BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation Into U S WEST Communications, Inc.'s Compliance With Section 271 of the Telecommunications Act of 1996	)	**Docket No. UT-003022**
In the Matter of U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996	)	**Docket No. UT-003040**

AFFIDAVIT OF JOHN F. FINNEGAN ON BEHALF OF AT&T

REGARDING ANALYSIS OF QWEST PERFORMANCE DATA

OCTOBER 12, 2001

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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 this Affidavit of John F. Finnegan regarding AT&T's Analysis of Qwest Performance Results before the Washington Utilities and Transportation Commission ("Commission").

INTRODUCTION & QUALIFICATIONS

1. My name is John F. Finnegan, and I am a senior policy witness employed by AT&T. My business address is 1875 Lawrence Street, Suite 1400, Denver, Colorado 80202.

2. My education and relevant work experience are as follows. I have a B.S. in Engineering from Rutgers College of Engineering and an M.B.A from the University of Denver. I have worked for AT&T for 18 years. After graduating from Rutgers, I spent the next two years with Combustion Engineering in Valley Forge, PA as a Project Engineer. In 1983, I joined AT&T as a purchased product engineer. Over the next 12 years, I spent time with AT&T in a variety of engineering, quality management, sales and marketing positions. Almost half of that time was spent leading a supplier quality management organization.

3. In 1995, I joined the New Markets Development Organization, (the immediate predecessor to the Western Region Local Services Organization) and was one of the first employees in the Western Region to explore the opportunities associated with providing local exchange services. In 1996 I began in my current position. Recently I have concentrated my work efforts on collaborating with Qwest, CLECs and state regulators on understanding and evaluating Qwest's operational support system ("OSS"). In fact, I have been AT&T's

representative in the Arizona and the Regional Oversight Committee's ("ROC") OSS tests since their inception. I am a frequently panelist on ROC OSS discussions.

SUMMARY OF AFFIDAVIT

4. I have been involved in the ROC OSS testing process from the beginning. As part of that, I was involved in creating and defining the PIDs that govern the performance results that Qwest is reporting in this docket. While AT&T's other witness on performance issues, Mr. Stephen L. Kail, discusses what AT&T's own data shows with respect to Qwest's commercial performance, my affidavit focuses solely on Qwest's own reported performance data and what that data shows. My analysis concludes that even if the Washington Commission and/or the FCC do not require flawless performance by Qwest on every PID for every checklist item, it cannot be disputed that Qwest's performance currently falls far short of required performance at least for checklist items 1, 2, 4 and 14. Qwest's reported performance requires that the Commission find that Qwest currently fails to satisfy its obligations under these four checklist items.

5. My affidavit points out numerous examples of Qwest's failure to meet either the required benchmark or parity standard, whichever applies, for PIDs governing each of the above checklist items. Although my affidavit is not necessarily exhaustive with respect to Qwest's non-compliance, I have pointed out some of the more serious instances of non-compliance, and plenty for the Commission to conclude that Qwest cannot currently meet its obligations with respect to checklist items 1, 2, 4 and 14. Significantly, Qwest's non-compliance occurs most often with regard to PIDs that directly and noticeably affect a customer's experience with a new CLEC provider; i.e., time to install and repair service, process an order, etc. Instances such as these where Qwest clearly provides better service to its retail customer, and thereby fails to

satisfy the Federal Telecommunications Act's obligations of parity and non-discrimination, are precisely the activity that will keep local competition from ever gaining a foothold in Washington.

6. Qwest relies in its comments on an audit of Qwest's performance data conducted by Liberty Consulting as part of the Regional Oversight Committee's (ROC's) test of Qwest's OSS systems as proof that Qwest's data is accurate and can be relied upon. (See comments filed September 28, 2001, pp. 4-5.) However, the limited audit that has been performed to date by Liberty Consulting audited primarily the processes that Qwest uses to track and report its performance. Although the audit sampled the data underlying the reported results, the audit did not perform a complete review of the input data that forms the basis for the reported results. See "Report on the Audit of Qwest's Performance Measures," July 11, 2001, p. 1.

