, and the process the Commission should adopt to evaluate these remaining issues.

3 **Appearances.** The following parties and their representatives were present at the prehearing conference: Qwest Corporation, by Lisa Anderl, attorney, Seattle, WA, Andrew Crain and Charles W. Steese, attorneys, Denver, CO, and Kara Sacilotto, attorney, Washington, D.C.; AT&T Communications of the Pacific Northwest, Inc. and TCG Seattle (collectively AT&T) by Rebecca B. DeCook, Steven Weigler, Sarah Kilgore, and Letty S. D. Friesen, attorneys, Denver, CO; WorldCom, Inc., by Ann E.

¹ Since the inception of this proceeding, U S WEST has merged and become known as Qwest Corporation. For consistency and ease of reference we will use the new name Qwest in this order.

Hopfenbeck, attorney, Denver, CO; XO Washington, Inc., and Electric Lightwave, Inc. (ELI) by Gregory J. Kopta, attorney, Seattle, WA; Washington Association of Internet Service Providers (WAISP) and Yipes Communications, Inc. (YIPES), by Richard J. Busch, attorney, Seattle, WA; Covad Communication Company (Covad), by Megan Doberneck, Attorney, Denver, CO; TRACER, by Arthur A. Butler, attorney, Seattle, WA; and Public Counsel, by Robert Cromwell, Assistant Attorney General, Seattle, WA.

- 4 **Issues.** The parties identified the following five remaining issues to be addressed by this Commission before Qwest may file its application with the Federal Communications Commission (FCC) pursuant to Section 271 of the 1996 Act: (1) Qwest's Co-Provider Industry Change Management Process, (CICMP); (2) the Operational Support System testing process; (3) Qwest's Performance Assurance Plan (QPAP); (4) Review and verification of actual performance data from Qwest and CLECs; and (5) Qwest's compliance in modifying its SGAT and its processes to reflect Commission orders.
- 5 The parties describe CICMP as a forum consisting of Qwest and Competitive Local Exchange Company (CLEC) operational personnel that facilitates CLEC requests for changes and additions in Qwest service and service provisioning, and allows Qwest to communicate proposed changes to its services and provisioning processes. The current CICMP process was developed by Qwest on an ad hoc basis. The CLECs and Qwest agree that CICMP must be revised in conjunction with the Operational Support System (OSS) testing process. CLECs assert that there are a number of significant problems with the current CICMP process. Qwest is responding by overhauling its CICMP process. According to the parties, these changes require the development of a new OSS performance indicator definition (PID) to test the new process, and may delay completion of the OSS test.
- 6 The testing of Qwest's Operational Support Systems (OSS) is being conducted by KPMG and other vendors, and overseen by the Regional Oversight Committee, or ROC, and its Technical Advisory Committee (TAG). Once KPMG and other vendors finish their testing of Qwest's OSS processes, which includes using a mock CLEC to test those processes, the vendors will issue their report to all thirteen states participating in the testing process. Qwest reported during the conference that the tests would be complete and a final report issued by October 12, 2001. Since the conference, the Commission has received information that the final report may not be completed until early December.
- 7 Qwest's Performance Assurance Plan is intended to prevent Qwest from backsliding on its performance in providing a competitive telecommunications market on the local level, after the FCC approves Qwest's 271 application. The QPAP is currently under review in the multi-state section 271 proceeding. The Commission joined that proceeding for the purpose of considering the QPAP. The parties anticipate that the

facilitator for the multi-state proceeding will issue his report with recommendations concerning the QPAP by October 12, 2001. The report will then be subject to review by this Commission as an initial order. WorldCom and other CLECs

8 assert that rigorous state review of the QPAP is necessary due to its interrelationship with the Qwest-U S WEST merger agreement and state-specific service quality rules.

9 Through the ROC process, Qwest and the CLECs agreed upon a number of performance measures, or PIDs. Actual performance data based upon the PIDs are intended to create a report showing Qwest's actual performance in operating in an open, competitive local market. Qwest stated during the conference that it has begun posting its results on a website and that, similar to other issues discussed above, the Commission should be able to begin its review of the performance data by mid-October. However, the CLECs dispute whether the data Qwest is reporting is correct and requested that the Commission review and verify Qwest's performance data.

10 Late in the prehearing conference, Qwest mentioned that it was considering retaining Liberty Consulting to perform an audit of the performance data. On August 31 and September 4, 2001, Qwest filed with the Commission a letter notifying the Commission that Liberty Consulting had agreed to validate and reconcile Qwest's performance data, and that the ROC TAG had agreed to the arrangement. The schedule for data validation and reconciliation indicates that Liberty plans to issue a Data Reconciliation Report on October 31, 2001.

11 Several CLECs stated that the Commission has entered several orders in this proceeding requiring Qwest to modify its SGAT. They assert that Qwest has not complied with Commission orders and request the opportunity to raise these issues with the Commission before the proceeding concludes. XO Washington and ELI also noted that the Commission must review Qwest's performance under the existing interconnection agreements it has with CLECs in Washington, and cannot just look to the SGAT for performance.

