

**BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation Into)
U S WEST Communications, Inc.'s) **Docket No. UT-003022**
Compliance With Section 271 of the)
Telecommunications Act of 1996)

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

**AFFIDAVIT OF STEPHEN L. KAIL
ON BEHALF OF AT&T**

**REGARDING ANALYSIS OF
QWEST PERFORMANCE DATA**

PUBLIC VERSION

OCTOBER 12, 2001

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**PUBLIC VERSION OF AFFIDAVIT OF STEPHEN L. KAIL
REGARDING ANALYSIS OF QWEST PERFORMANCE DATA**

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 Stephen L. Kail regarding AT&T’s Analysis of Qwest Performance Results before the Washington Utilities and Transportation Commission (“Commission”).

INTRODUCTION AND QUALIFICATIONS

1. My name is Stephen L. Kail. I am self-employed as a Telecommunications Consultant. I received an Associate of Science degree from Fort Dodge Junior College in 1966 and a Bachelor of Science Degree in Mechanical Engineering from Iowa State University in 1969. During the period of 1976-1980 I completed the majority of MBA program courses with a focus on finance and management. Subsequent to that time I completed over 20 technical, financial and management seminars, including topics on network switching and facilities management, federal and state telecommunications statutes and regulations, business operations, marketing and financial management. I have worked in the telecommunications industry for over thirty-two years.

2. Prior to becoming a consultant I was employed by AT&T or one of its subsidiaries in a variety of positions, including engineering design, contract management, engineering financial analysis, market management, strategic planning and pricing, methods and procedures, witnessing and regulatory team management. As a Telecommunications Consultant I have researched and prepared reports for several clients evaluating network orders, network performance, network maintenance and product market shares.

PURPOSE OF AFFIDAVIT

3. In this affidavit I will present my analysis of data for several PIDs (Performance Indicator Definitions) as reported by Qwest in its Washington Performance Results. The PIDs I have reviewed relate to the following checklist items:

- a. Checklist Item 1 (Interconnection)
- b. Checklist Item 4 (Unbundled Analog Loops)

The Qwest Performance Results used in my analysis are the August 28, 2001 Qwest Performance Results for August 2000 - July 2001 for all CLECs and August 3, 2001 Qwest Performance Results for August 2000 - July 2001 for TCG. This affidavit concludes that Qwest has not achieved 271 checklist compliance based on reviewing AT&T's own internal data regarding Qwest's performance as it relates to AT&T. I have provided an analysis of that data and where appropriate, compared it to Qwest's reported performance results data.

4. My Checklist Item 1 testimony focuses on an independent analysis of Interconnection Orders (LIS trunks) based on readily available AT&T data. I have focused my efforts on completing a thorough review of 51 of AT&T's LIS order summaries, key dates and associated logs and on making a complete and accurate analysis of the data. These interconnection orders are part of The Liberty Group's reconciliation discussions with Qwest and AT&T.

5. My Checklist Item 4 testimony focuses on an independent analysis of unbundled analog loops (UNE-Analog loops). UNE-Analog loops are an important part of Qwest's performance results data for AT&T and other CLECs. I have focused my efforts on completing a thorough review of 205 of AT&T's UNE-Analog loop order summaries, key dates and associated logs and on making a complete and accurate analysis of the data. In addition there is

available AT&T trouble report information for UNE-Analog loops that I have evaluated. Several PIDs for the pre-order/ordering and the ordering/provisioning employ the same data collection and analysis processes for both UNE-Analog orders and LIS orders and the performance of these products is measured by identical PIDs and compared to respective performance standards.

6. While I have confined my analysis to those checklist items where AT&T had its own Washington-specific data, the problems I have uncovered may be readily applied to an analysis of other checklist items. In addition, the problems that I have found evaluating AT&T's data and then comparing it with Qwest's AT&T data for both LIS and UNE-Analog loops are likely to also apply to other CLECs as well. Finally, there are other PIDS whose results calculations start with the same sets of input data underlying the PIDs I have evaluated and as a result, where a problem is identified for one PID, it may also affect other PID performance results.

DATA ANALYSIS PROCESS

7. My approach to completing an independent analysis of Qwest's Washington performance results was multi-staged. I first researched AT&T's sources of interconnection order information, UNE-analog order information and maintenance and repair (Trouble Ticket) information. After the sources were identified and the information was collected, I developed a broad-based summary of the key data for each order and trouble ticket. I then used the summary information and the current Performance Indicator Definitions to formulate an approach that would independently match Qwest's performance results with the AT&T data that I had collected. I have compared my AT&T results to Qwest's results as presented in its reports, presenting my results both on a single chart and on a single table of data along with Qwest's performance analysis, matching the performance results report format as much as possible. In

most instances, I was unable to fully match AT&T's own data with Qwest's AT&T data. The following paragraphs provide additional information on each step of my data analysis.