7. Instead, Liberty is just beginning to perform that kind of in-depth analysis in a process that is expected to be completed at the end of October of 2001. In addition, as the functionality test portion of the OSS test occurs, KPMG will be attempting to replicate Qwest's reported data in another effort to analyze the accuracy of the input data underlying Qwest's reported performance.[1] Until that occurs, this Commission cannot rely on Qwest's data to show that it is satisfying its performance obligations.

LEGAL STANDARDS TO BE APPLIED

8. The FCC requires that incumbent local exchange carriers ("ILECs") such as Qwest must provide services and unbundled network elements to competitive local exchange

[1] This process has begun and numerous Observations and Exceptions have already been issued which call into question the accuracy of Qwest's reported performance results. Until these have been satisfactorily resolved, the Commission cannot ignore the fact that this evidence exists, put out by an expert vendor, to indicate that Qwest's current performance data is unreliable.

carriers ("CLECs") at parity and in a nondiscriminatory fashion.[2] Where the service or element being provided has a retail analogue, Qwest must provide access to CLECs in "substantially the same time and manner" as it provides to itself.[3] For those services that do not have a retail analogue, the ILEC's service must provide the CLECs with a meaningful opportunity to compete.[4]

9. The FCC has determined that in order to meet the obligations set forth in the previous paragraph, the ILEC must generally demonstrate through reported measures of performance that the performance for its own customers does not differ in any statistically significant fashion from the service provided to the CLECs and the CLECs' customers.[5] If a benchmark or parity requirement is missed, an ILEC will fail to satisfy that checklist item unless the misses are "slight, or occur in isolated months, and thus suggest only an insignificant competitive impact."[6] A steady improvement in performance may indicate that problems are being resolved. Where performance is decreasing over time, however, this creates a cause for concern and indicates that checklist items are not being met. The FCC will consider "the degree and duration of the performance disparity, and whether the performance is part of an improving or deteriorating trend."[7] In fact, "disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has

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[2] *Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc.* and *Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Connecticut*, CC Docket 01-100, FCC 01-269 (September 19, 2001) at Appendix D, ¶ 5 [hereinafter "**Verizon Connecticut 271 Order**"].
[3] *Id*.
[4] *Id.*
[5] *Verizon Connecticut 271 Order* at Appendix D, ¶ 8; *In the Matter of Joint Application by SBC Communications Inc., Southwestern Bell Communications Services, Inc. d/b/a Sought Western Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, CC Docket No. 00-217, FCC 01-29 (January 22, 2001) at ¶ 31 [hereinafter "**SBC Kansas/Oklahoma 271 Order**"].
[6] *SBC Kansas/Oklahoma 271 Order* at ¶ 32.
[7] *Id*. at ¶ 31.

endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete."[8]

DATA ANALYSIS

I. CHECKLIST ITEM #1 LOCAL INTERCONNECTION

A. INSTALLATION

1. OP-3 Installation Commitments Met – Interval Zone One.

10. For the OP-3 Installation Commitments Met results for interval zone one the results showed that Qwest provided worse performance to CLECs in nine of the last twelve months of reported data. (See Exhibit 1 to Qwest's September 28, 2001 filing entitled, "Qwest Corporation's Performance Data for Washington" herein "Ex. 1, p. 1"). Interval zone one represents the urban areas of Washington. For the state of Washington, urban areas represent the largest CLEC activity. In one month (August –00), the CLEC and Qwest retail performance were identical. In five of the last twelve months of reported data (July-01, April-01, January-01, December-01, and October-01) the Qwest performance for CLEC interconnection trunks was so poor that random variation can be ruled out as the cause of the inferior performance to CLECs.

2. OP-4 Installation Interval (Average Days) - Interval Zone One.

11. Qwest's latest month of performance (July-01) shows that Qwest's performance to CLECs in installing interconnection trunks was worse by a statistically significant amount. (See Ex. 1, p. 1).[9]

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[8] *Verizon Connecticut 271 Order* at Appendix D, ¶ 9.

