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BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation into U S WEST Communications, Inc.'s Compliance with § 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

**COMMENTS  
OF  
MICHAEL G. WILLIAMS  
ON BEHALF OF  
QWEST CORPORATION  
RE: PERFORMANCE**

**NOVEMBER 7, 2001**

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Q. PLEASE STATE YOUR NAME AND QUALIFICATIONS.

A. My name is Michael G. Williams. Please see attached *Exhibit 1* for my qualifications.

Q. DESCRIBE THE PURPOSE OF YOUR TESTIMONY.

R. The purpose of my testimony is to affirm that the current performance Qwest is providing to CLECs in actual commercial settings in the state of Washington is consistently at or above that necessary to satisfy the requirements of Section 271 of the Act as defined by the Federal Communications Commission (FCC). I also rebut the testimony of John F. Finnegan of AT&T as well as the generic comments of WorldCom, Inc. (“WCom”) and Covad Communications Company (“Covad”), which aver that Qwest’s performance is unsatisfactory. The testimony and comments of AT&T, WCom and Covad suffer from the same deficiency; they ignore the legal construct created by the FCC to evaluate performance data and expect perfection in performance, which the FCC does not require and constitutes an unrealistic expectation.

Q. PLEASE DESCRIBE THE FCC’S LEGAL STANDARD FOR EVALUATING PERFORMANCE.

R. It is not necessary to summarize the standard. In its recent decision approving Verizon’s application to provide interLATA services in the state of Pennsylvania, the FCC set forth the legal standard in a very succinct fashion. Specifically:

8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time and manner, or in a way that provides them a meaningful opportunity to compete. Thus, to the extent there is no statistically significant difference between a BOC’s provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC’s provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination requirements are met. Thus, the Commission will examine the explanations that a

1 BOC and others provide about whether these data accurately depict the quality  
2 of the BOC's performance. The Commission also may examine how many  
3 months a variation in performance has existed and what the recent trend has  
4 been. The Commission may find that statistically significant differences exist, but  
5 conclude that such differences have little or no competitive significance in the  
6 marketplace. In such cases, the Commission may conclude that the differences  
7 are not meaningful in terms of statutory compliance. Ultimately, the determination  
8 of whether a BOC's performance meets the statutory requirements necessarily is  
9 a contextual decision based on the totality of the circumstances and information  
10 before the Commission.

11 9. Where there are multiple performance measures associated with a  
12 particular checklist item, the Commission would consider the performance  
13 demonstrated by all the measurements as a whole. Accordingly, a disparity in  
14 performance for one measure, by itself, may not provide a basis for finding  
15 noncompliance with the checklist. The Commission may also find that the  
16 reported performance data is affected by factors beyond a BOC's control, a  
17 finding that would make it less likely to hold the BOC wholly accountable for the  
18 disparity. This is not to say, however, that performance discrepancies on a single  
19 performance metric are unimportant. Indeed, under certain circumstances,  
20 disparity with respect to one performance measurement may support a finding of  
21 statutory noncompliance, particularly if the disparity is substantial or has endured  
22 for a long time, or if it is accompanied by other evidence of discriminatory  
23 conduct or evidence that competing carriers have been denied a meaningful  
24 opportunity to compete.<sup>1</sup>

14 Q. HOW DOES AT&T DESCRIBE HOW THE COMMISSION SHOULD EVALUATE  
15 PERFORMANCE DATA?

16 R. John Finnegan states that "If a benchmark or parity requirement is missed, an ILEC will fail to  
17 satisfy the checklist unless the misses are 'slight, or occur in isolated months, and thus suggest  
18 only an insignificant economic impact.'" *Finnegan Affidavit at ¶ 9, quoting SBC*  
19 *Kansas/Oklahoma 271 Order at ¶ 32*. Obviously, this is not the standard set forth by the FCC  
20 in its Pennsylvania decision. This is not even the standard set by the FCC in its  
21 Kansas/Oklahoma decision. In that case, the FCC found that this was simply *one example* of  
22 how it may find that performance that falls below expectations would be deemed satisfactory.  
23 The proper standard, as set forth above, is whether performance that falls below expectation has  
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25 <sup>1</sup> In the Matter of Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions,  
26 Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA  
Services in Pennsylvania, CC Docket No. 01-138 App. C, ¶¶ 8-9 (Sept. 19, 2001) (footnotes omitted).

1 “competitive significance in the marketplace.”

2 Q. HOW DOES COVAD DESCRIBE HOW THE COMMISSION SHOULD EVALUATE  
3 PERFORMANCE DATA?

4 R. Covad’s comments are internally inconsistent. Covad claims that the FCC has required a “PID  
5 by PID” analysis. *Covad Comments at 4-9*. Qwest reads this to mean that, like AT&T, that  
6 Covad claims Qwest fails its checklist requirements if it fails to meet its performance obligations  
7 on any PID. As legal support for this assertion, however, Covad cites the FCC’s 271 decision  
8 on Texas, which requires a Checklist Item by Checklist Item analysis, not a PID by PID analysis.  
9 The law Covad cites reads as follows:

10 There may be multiple performance measures associated with a particular  
11 checklist item, and an apparent disparity in performance for one measure,  
12 by itself, may not provide a basis for finding noncompliance with the  
13 checklist. Other measures may tell a different story, and provide us with  
14 a more complete picture of the quality of service being provided. Thus,  
whether we are applying the "substantially the same time and manner"  
standard or the "meaningful opportunity to compete" standard, we will  
examine whether the differences in the measured performance are large  
enough to be deemed discriminatory under the statute.<sup>2</sup>

15 Thus, despite Covad’s apparent claim that a failure to meet requirements for a single PID means a  
16 failure of checklist satisfaction, the FCC expressly finds otherwise.