8. My research of AT&T's information sources included interviews of AT&T managers who issue orders and process trouble tickets and interviews of AT&T managers who use the same information I was seeking as part of their job assignments. I identified three systems that contained the information I was seeking: AT&T's ASR system (the former TCG's ASR system) containing summary and other tracking information on every order, AT&T's QPS system (the former TCG QPS system) that tracked final testing of orders and contained the best printable format of the order logs and AT&T's (formerly TCG's) TMTS system, which maintained a record of trouble tickets that were opened by AT&T and provided to Qwest to clear trouble within the network. I was briefed on the use of these systems so that I could collect the desired information.

9. Each order summary and log and each trouble summary I identified was reviewed and key data was transcribed into an Excel spreadsheet. The key order data included identifying order numbers for both AT&T and Qwest, initial and supplemental order dates, FOC receipt dates, FOC dates, completion dates and key notes from the logs as the order was completed. The trouble ticket data collected included both the AT&T and Qwest trouble ticket numbers, the date, hour and minute a trouble ticket was opened and closed and the key log notes defining the trouble and actions taken by Qwest to clear each identified trouble.

10. Using this data, I developed a series of comparison checks to minimize any data entry errors. Included in these checks were formats for dates that if typed incorrectly could be quickly found and corrected and logic checks to find potential data collection errors, such as isolating FOC response and FOC dates that occurred before the order date. Once I had

completed error checks and had double-checked for typos and entry errors, I was confident that the data fairly and accurately reflected the information for both the interconnection orders and trouble tickets, and I then moved on to data analysis and comparison.

11. Using this common set of data for Washington orders as the starting point, I matched the formulas contained in the PID definitions to the AT&T data that I had collected, by calculating PID equivalent results with the AT&T data. I was not involved in developing the PIDs, therefore, I consulted with John Finnegan of AT&T, who is directly involved in PID development and definition to be sure I correctly understood each PID, its input data and its output results. I further refined these calculation methods as a result of the two Arizona PID and two Colorado PID reconciliation discussions and the continuing reconciliation of Nebraska data along with any additional learning from The Liberty Group's reconciliation effort. I then matched the format of Qwest's performance results table and its associated chart for each measure for which I was able to collect AT&T data. These results are included as attachments to this affidavit.

12. Where I had no AT&T data that would allow a complete matching of PIDs, I provided the best match I could and have sought to collect the relevant facts from Qwest through discovery and through the current reconciliation being conducted with The Liberty Consulting Group.

SUMMARY OF RESULTS

13. Based on AT&T's own data matched with Qwest's AT&T reported results, this affidavit provides evidence that Qwest has not yet proven it satisfies Checklist Item 1 (Interconnection Services) and Checklist Item 4 (UNE-Analog Loops). Given the disparate differences in results between the two sets of AT&T data -- AT&T's own data and Qwest's

AT&T reported results -- it becomes clear that at present it is impossible to determine Qwest's current performance for not only AT&T, but for all CLECs in the state of Washington.

14. AT&T has agreed to participate in the reconciliation of data being conducted by Liberty Consulting Group and to reconcile its data with Qwest's in order to better understand the underlying basis for these differences and to help make this Commission's job easier. That effort is continuing. Both an order-by-order, date-by-date comparison and an investigation of orders identified in the review of AT&T's internal documents but not visibly reflected in Qwest's performance results remains to be done. Until that effort is completed, any discrepancies in data should be resolved in favor of AT&T and against Qwest. This is Qwest's 271 case and it bears the burden of clearly proving its compliance to this Commission. Based on the current differences between AT&T own data and Qwest's AT&T performance results, this Commission should determine that Qwest's performance results do not reliably measure its actual performance and that Qwest has not shown that it has met its obligations under Checklist Item 1 and Checklist Item 4.

15. The discrepancies in AT&T data for interconnection orders in Washington exhibit the same characteristics as those already found during the preliminary reconciliation test conducted using one month of Arizona and Colorado orders for two PID measures (PO-5 and OP-3) and in the more detailed reconciliation of Nebraska results. Both of these PIDs, and other PIDs measuring Checklist Item 1 performance for Washington AT&T data will be discussed in the Checklist Item 1 section of this affidavit. At present, AT&T's Washington order details have not been fully reconciled between Qwest and AT&T.

16. In addition to interconnection PIDs, for the months of April 2001 through June 2001, AT&T's own data has been collected, performance results calculated and compared to

Qwest's reported performance results for several UNE PIDs. UNE-Analog loops infirmities found in the comparisons of LIS Interconnection performance are also being found in the comparisons of UNE-Analog loop performance.

17. Qwest, CLECs and other participants have developed and agreed on PIDs to measure Qwest's performance in attempting to satisfy 271 checklist requirements. The AT&T data that I have reviewed for purposes of my testimony has been collected in accordance with specific PIDs as defined in the ROC 271 Working PID Version 3.0. All data discussions herein will analyze a specific ROC 271 PID measure.