[9] Qwest performance to CLECs is deemed to be worse by a statistically significant amount when the result in the column labeled "Mod Z Scr" is positive and greater than 1.645. In July of 2001, the modified z-score was 1.9. The higher the positive modified Z Score and positive Parity Score (column located next to "Mod Z Scr"), the greater the discrimination to CLECs.

3. OP-5 New Service Installation Without Trouble Reports - Interval Zones One and Two.

12. The OP-5 measurement tracks the quality of Qwest's installation of new services. If a newly installed service has a trouble report created within thirty days of the installation, it is deemed to be a result of poor Qwest installation. Qwest's performance in installing interconnection trunks in the state of Washington shows that Qwest generally does a lesser quality job of installing interconnection trunks than for similarly situated retail customers. In eleven of the last twelve months, the Qwest performance to CLECs was worse than the Qwest performance for retail installations of Feature Group D trunks (the retail analog to interconnection trunks). (See Ex. 1, p. 3). In three of the last four months (July-01, May-01, and April-01) the difference was worse by a statistically significant amount.

4. OP-15A Interval for Pending Orders Delayed Past Due Date.

13. Qwest's performance for this measurement indicates that Qwest has a serious interconnection trunk held order problem. The OP-15 measurement is a measure of the average interval that pending orders (those that have missed the Qwest commitment but have not yet been completed) are late. In seven of the last twelve months of reported data Qwest had more late and pending orders at the end of the month (the OP-15A denominator) than it had completed in the month (the sum of the OP-3D and OP-3E denominator). (See Ex. 1, p. 3). In August and September of 2000 Qwest had 248 orders late and pending at the end of those months and had only successfully completed 50 orders.

14. In addition to having a very high ratio of pending orders to completed orders in a month, the amount of time the orders are pending is extremely long and getting worse. The average number of days late for a pending order has increased from 50.93 business days to 79.38

business days to 97.75 business days in May-01, June-01 and July-01. (See Ex. 1, p. 3). The average monthly interval for pending orders has been as high as 100.81 business days (October – 01) and has not been less than 45.55 business days (August-01) in the last twelve months. It is extremely disruptive to CLEC operations to have Qwest commit to an installation due date and then have to wait as much as five months past the due date and nearly six months since the original order was placed to finally have the interconnection trunk installed.

B. MAINTENANCE/REPAIR

1. MR-7 Repair Repeat Report Rate - Interval Zone One.

15. Qwest's reported repair repeat report results show that Qwest is not doing as good a job in repairing CLEC interconnection trunks as it is in repairing retail Feature Group D trunks. The MR-7 measurement is intended to be an indicator of whether Qwest was able to repair a service right the first time. It Qwest does not repair the service right the first time, a repeated trouble report can occur within thirty days of the first trouble report. How well Qwest does in correctly repairing troubles the first time is what the MR-7 measurement is all about. Qwest's results show that the rate of repeat troubles for CLECs in Interval Zone One was higher in nine of the last twelve months than it was for retail customers. (See Ex. 1, p. 5).

2. MR-5 All Trouble Cleared Within Four Hours - Interval Zone One.

16. Qwest's reported results show that Qwest repaired fewer trouble reports for interconnection trunks within four hours than it did for retail Feature Group D trunks in two of the last three months and six of the last twelve months. (See Ex. 1, p. 5).

3. MR-8 Trouble Rate – Interval Zones One and Two.

17. Qwest's performance results show that Qwest does a worse job of maintaining CLEC interconnection trunk circuits than it does for retail Feature Group D trunks. In four of the last five months of reported data, the CLEC interconnection trunk trouble rate was higher than the Feature Group D trouble rate. (See Ex. 1, p. 6). In three of those months (March-01, June-01 and July-01), the CLEC performance was worse by a statistically significant amount. The last three months of Qwest reported data shows that the Qwest performance is getting worse.