12 **Recommended Process.** The parties also made recommendations for the process the Commission should adopt to evaluate these remaining issues. Qwest recommends that the Commission allow parties two weeks to comment on the multi-state QPAP report, the OSS testing results, and the performance tests, then hold a half-day "legislative-style" hearing for all parties to present statements to the Commissioners and for the Commissioners to ask questions. Qwest does not believe that additional process is necessary to review the CICMP process, asserting that it will be addressed in the OSS testing process. Finally, Qwest believes the Section 271 proceeding before the Commission will be complete once these issues are reviewed, and that there is no need for the Commission to issue any other orders until Qwest files its application with the FCC. Qwest plans to file with the FCC as soon as possible after the final report is issued on the OSS testing process.

- 13 AT&T requests that the Commission review the remaining issues, including CICMP and OSS test results, through one final workshop. AT&T also requests that the Commission address the multi-state QPAP report through an evidentiary hearing process, requiring parties to file testimony and exhibits, and allowing the examination of witnesses. AT&T states that the QPAP is a part of the question of whether it is in the public interest to grant Qwest's application, and that the public interest issue will not be complete unless the Commission fully reviews the QPAP. AT&T also noted that this Commission determined that it would not review Qwest's performance data until there was a final data set to be considered. AT&T requested that the Commission allow consideration of performance data in a workshop format.
- 14 All other CLECs and Public Counsel concurred in AT&T's comments and recommendations, particularly that workshop processes, rather than legislative-style hearings, were necessary to resolve the remaining issues. WorldCom proposed that the Commission may want to address Qwest's PAP and other compliance issues separately if the OSS testing process is sufficiently delayed due to the CICMP process or other testing problems.
- 15 Mr. Kopta, representing XO Washington and ELI, and Public Counsel noted that the Commission directed Qwest, in its order adopting the Interpretive and Policy Statement on Qwest's Section 271 application, to must make its filing with the Commission 90 days before filing with the FCC in order to give the Commission time to undertake its final review.
- 16 **Discussion and Decision.** Having reviewed the parties' arguments and proposals expressed in the prehearing conference, and having reviewed the process and orders issued so far, the Commission believes that an additional evidentiary hearing and workshop at which the Commissioners will preside is required to evaluate the QPAP, Qwest's compliance with Commission orders in this proceeding, and Qwest's performance data. The Commission does not believe that these issues can be adequately addressed through a half-day legislative style presentation. The Commission has scheduled this hearing/workshop to be held on December 5-7, and 10, 2001.
- 17 **Notice of Prehearing Conference.** The facilitator's report on the QPAP is scheduled to be issued on October 12, 2001, and the final report from Liberty Consulting on data verification and reconciliation is scheduled to be issued on October 31, 2001. Given this schedule, the Commission will convene a prehearing conference on October 17, 2001 to determine the scope for the December hearings and to establish the schedule for filing comments or testimony in preparation for the hearings. The conference will be held in Room 206 of the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington, **on October 17, 2001 at 9:30 a.m.** Persons who cannot attend in person may participate via the Commission's teleconference bridge line **360-664-3846**.

Persons desiring to participate via the bridge line must make advance reservations, by calling Kippi Walker at 360-664-1139, no later than 5:00 p.m., October 15, 2001.

- 18 In preparation for the prehearing conference and the hearing/workshop, Qwest must file with the Commission **no later than 10 calendar days after the service date of this order**, a document that lists, for each ordering paragraph in the Commission's orders that required Qwest to either change its SGAT or its behavior to comply with its obligations for a checklist item, the SGAT section or other documentation that demonstrates Qwest's compliance with the orders.
- 19 On September 7, 2001, Qwest filed with the Commission its performance data for Washington from July 2000 to June 2001, including certain exhibits. The Commission requests that parties file comments on this filing **by 5 p.m. on October 12, 2001**. In particular, the Commission requests that parties identify whether Qwest has associated the appropriate PIDs and checklist items, whether the data shows what Qwest states it does, whether parties agree or disagree with Qwest's conclusions, and any other comments parties believe are necessary for Commission evaluation of the data.
- 20 **Notice of Hearing.** In order to thoroughly evaluate the remaining issues in this proceeding, the Commission will hold evidentiary hearings beginning on **Wednesday, December 5, 2001, beginning at 9:30 a.m. in the Commission's Hearing Room, Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive SW, Olympia Washington.** The Commission has reserved facilities to continue the hearing through Monday, December 10, 2001, if necessary. The Commission holds these hearings for the purpose of addressing Qwest's PAP and the facilitator's report from the multistate hearings concerning the PAP, verification of Qwest's performance data, and whether Qwest is in compliance with orders entered in this proceeding. These hearings will not address the testing of Qwest's OSS processes and the CICMP process, as the vendors now estimate a final report on the OSS testing process in early December.
- 21 The Commission believes an evidentiary proceeding to consider the ROC OSS test results and the CICMP process should be scheduled no later than three weeks subsequent to the release of the ROC OSS testing report. Parties should file written comments no later than 7 days after the release of the ROC OSS testing report or provide oral testimony at the hearing. The Commission will issue further notice of hearings and process for review of the final ROC OSS report after the report has been issued.

Dated at Olympia, Washington, and effective this ___th day of September, 2001.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge

NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-09-460(2). Absent such objections, this prehearing conference order will control further proceedings in this matter, subject to Commission review.