18. My data analysis for the specific PID measures in this affidavit is grouped together so that the PID discussion matches its respective Checklist Item. Each Checklist Item is separately addressed and under that Checklist Item each appropriate PID is separately evaluated.

I. CHECKLIST ITEM 1 – INTERCONNECTION

19. For Checklist Item 1, Interconnection, I analyzed one Pre-Order/Order PID result and four Ordering/Provisioning PID results for Interconnection (LIS) trunks. The Pre-Order/Order PID I analyzed was PO-5 (Firm Order Commitments and the Ordering/Provisioning PIDs were OP-3 (Installation Commitments Met), OP-4 (Installation Interval), OP-6 (Delayed Day in Installing Service) and OP-15 (Delays Past Due Dates). Because AT&T had its own data for five of these measures, my analysis for PIDs OP-5, OP-3, OP-4, OP-6 and OP-15 both analyzed Qwest's results and compared those to AT&T results for the months of January 2001 through June 2001.

A. PRE-ORDER/ORDER PIDS

1. FIRM ORDER COMMITMENTS ("FOCS") ON TIME - PO-5

20. Pre-Order/Order PID PO-5 measures, on a monthly basis, the timeliness of Firm Order Confirmations (FOCs) returned to CLECs in response to LSRs/ASRs received from CLECs. Pre-Order/Order PID PO-5D measures, on a monthly basis, the percent of FOCs received on time in response to ASRs requesting LIS Trunks. A copy of the ROC PID for PO-5, attached as Exhibit SLK-2, provides the complete definition and the formula for the calculation of this performance measure.

21. Exhibit SLK-2 shows that the standard for performance requires that 85% of FOCs be returned within eight business days of receipt of the order. Attached, as Confidential Exhibit SLK-3C is a comparison of AT&T Washington interconnection order data to Qwest's CLEC specific AT&T data for FOC responses. An analysis of the 51 AT&T LIS order records shows that from January through April there were [Confidential: XX] identifiable and measurable FOC responses for eligible LIS orders received by AT&T and that of those FOCs received, [Confidential: XX] were received on time for an overall performance of [Confidential: XXXX%]. Monthly results show in April Qwest provided FOCs on time [Confidential: XXXX%] of the time, missing the 85% benchmark. This overall result is [Confidential: X%] lower than Qwest's reported overall results and for April, where Qwest reports a [Confidential: XX%] performance, the monthly result is over [Confidential: XX%] lower.

22. I anticipate that reconciliation will show the difference between monthly results and underlying data are due primarily to:

- a. FOCs issued at the end of one month and received at the start of the next month.

- b. Order exclusions, an area where past experience shows Qwest has removed orders that AT&T records show should not have been removed. My review of the AT&T orders, together with the PID definition, did not identify any reasons why these orders should have been excluded from Qwest's performance results for Washington.

23. The most troubling aspect of the analysis of PO-5 is that Qwest identified fewer FOC responses with a higher level of performance for AT&T than the AT&T order logs show, i.e., [Confidential: XXXXX%] using AT&T's own data versus [Confidential: XXXX] reported by Qwest. If the same kind of exclusions and performance differences exist between all CLEC records and the Qwest records as exists between Qwest's and AT&T's records, then performance results as reported by Qwest for Washington may be inaccurate. There are 657 LIS orders reported by Qwest for all CLECs during the months of January through June (Qwest Performance Results Page 49 of 265). Extrapolating AT&T data differences to all CLECS, there are potentially an additional 32 orders (or 5%) excluded whose FOC data is not part of the Washington Performance Results for the 12 months being reported. If these additional orders were to be included in the performance results, and if the other CLECs' data is consistent with AT&T's own data, Qwest may actually be missing the standard for some months, yielding much different results than Qwest has reported.

B. ORDERING/PROVISIONING PIDS

1. INSTALLATION COMMITMENTS MET - OP-3

24. Ordering/Provisioning PID OP-3 evaluates, on a monthly basis, the extent to which Qwest installs services for customers by the scheduled due date. The measure is stated as a percentage of orders completed on or before the original scheduled due date as assigned by

Qwest. A copy of the ROC 271 OP-3 PID, attached as Exhibit SLK-4, provides the complete definition and formula for calculating this performance measure. OP-3D and OP-3E for LIS trunks are part of Checklist Item 1 performance measures. The standard for performance is set forth in the PID, Exhibit SLK-4, and is “Parity with Feature Group D (Aggregate)”.

25. Attached as Exhibit SLK-5C is a comparison of AT&T interconnection order data to Qwest’s CLEC specific AT&T data for LIS trunk Installation Commitments Met. Information to differentiate AT&T interconnection orders between OP-3D and OP-3E (Interval Zone 1 and Interval Zone 2)¹ respectively was not available, so the two Qwest performance measures were combined for comparison purposes. I believe no degradation of the data or the related analyses occur as a result of the combining of these two performance measures.