II. CHECKLIST ITEM #2 ACCESS TO UNBUNDLED NETWORK ELEMENTS (INCLUDING OSS).

A. PO-2 ELECTRONIC FLOW-THROUGH

18. Electronic flow-through of an order occurs when an order is submitted by a customer service representative and accepted into the ILEC's service order processor without the need for any manual intervention on the part of the ILEC. Generally bad things can happen when an order is subjected to human intervention. Order information can be mistyped or not entered at all. ILEC representatives can improperly reject a CLEC order. In addition, a need for manual intervention can severely restrict the number of CLEC orders that an ILEC can process in a day.

19. Qwest's rate of order flow-through is very poor. Less than half of all LSRs submitted for resale orders via the IMA-GUI interface in the last twelve months flowed through (PO-2A-1). (See Ex. 1, p. 32). Less than one third of all LSRs submitted for resale orders via the EDI interface during the last twelve months flowed through (PO-2A-2).

20. The flow-through results for unbundled loop orders in the last twelve months are much worse. For unbundled loop orders submitted via the IMA-GUI interface, the flow through rate in ten of the last eleven months is less than 10% (PO-2A-1). (See Ex. 1, p. 34). For

unbundled loop orders submitted via the EDI interface, the flow through rate has been less than 2% in eight of the last eleven months (PO-2A-2). CLECs will never be able to count on Qwest accurately processing unbundled loop orders in any significant volumes with Qwest's extensive reliance on manual processing.

21. Qwest also has difficulties processing local number portability ("LNP") orders. In the last eleven months, Qwest's performance for LNP flow through for orders submitted via the IMA-GUI interface never exceeded 50% (PO-2A-1). (See Ex. 1, p. 36). For LNP orders submitted via the EDI interface, the flow through rate never exceeded 62% (PO-2A-2). Human error can be predicted with reliability when thousands of LNP orders in any given month are subjected to manual processing.

B. UNE-P INSTALLATION

1. OP-3 Installation Commitments Met – No dispatches and OP-4 Installation Interval –No Dispatches.

22. Qwest's OP-3 and OP-4 installation results for UNE-P installations without dispatches demonstrate that Qwest is systematically providing longer commitment dates to CLECs than to similarly situated retail customers and that Qwest is taking longer to install CLEC UNE-P services with no dispatch than for similarly situated retail customers. Qwest's OP-3 installation interval results show that Qwest met 100% of its installation commitments to CLECs in the months of June-01 and July 01. (See Ex. 1, p. 66). Qwest's OP-4 installation interval results also show that Qwest installed UNE-P services in those two months in intervals that were longer than for similarly situated retail customers by statistically significant amounts. The only way that Qwest could have met 100% of its commitments while at the same time installing those orders in intervals that are much longer than similarly situated retail customers is if Qwest is systematically providing CLECs with longer commitment dates.

23. Qwest's OP-4 results with no dispatch show that Qwest installed CLEC UNE-P orders in intervals longer than similarly situated retail customers by a statistically significant amount in seven of the eleven months of reported data. (See Ex. 1, p. 66). In the two months with the highest quantities of UNE-P orders (January-01 and February-01) it took Qwest over twice as long to install UNE-P services with no dispatch than for similarly situated retail customers.

III. CHECKLIST ITEM #4 –ACCESS TO UNBUNDLED LOOPS

A. INSTALLATION

1. OP-3 Installation Commitments Met – Interval Zone One - ISDN Capable Unbundled Loop Installation.

24. Qwest has met its commitments for installation of ISDN capable unbundled loops less often than for similarly situated retail customers by a statistically significant amount in ten of the last twelve months of reported data. In all twelve months of reported data Qwest's commitments met results for CLEC ISDN capable unbundled loops were worse than for the similarly situated retail customers. The results were greatly statistically significantly worse in ten of the last twelve months. (See Ex. 1, p. 101).

2. OP-3 Installation Commitments Met – Interval Zone Two – ISDN Capable Unbundled Loop.

25. Qwest's discriminatory performance in installation ISDN capable unbundled loops is also apparent in interval zone two. In ten of the last twelve months, Qwest's installation commitments met performance for ISDN capable unbundled loops has been worse than for Qwest's similarly situated retail customers. (See Ex. 1, p. 102).