26. Exhibit SLK-5C shows that for AT&T, AT&T’s internal data shows that Qwest is not doing as well in meeting installation commitments as Qwest represents in its AT&T data presented in the performance results report (AT&T’s data also shows that Qwest installation commitment performance was not nearly as good as its retail performance (FGD trunks)). For March and April, AT&T records show a [Confidential: XX% and XXXX%] performance rather than 100% performances as reported by Qwest and an overall performance result for the 6 months of [Confidential: XXXX%] Installation Commitments Met rather than 100%. There are [Confidential: XX% (XX)] more orders in AT&T’s records used to develop the measurement than reported in Qwest’s results calculations. As with PID PO-5D, the missing data is the most troubling aspect of the comparative analysis.

27. Qwest includes a total of 211 CLEC orders in its analysis of all CLECs. If the same disparity exists between all other CLECs’ records and the related Qwest records, then there may be an additional 122 orders not included in Qwest’s performance data (based on the same

proportion of AT&T to Qwest orders identified as measurable). If these additional orders should appropriately be included in the performance results calculations and the change mirrors the results produced with AT&T's own data, the total CLEC results may be much lower than reported by Qwest. Here again, my concern focuses on whether or not the jeopardies identified by Qwest's technicians, which then form the basis for determining whether orders are "excluded" from a performance report, are being appropriately categorized. To be perfectly clear, this is a "data input" concern, not a "processing of data for performance results" concern.²

2. INSTALLATION INTERVAL – OP-4

28. Ordering and Provisioning PID OP-4 evaluates, on a monthly basis, the timeliness of Qwest's installation of services for customers, focusing on the average time to install service. The measure is stated as the number of average business days it took to install the orders completed during the month. A copy of the ROC 271 OP-4 PID, included as Exhibit SLK-6, provides the complete definition and formula for calculating this performance measure. OP-4D and OP-4E (Interval Zone 1 and Interval Zone 2) for LIS trunks are part of Checklist Item 1 performance measures. Exhibit SLK-6 shows that the standard to measure LIS OP-4D and OP-4E performance against is "Parity with Feature Group D (Aggregate)".

29. Attached as Exhibit SLK-7C is a comparison of AT&T interconnection order data to Qwest's CLEC specific AT&T data for LIS trunk Installation Intervals. Information to differentiate AT&T interconnection orders between OP-4D and OP-4E (Interval Zone 1 and Interval Zone 2) respectively was not available, so both Qwest performance measures were combined for comparison purposes. I believe no degradation of the data or the related analyses occurs as a result of the combining of these two performance measures.

¹ Zone 1 is Qwest's metropolitan area and Zone 2 is Qwest's rural area.

30. OP-3 and OP-4 use the same universe of LIS orders as the starting point for assessing performance. As stated earlier, I started from a universe of 51 orders. From that universe I identified 45 AT&T LIS orders eligible for review and use in determining OP-4 performance.³ Qwest presented performance results on only 31 of the AT&T LIS orders (61% of the 51 total AT&T identified orders). While the AT&T data orders shows a range of monthly average Installation intervals from a low of [Confidential: XXXX] days to a high of [Confidential: XXXX] days, Qwest's analysis shows a much tighter range, from a low of [Confidential: XXXX] days to a high of [Confidential: XXXX] days, with a composite average for the period of [Confidential: XXX] days from AT&T data and [Confidential: XXX] days from Qwest's performance results. For May, there is a single day difference in the installation interval for the one order identified by both parties, and for June no orders were identified in either party's results. AT&T monthly averages are equal to or higher than Qwest's highest monthly average for all but one month, June. These results clearly show a data disparity problem that again calls into question the accuracy of Qwest's results. When measuring performance against Qwest's retail FGD performance results, some months are better, some months are worse, and for some months there are no comparable results.

31. This problem of Qwest excluding more orders than seem appropriate under the PID definition is again more troubling if it exists for other CLECs' data, as well, causing the accuracy of Qwest's performance results assessing the LIS installation intervals to remain questionable.

² Liberty has checked the processes for calculating performance measures but had no comparable CLEC data to use in checking the accuracy of dates being input or the validity of exclusions.

³ Eligible orders are those orders remaining after orders identified as exclusions as defined by the applicable PID are removed. Exclusions may include orders such as those with missing or incorrect dates, orders with non-standard installation intervals, and delays due to CLECs rather than Qwest.

3. DELAYED DAYS IN INSTALLING SERVICE – OP-6

32. Ordering and Provisioning PID OP-6 evaluates the extent to which Qwest is late in installing services for customers, focusing on the average number of days that late orders are completed beyond the committed due date. A copy of the ROC 271 OP-6 PID, attached as Exhibit SLK-8, provides the complete definition and formula for calculating this performance measure. OP-6-A-4 and OP-6-A-5 (Interval Zone 1 and Interval Zone 2) for LIS trunk orders delayed beyond the original due date due to non-facility reasons, and OP-6-B-4 and OP-6-B-5 (Interval Zone 1 and Interval Zone 2) for LIS trunk orders delayed beyond the original due date due to facility reasons are part of Checklist Item 1 performance measures. Exhibit SLK-8 shows that the standard to measure OP-6-A-4, OP-6-A-5, OP-6-B-4 and OP-6-B-5 performance against is “Parity with Feature Group D (Aggregate)”.

33. I have analyzed AT&T’s own order data, and compared it to Qwest’s performance results, in order to assess LIS trunk Delayed Days. Information to differentiate AT&T interconnection orders between OP-6-A-4 and OP-6-A-5 (Interval Zone 1 and Interval Zone 2, respectively) was not available, so both Qwest Interval Zone performance measures were combined for comparison purposes. Likewise, information to differentiate AT&T interconnection orders between OP-6-B-4 and OP-6-B-5 (Interval Zone 1 and Interval Zone 2, respectively) was not available, so both Qwest Interval Zone performance measures were combined for comparison purposes. I believe no degradation of the data or the related analyses occurs as a result of the combining of these two performance measures.

34. AT&T LIS order data identified [**Confidential: XX**] orders for this performance measure while Qwest performance results included no AT&T orders for this measure during January through June 2001. The AT&T data reveals that in three months, AT&T experienced average delays between [**Confidential: XXX and XX days**] for non-facility reasons (Exhibit SLK-9C). AT&T LIS Order Data identified one order delayed [**Confidential: XX**] days for facility reasons while Qwest's performance results for AT&T show no identified orders that were delayed by Qwest for either non-facility or facility reasons. If each CLEC, like AT&T, has one or more orders whose data shows that there were "delayed days," that were not measured by Qwest in its Washington performance results, then Qwest's performance results would be much different than its current report presents or in this case doesn't present.

4. DELAYS PAST DUE DATE – OP-15

35. Ordering/Provisioning PID OP-15 measures, on a monthly basis, the extent to which Qwest's pending orders are late, focusing on the average number of days the pending orders are delayed past the due date at the end of each month. A copy of the ROC 271 OP-15 PID, attached as Exhibit SLK-10, provides the complete definition and formula for calculating this performance measure. OP-15A, the average number of business days pending orders are delayed past their due date for LIS trunks, and OP-15B, the number of orders outstanding at the end of the month pending LIS facilities, are part of Checklist Item 1 performance measures.

36. Attached as Exhibit SLK-11C is a comparison of AT&T pending order data to Qwest's CLEC specific AT&T data for OP-15A -- the average business days that as of the end of the reporting period AT&T LIS trunk orders are delayed beyond their original due date due to Qwest problems. The AT&T data shows [**Confidential: X**] pending orders delayed over the period of January through March ranging from [**Confidential: X days to XXX days**] delay past

their due date. Qwest identifies [Confidential:X] orders delayed over the period of March through June ranging from [Confidential: XXXX days] in March to [Confidential: XXXX days] in June having delays past their due dates. The month of March is the one month where there are both AT&T's own data and Qwest's performance results for AT&T. For that month, the data are widely different. Qwest's AT&T results show [Confidential: X] orders averaging [Confidential: XXXX days] delay while AT&T's own data identifies an average of only [Confidential: XXX days] delay. I am presently unable to determine what is causing the wide variance between AT&T data and Qwest's reported results. The Qwest reported data only begins to report in March, excluding the previous two months where AT&T's data shows several orders. It is also clear that the results for Qwest's AT&T data show that in April, the only month for which Qwest presented comparable retail results, results for AT&T are over ten times worse than Qwest's own retail performance. It is also clear that Qwest's own results are extremely bad and getting worse during the March through June reporting periods.

II. CHECKLIST ITEM 4 – UNBUNDLED LOCAL LOOP

37. For Checklist Item 4, unbundled analog loops (UNE-Analog loops), I analyzed one Pre-Order/Order PID result, four Ordering/Provisioning PID results and reviewed four Maintenance/Repair PID results. My analysis focuses on the months of April through June, 2001, with results presented in tabular form rather than chart form which allows better viewing of the data for the three months included in the analysis.

A. PRE-ORDER/ORDER PIDS

1. FIRM ORDER COMMITMENTS (“FOCS”) ON TIME-PO-5

38. Pre-Order/Order PID PO-5 measures, on a monthly basis, the timeliness of Firm Order Confirmations (FOCs) returned to CLECs in response to LSRs/ASRs received from CLECs. Pre-Order/Order PIDs PO-5A-1(b) measures for fully electronic LSRs received via IMA GUI, PO-5A-2(b) measures for fully electronic LSRs received via IMA EDI, PO-5B-1(b) measures for electronic/manual LSRs received via IMA GUI , PO-5B-2(b) measures for electronic/manual LSRs received via IMA GUI and PO-5C-(b) measures for manual LSRs, on a monthly basis, the percent of FOCs received on time in response to LSRs requesting Unbundled Analog Loops (UNE-Analog loops). As indicated earlier, a copy of the ROC PID for PO-5, attached as Exhibit SLK-2, provides the complete definition and the formula for the calculation of this performance measure.