3. OP-4 Installation Intervals Met – Interval Zone One – ISDN Capable Unbundled Loop.

26. Qwest generally takes longer to install ISDN capable unbundled loops for CLECs than for retail customers. In nine of the last twelve months the installation interval for ISDN capable unbundled loops was longer than for retail customers. In five of those months the ISDN capable unbundled loop intervals were longer by a statistically significant amount. (See Ex. 1, p. 101).

4. OP-4 Installation Interval – Interval Zone Two - Unbundled Analog Loops.

27. Qwest's performance results demonstrate that it is not providing nondiscriminatory access to unbundled loops in rural areas. Qwest performance for unbundled analog loops show that Qwest has not made the 6 day benchmark for CLEC installations in any of the last twelve months of reported data. (See Ex. 1, p. 76). Qwest has met the 6 day interval for its own customers, however, in 10 of the 12 months.

5. OP-5 New Service Installation without Trouble Reports – Interval Zones One and Two (Non-Loaded 2-Wire Loops).

28. Qwest's performance results show that Qwest's two wire non-loaded loops are also not installed as well as for similarly situated retail customers. Qwest's results show worse results for CLEC installations by a statistically significant amount in all twelve months of reported data. (See Ex. 1, p. 84).

6. OP-5 New Service Installation without Trouble Reports – Intervals Zones One and Two – ISDN Capable Unbundled Loop.

29. CLEC ISDN capable unbundled loops installed by Qwest experience more troubles within the first thirty days of installation than for similarly situated retail customers. During the last twelve months, the rate of trouble free new service installations for ISDN capable unbundled loops to CLECS was worse than for retail customers in nine of the last twelve months. In eight of those months, the rate for CLEC installations was worse by a statistically significant amount. (See Ex. 1, p. 103).

7. OP-15A Interval for Pending Orders Delayed Past Due Date – Unbundled Analog Loops.

30. Qwest's performance results indicate a serious problem with unbundled analog loop held orders. Qwest's results show that, on average, unbundled loop orders left at the end of the month had been delayed by nearly two months (August-00) and as long as seven months after the due date has passed (July-01). (See Ex. 1, p. 77).[10] While after January of 2001 it may appear that Qwest's total number of pending orders has decreased, that trend is misleading. (See Ex. 1, p. 78). The reason that Qwest's number of pending orders for unbundled analog loops has decreased is that Qwest unilaterally decided to change its policy and reject held orders instead of continuing to hold them. Under the new policy, when a held order is rejected, Qwest drops the order from the OP-15 measurement. The reduction in the number of pending orders should not be understood to be a true reduction of held orders. The reduction in the number of pending orders is nothing more than Qwest gaming the OP-15 performance measurement.

[10] Because the results for this PID are reported in "business" days, rather than calendar days, I assumed 20 business days in a month to calculate the number of months the orders were outstanding.

8. OP-15A Interval for Pending Orders Delayed Past Due Date – Non-Loaded Two Wire Unbundled Loops.

31. Qwest's performance results also indicate a serious problem with two wire, non-loaded unbundled loop held orders. Qwest's results show that on average two wire, non-loaded unbundled loop orders remaining at the end of the month were late by nearly two months (September-00) and as long as six months after the due date has passed (July-01). (See Ex. 1, p. 84).[11] While after October of 2001 it may appear that Qwest's total number of pending orders has decreased, that trend is misleading, as discussed in the preceding paragraph.

9. OP-15A Interval for Pending Orders Delayed Past Due Date – ISDN Capable Unbundled Loop.

32. Qwest's held order problem for ISDN capable unbundled loops can be readily seen in August-00 and September-00. In those two months there were more ISDN capable orders late at the end of those months (853) than there were ISDN capable loop orders completed (566). (See Ex. 1, p. 103). After Qwest decided to unilaterally reject held orders, those quantities dropped significantly. Rejecting a held order after a period of time is not a legitimate means of truly remedying Qwest's held order period.