39. Exhibit SLK-2 shows that the standard for UNE-Analog performance requires that 95% of FOCs for PO-5A be returned within 20 minutes, 90% of FOCs for PO-5B be returned within 24 hours and 90% of the FOCs for PO-5C be returned within 48 hours after receipt of the order. Even though these standards are different, they all are measured as a “percent met” and since virtually all AT&T orders for UNE analog are provided via IMA GUI (PO-5B-2(b)), I have combined all Qwest’s AT&T results for comparison with AT&T data. Attached, as Exhibit SLK-12C is a comparison of AT&T Washington UNE analog data to Qwest’s UNE analog AT&T data for FOC responses. The records show that, in each month compared the results are similar but not exactly the same, with all three months showing performance above [**Confidential: XX%**]. Although these results show that Qwest is meeting its required performance as shown by each party’s data, nevertheless, in each month evaluated,

the numerators and denominators for AT&T data do not match with Qwest's reported data. Here again, I believe that the primary cause of these differences is exclusions, some of which may not be appropriate.

40. My concern over inappropriate exclusions was significantly heightened on October 1 when I visited AT&T's offices and learned that AT&T had experienced difficulty completing installations of loops from August 27 through September 6 as a result of Qwest systems problems. Because Qwest technicians could not access LNPSMS, a system to verify number porting, during loop cuts Qwest was unable to concur on ports of telephone numbers and thus the UNE-Analog loop orders had to be rescheduled via an AT&T order. The completion date was extended 5 additional business days, and for some orders additional 5-day supplements were necessary. As this problem continued AT&T lost business as some of AT&T's new customers decided to cancel their orders rather than go through the hassle of multiple scheduling changes.

41. This problem alone was bad, yet it was compounded by at least one group of Qwest technicians whose supervisor advised AT&T (in response to AT&T's request on how Qwest was handling the jeopardy assignment) that Qwest was assigning a CO1 jeopardy code to each order not being processed. A CO1 code, commonly referred to a CNR (Customer Not Ready) resets Qwest's order completion clock, eliminates Qwest responsibilities for delays when measuring technician performance and makes the customer, in this case AT&T or another CLEC, responsible for the delay. For PID measurements, a CO1 code automatically removes the order from inclusion in calculating many performance measurement results (examples are OP-3, OP-4, OP-6 and OP-15). Therefore, all of the delays resulting from Qwest's own system problems with UNE analog orders will not show up in a performance calculation for either

August or September unless Qwest identifies and removes the CO1 code from the affected orders. If these delayed orders aren't included, high levels of performance will likely be erroneously reported. If this problem had been isolated to one CLEC for a short time then the impact would be very small. However, the LNPSMS system is used across Qwest's entire service territories and AT&T believes that this affected all CLEC UNE analog orders in all 14 states for all 12 days.

42. This provides a clear example of how inaccurate input data can affect performance results calculations. I believe a continual review of all monthly exclusions must occur, before the input data is relied upon to calculate performance results. The Report of the Audit of Qwest's Performance Measures dated July 11, 2001 prepared by the Liberty Consulting Group in its recommendations on page 56 stated that "Qwest should regularly track the number of records that are excluded for various reasons." Exclusions are sometimes difficult to assess, yet directly affect performance measurement results.

B. ORDERING AND PROVISIONING PIDS

1. INSTALLATION COMMITMENTS MET - OP-3

43. Ordering/Provisioning PID OP-3 evaluates, on a monthly basis, the extent to which Qwest installs services for customers by the scheduled due date. The measure is stated as a percentage of orders completed on or before the original scheduled due date as assigned by Qwest. As indicated earlier, a copy of the ROC 271 OP-3 PID, attached as Exhibit SLK-4, provides the complete definition and formula for calculating this performance measure. OP-3D and OP-3E for UNE-Analog are part of Checklist Item 4 performance measures. The standard for performance is also set forth in the PID, Exhibit SLK-4, and requires 90% commitments met each month.

44. Attached as Exhibit SLK-13C is a comparison of AT&T UNE-Analog loop order data to Qwest's CLEC specific AT&T data for UNE-Analog loops for Installation Commitments Met. For AT&T in Washington, UNE-Analog loop orders are identified for OP-3D but not for OP-4D (Interval Zone 1 and Interval Zone 2).⁴

45. Exhibit SLK-13C shows that for AT&T, AT&T's own data shows that Qwest is not doing as well in meeting installation commitments as shown by Qwest's AT&T data presented in the performance results report. For May and June, AT&T records show a [Confidential: XXXX%] and a [Confidential: XXXX%] performance rather than a [Confidential: XXXX%] and a [Confidential: XX%] performance as reported by Qwest. AT&T's data shows an overall performance result for the 3 months of [Confidential: XXXX%] rather than a [Confidential: XXXX%] installation commitments met performance result shown by Qwest. There are 2.2% (6) more orders in AT&T's records used to develop the three months of measurements and yet there are 6.83% (17) fewer orders in the numerator⁵ than reported in Qwest's results calculations. As with PID PO-5D, the differences in data are the most troubling aspect of the comparative analysis.

46. If the same disparity exists between all other CLECs' records and the related Qwest records, then there may be an equally disparate result, resulting in Qwest performance results lower than the 90% standard rather than exceeding the 90% standard as presented in Qwest's results. This too ends up being a "data input" question not a "processing of data for performance results" concern.

⁴ Zone 1 is Qwest's metropolitan area and Zone 2 is Qwest's rural area.

⁵ The numerator of the Installations Met PID counts the number of orders that were completed on time. The lower the numerator count, the lower the percentage of installations completed on time.

2. INSTALLATION INTERVAL – OP-4

47. Ordering and Provisioning PID OP-4 evaluates, on a monthly basis, the timeliness of Qwest's installation of services for customers, focusing on the average time to install service. The measure is stated as the number of average business days it took to install the orders that were completed during the month. As indicated earlier a copy of the ROC 271 OP-4 PID, included as Exhibit SLK-6, provides the complete definition and formula for calculating this performance measure. UNE-Analog orders for AT&T are identified for OP-4D but not for OP-4E (Interval Zone 1 and Interval Zone 2). Both OP-4D and OP-4E UNE-Analog loops are part of Checklist Item 4 performance measures. Exhibit SLK-6 shows that the standard to measure LIS OP-4D and OP-4E performance against is an average 6-day completion interval.

48. Attached as Exhibit SLK-14C is a comparison of AT&T order data to Qwest's CLEC specific AT&T data for UNE-Analog - Installation Intervals. OP-3 and OP-4 use the same universe of UNE-Analog orders as the starting point for assessing performance. I started from a universe of [Confidential: XXX] UNE-Analog orders for April through June and from there identified [Confidential: XXX] AT&T UNE-Analog orders eligible for review and use in determining OP-4 performance. Qwest presented performance results on [Confidential: XXX] ([Confidential:XXXX%] fewer than AT&T) identified AT&T orders. The AT&T data shows a range of monthly average Installation intervals of [Confidential: XXXX days for April, XXXX days for May and XXXX days for July]. Qwest's analysis shows respective intervals of [Confidential: XXXX days, XXX days and XXX days]. Composite averages for the 3 month period are [Confidential: XXX days] using AT&T data and [Confidential: XXX days] using Qwest's AT&T results. These results are very close yet the numerator and denominator underlying each respective monthly calculation are a lot different for April and May although

quite close for June. I again suspect the differences are due to exclusions, and if these same types of differences also exist for other CLECs, Qwest's overall CLEC reported results may be different too.

3. DELAYED DAYS IN INSTALLING SERVICE – OP-6

49. Ordering and Provisioning PID OP-6 evaluates the extent to which Qwest is late in installing services for customers, focusing on the average number of days that late orders are completed beyond the committed due date. A copy of the ROC 271 OP-6 PID, attached as Exhibit SLK-8, provides the complete definition and formula for calculating this performance measure. OP-6-A-4 and OP-6-A-5 (Interval Zone 1 and Interval Zone 2) for UNE-Analog orders delayed beyond the original due date due to non-facility reasons, and OP-6-B-4 and OP-6-B-5 (Interval Zone 1 and Interval Zone 2) for UNE-Analog orders delayed beyond the original due date due to facility reasons are part of Checklist Item 4 performance measures. Exhibit SLK-8 shows that the standard to measure OP-6-A-4, OP-6-A-5, OP-6-B-4 and OP-6-B-5 performance against is "Parity with retail Residence and Business POTS with dispatch."

50. I have analyzed AT&T's order data, and compared it to Qwest's, in order to assess UNE-Analog trunk Delayed Days. Information to differentiate AT&T interconnection orders between Interval Zone 1 and Interval Zone 2 was not available from Qwest's performance results report for either PID measurement, but based on reviewing other PID results, I believe the AT&T UNE-Analog orders fall into OP-6-B-4 (non-facility delays) in Interval Zone 1.

51. AT&T UNE-Analog data identified [**Confidential: X**] UNE-Analog orders in April, [**Confidential: X**] UNE-Analog orders in May and [**Confidential: X**] UNE-Analog orders in June that had delayed days, while Qwest performance data included no AT&T orders for this measure during the April through June reporting period. The AT&T data reveals that in the two

months when AT&T experienced a delay, the average delays for non-facility reasons were **[Confidential: XXX.]** (Exhibit SLK-15C). In fact, each of the orders incurred the same one-day delay. It is possible that there is a one-day difference between Qwest's AT&T order records and AT&T records. If the records prove this to be the circumstance, then both Qwest and AT&T would show that there were no delays for non-facility reasons. AT&T UNE-Analog order data and Qwest's AT&T UNE-Analog data do not identify any orders that are delayed for facility reasons.