B. MAINTENANCE/REPAIR

1. MR-3 Out of Service Cleared within 24 Hours – Interval Zone One – ISDN Capable Unbundled Loop.

33. Over the last year, Qwest has not been repairing CLEC ISDN capable unbundled loops within twenty-four hours as frequently as it has for retail customers. Qwest's performance for CLEC repairs within twenty-four hours was worse in eleven of the last twelve months of

[11] See explanation in previous footnote.

reported results. In seven of those months, Qwest's performance to CLECs was worse by a statistically significant amount. (See Ex. 1, p. 105).

2. MR-3 Out of Service Cleared within 24 Hours – Interval Zone Two – ISDN Capable Unbundled Loop.

34. Over the last year, Qwest has not been repairing CLEC ISDN capable unbundled loops within twenty-four hours as frequently as it has for retail customers in Zone Two either. Qwest's performance for CLEC repairs within twenty-four hours was worse in nine of the last twelve months of reported results. In five of those months the Qwest's performance to CLECs was worse by a statistically significant amount. (See Ex. 1, p. 106).

3. MR-5 All Trouble Cleared Within Four Hours – Interval Zone One – DS-1 Capable Unbundled Loops.

35. Qwest's results show that Qwest does worse in repairing CLEC DS-1 capable loops than for similarly situated retail customers. Qwest's performance for MR-5 was worse for CLEC DS-1 capable loops in each of the last twelve months. In ten of those months the difference was statistically significant. (See Ex. 1, p. 99).

4. MR-6 Mean Time to Restore – Interval Zone One – DS-1 Capable Unbundled Loops.

36. Qwest's discriminatory performance in repairing DS-1 capable unbundled loops is also reflected in the mean time to restore. In the last twelve months, Qwest's mean time to restore was worse for CLEC DS-1 capable unbundled loops than for retail customers. In eight of those months, the difference was statistically significant. (See Ex. 1, p. 99).

5. MR-6 Mean Time to Restore – Interval Zone One – ISDN Capable Unbundled Loop.

37. Qwest's discriminatory performance in repairing ISDN capable unbundled loops installed for CLECs is confirmed in the mean time to restore results. Qwest took longer to repair ISDN capable unbundled loops for CLEC customers than for similarly situated retail customers in eleven of the last twelve months. In ten of those months, the difference was statistically significant. (See Ex. 1, p. 105).

6. MR-6 Mean Time to Restore – Interval Zone Two – ISDN Capable Unbundled Loop.

38. Qwest's discriminatory performance in repairing ISDN capable unbundled loops installed for CLECs is confirmed in the mean time to restore results in Zone Two as well. Qwest took longer to repair ISDN capable unbundled loops for CLEC customers than for similarly situated retail customers in nine of the last twelve months. In six of those months the difference was statistically significant. (See Ex. 1, p. 106).

7. MR-7 Repair Repeat Rate – Interval Zone One – ISDN Capable Unbundled Loop.

39. Qwest does not repair ISDN capable unbundled loops correctly the first time as often as it does for retail customers. In eleven of the last twelve months the rate of repairs requiring a second repair within thirty days was higher for CLECs than for similarly situated retail customers. In four of those months the difference was statistically significant. (See Ex. 1, p. 105).

8. MR-8 Repair Repeat Rate – Interval Zone Two – ISDN Capable Unbundled Loop.

40. Qwest does not repair ISDN capable unbundled loops correctly the first time as often as it does for retail customers in Zone Two either. In seven of the last twelve months the rate of repairs requiring a second repair within thirty days was higher for CLECs than for similarly situated retail customers. In five of those months the difference was statistically significant. (See Ex. 1, p. 106).

9. MR-8 Trouble Rate Interval Zone One and Two – Non-loaded, two wire Unbundled Loops.

41. Qwest's performance results for non-loaded, two wire unbundled loops show CLECs experience more troubles on non-loaded, two wire unbundled loops than similarly situated retail customers by a statistically significant amount in each of the last twelve months of reported data. (See Ex. 1, p. 88).

IV. CHECKLIST ITEM #14 RESALE

A. RESIDENCE INSTALLATION

1. OP-3 Installation Commitments Met – No dispatches and OP-4 Installation Interval – No Dispatches.

42. Qwest's OP-3 and OP-4 installation results for residence installations without dispatches demonstrate that Qwest is systematically providing longer commitment dates to CLECs than to similarly situated retail customers and that Qwest is taking longer to install CLEC residence resale services with no dispatch than for similarly situated retail customers. Qwest's OP-3 installation interval results show that Qwest met nearly 100% of its installation commitments in the twelve months of reported data. (See Ex. 1, p. 159). Qwest's OP-4

installation interval results also show that Qwest installed residence resale services in those twelve months in intervals that were longer than for similarly situated retail customers by statistically significant amounts. (See Ex. 1, p. 159). The only way that Qwest could have met nearly 100% of its commitments for CLECs while at the same time installing those orders in intervals that are much longer than similarly situated retail customers is if Qwest is systematically providing CLECs with longer commitment dates.

43. Qwest's OP-4 results with no dispatch show that Qwest installed CLEC residential resale orders in intervals longer than similarly situated retail customers by a statistically significant amount in nine of the last ten months of reported data. In the last three months of reported data it took Qwest over 50% longer to install residential resale services with no dispatch than for similarly situated retail customers. (See Ex. 1, p. 159).

B. BUSINESS INSTALLATION

1. OP-3 Installation Commitments Met – No dispatches and OP-4 Installation Interval – No Dispatches.

44. Qwest's OP-3 and OP-4 installation results for business installations without dispatches demonstrate that Qwest is systematically providing longer commitment dates than similarly situated retail customers and that Qwest is taking longer to install CLEC business resale services with no dispatch than for similarly situated retail customers. Qwest's OP-3 installation interval results show that Qwest met nearly 100% of its installation commitments in the twelve months of reported data. (See Ex. 1, p. 169). Qwest's OP-4 installation interval results also show that Qwest installed business resale services in those twelve months in intervals that were longer than for similarly situated retail customers by statistically significant amounts. (See Ex. 1, p. 169). The only way that Qwest could have met nearly 100% of its commitments for CLECs

while at the same time installing those orders in intervals that are much longer than similarly situated retail customers is if Qwest is systematically providing CLECs with longer commitment dates.

45. Qwest's OP-4 results with no dispatch show that Qwest installed CLEC business resale orders in intervals longer than similarly situated retail customers by a statistically significant amount in nine of the last ten months of reported data. In the last three months of reported data it took Qwest over 50% longer to install business resale services with no dispatch than for similarly situated retail customers. (See Ex. 1, p. 169).

2. OP-5 New Service Installation without Trouble Reports.

46. Qwest's rate of trouble free business installations for CLEC resale customers is worse than its rate for similarly situated retail customers. In all twelve months of reported data, Qwest's performance in installing trouble free business services was worse for CLECs than for retail customers. In nine of those months, the performance was worse by a statistically significant amount. (See Ex. 1, p. 170).

C. BUSINESS MAINTENANCE/REPAIR

1. MR-7 Repair Repeat Report Rate – No Dispatches.

47. Qwest does not repair resale business services correctly the first time as much as it does for retail customers. In the last twelve months the rate of repairs requiring a second repair within thirty days was higher for CLECs than for similarly situated retail customers. In eight of those months the difference was worse by a statistically significant amount. (See Ex. 1, p. 175).

2. MR-8 Trouble Rate.

48. Qwest's maintenance of business resale services is much worse than for retail customers. The troubles per 100 access line results for business resale services was higher in the last twelve months of reported data than for retail services. In eleven of those months the rate for CLEC troubles was worse by a statistically significant amount. (See Ex. 1, p. 175).

CONCLUSION

49. Qwest's own data for checklist items 1, 2, 4, and 14 shows that Qwest is failing, in significant and numerous ways, to satisfy its legal obligations. Qwest's failures are affecting competition in this state, and putting CLECs at a noticeable disadvantage due to Qwest's discriminatory treatment of CLECs and their customers. Because commercial activity is the best evidence of an ILEC's ability to perform, the Commission must find that Qwest currently fails to meet its Section 271 obligations on the above checklist items.