4. COORDINATED CUTS ON TIME – UNBUNDLED LOOP – OP-13

52. Coordinated Cuts on Time evaluates the percent of coordinated cuts of unbundled loops that are completed on time, focusing on cuts completed within one hour of the committed order due time. It also focuses on the percent that were started without CLEC approval. OP-13A measures the percent of LSRs for all unbundled loops, that are started and completed on time during the cutover process and OP-13B measures the percentage of all LSRs for coordinated cuts of unbundled loops that are started without CLEC approval. ROC PID OP-13, attached as Exhibit SLK-16, provides the complete definition and formula for calculating this performance measure. Both OP-13A and OP-13B are part of Checklist Item 4 performance measures. The OP-13A standard of performance is 95% or more completed on time. The OP-13B standards of performance set for Analog unbundled loops are: 1 hour for 1 to 16 lines, 2 hours for 17 to 24 lines and a negotiated interval for projects supporting 25 or more lines.

53. Attached as Exhibit SLK-17C is a comparison of coordinated cuts of UBL-Analog loops that are completed on time using AT&T data and Qwest's AT&T data. For April through June AT&T's own data shows **[Confidential: XX%]** completion on time for April, **[Confidential: XXXX%]** completions on time for May and **[Confidential: XXXX%]**

completions on time for June. Qwest's performance results show **[Confidential: XXXX%]** completions for April, **[Confidential: XXXX%]** completions on time for May and **[Confidential: XXX%]** completions on time for June. Since the standard is 95% or more, AT&T results indicate Qwest met the performance standard for none of the months and Qwest's results show that Qwest made the standard for only one of the three months.

5. DELAYS PAST DUE DATE – OP-15

54. Ordering/Provisioning PID OP-15 measures, on a monthly basis, the extent to which Qwest's pending orders are late, focusing on the average number of days the pending orders are delayed past the due date at the end of each month. As identified earlier, a copy of the ROC 271 OP-15 PID, attached as Exhibit SLK-10, provides the complete definition and formula for calculating this performance measure. OP-15A, the average number of business days pending orders are delayed past their due date for UNE-Analog trunks, and OP-15B, the number of orders outstanding at the end of the month pending UNE-Analog loop facilities, are part of Checklist Item 4 performance measures.

55. Attached as Exhibit SLK-18C is Page 39 of 64 from Qwest's Performance Report for Teleport Communications Group (TCG) Washington for July 2000 –June 2001. The results show that for the period of March 2001 through June 2001 there are 29 pending AT&T orders whose completions are delayed past their due date. My review of AT&T's UNE-Analog order data did not identify any orders whose completions are delayed past their due date at the end of the reporting period and thus would become part of an OP-15 performance measurement.

6. MAINTENANCE AND REPAIR FOR UNBUNDLED LOOPS

56. There are four Maintenance and Repair PIDs for Unbundled Loops for which AT&T has its own data. They are MR-3D – Out of Service Cleared within 24 Hours, MR-4D-

All troubles cleared within 48 hours, MR-6D – Mean Time to Restore and MR-7D – Repair Repeat Report Rate for Unbundled Analog Loops. MR-3D, MR-4D and MR-7D PIDs use the same “CLEC denominator” when calculating performance results, so the starting point for my data comparison was simply a month-by-month count of closed Trouble Tickets. For MR-6D, the “hours: minutes” used in calculating the mean time to restore will be based on the same set of trouble tickets. At this juncture, I have not matched AT&T trouble tickets with Qwest tickets. I have collected a subset of the number of trouble tickets identified by Qwest, Exhibit SLK-19C, but so far have not successfully matched the entire set of Qwest trouble tickets used in developing the above performance measures.

CONCLUSION

57. The comparison of Qwest’s Washington performance results with AT&T’s own internal data shows that Qwest’s AT&T data used to calculate almost every measure fails to match that reported by AT&T. Using AT&T data, several PIDs yield similar results to Qwest’s AT&T results while other PIDs yield disparate results. Yet, the numerators and denominators developed for the performance calculations using AT&T data vary widely from those presented by Qwest in their performance results report. LIS trunk information for several PIDs is currently part of the Liberty reconciliation effort. AT&T data results indicate that Qwest’s AT&T performance is not at the level professed by Qwest for both Checklist Item 1 and Checklist Item 4. If broadened to encompass all CLECs in Washington, and assuming the same results being found by AT&T’s data are applicable to other CLECs, Qwest is not meeting its checklist performance requirements. At this juncture, this Commission has no sound basis for making factually supported 271 checklist compliance decisions for Qwest in the state of Washington on any checklist items. For Checklist Items 1 and 4, however, it is clear that Qwest is not currently

satisfying its obligations. In the absence of clear and reliable data on all checklist items that unequivocally show Qwest's satisfactory performance, Qwest's application must be denied.