17 Covad also makes the claim that a PID by PID analysis is necessary mistakenly believing  
18 that Qwest has selectively identified and discussed only the performance results that help its  
19 analysis. *Covad Comments at 8-9*. Covad’s view is incorrect. In its Washington performance  
20 filings, Qwest has consistently discussed all measures that in Qwest’s view have a bearing on its  
21 overall performance by checklist item. Moreover, Qwest attaches all of the underlying  
22 performance data for all measures. Finally, at the December hearing, Qwest will present its  
23 overall performance on all measures that have generated a performance expectation (retail parity  
24 or benchmark) in the ROC. Contrary to Covad’s assertions otherwise, there is no attempt to

25 \_\_\_\_\_  
26 <sup>2</sup> Covad Comments at 5, quoting Texas 271 Order at ¶60 (emphasis supplied).

1 hide anything. Qwest simply believes that its performance is outstanding across the board.

2 Q. CONTRARY TO AT&T'S AND COVAD'S CLAIMS, CAN YOU CITE AN EXAMPLE  
3 WHERE A BOC'S PERFORMANCE FELL CONSISTENTLY BELOW PERFORMANCE  
4 EXPECTATIONS, YET THE FCC FOUND THE PERFORMANCE ADEQUATE?

5 R. Yes. In its recent Pennsylvania decision, Verizon's performance around high capacity loops was  
6 consistently below standard yet the FCC found the performance adequate.

7 We recognize, however, that Verizon's performance with respect to  
8 other performance measures for high capacity loops has been poor in  
9 Pennsylvania. Verizon's installation intervals for competitive LECs are  
10 consistently longer than those for its retail customers, and Verizon has  
11 missed a significant percentage of appointments to provision high capacity  
12 loops for competitors. High capacity loops, however, represent a small  
percentage of all loops ordered by competitors in Pennsylvania. Given  
the relatively low volume of orders for high capacity loops compared to  
all loop types, we cannot find that Verizon's performance for high  
capacity loops warrants a finding of checklist noncompliance for all loop  
types.<sup>3</sup>

13 Specifically, "Verizon missed approximately 30 percent to 40 percent of competitive LEC's  
14 provisioning appointments for every month between February and June, 2001, and it takes  
15 Verizon approximately five to ten days longer to install high capacity loops for competitive  
16 LECs."<sup>4</sup> This conclusion alone belies the legal standard set forth by AT&T and Covad.

17 Q. WHAT OTHER STATEMENTS DO AT&T OR WCOM MAKE DO YOU BELIEVE FALL  
18 OUTSIDE THE LEGAL CONSTRUCT OF THE FCC?

19 R. There are several broad areas of concern. First, Mr. Finnegan cites to purported problems with  
20 performance data that is often 12 months old. *See, e.g., Finnegan Affidavit at ¶¶ 10, 12, &*  
21 *26.* When evaluating 271 applications, the FCC focuses on the most recent four months of  
22 performance.

23 Second, Mr. Finnegan consistently complains about performance that is statistically

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<sup>3</sup> *Verizon Penn. 271 Decision* at ¶90.

25 <sup>4</sup> *Id.* at ¶90, n.309.

26

1 identical to that Qwest provides to its retail operation. *See, e.g., Finnegan Affidavit at ¶¶ 33-*  
2 *35.* The FCC has consistently made plain that performance at parity with retail is always  
3 acceptable.

4 Third, AT&T seems to assert that all performance measures are created equal. For  
5 example, AT&T spends an inordinate amount of time discussing ISDN Capable Loops. *See,*  
6 *Finnegan Affidavit at ¶¶ 24-26, 29, 32-34, & 37-40.* ISDN Capable Loops constitute 7% of  
7 the unbundled loops in service in Washington. As described above, the FCC focuses upon the  
8 principle services/UNEs ordered by CLECs in evaluating whether performance is adequate for  
9 271 purposes.

10 Fourth and finally, Mr. Finnegan, WCom and Covad assert that Qwest's 271 application  
11 should be denied simply because performance around individual performance metrics do not  
12 attain the standard of retail parity or the performance benchmark. In other words, the CLECs  
13 appear to claim that Qwest does not meet the checklist if Qwest fails to meet the requisite legal  
14 standard established in the ROC for one individual PID. Again, the FCC is very clear on this  
15 point. This is *not* a basis to reject a 271 application. The issue is whether performance problems  
16 cause competitive disparity in the marketplace. When a performance standard is not met, the  
17 FCC expects parties to look behind the statistics to determine whether the performance is  
18 competitively significant.

19 WCom spends time complaining about a trouble rate of 0.03% for interconnection  
20 trunks, *WCom Comments at 3*, and provisioning when Qwest met 99% of its commitments.  
21 *WCom Comments at 4.* This level of performance should be applauded under every  
22 circumstance. It certainly does not cause competitively significant harm to CLECs. There is  
23 never an attempt by either Mr. Finnegan or WCom to describe how the performance Qwest  
24 provides negatively affects them in the marketplace.

25 I will discuss each of these four performance issues in turn.

26 Q. BOTH AT&T AND WCOM SPEND A SIGNIFICANT AMOUNT OF TIME

1 DISCUSSING PERFORMANCE MISSES OVER THE PAST 12 MONTHS. IS  
2 PERFORMANCE DATA THAT OLD SIGNIFICANT?

3 R. Not in the context that AT&T and WCom are utilizing the data. Section 271 requires Qwest to  
4 establish that it is meeting all of the 14 items on the checklist at the time it files its application.  
5 Qwest came into compliance with different aspects of the checklist (according to FCC  
6 expectations) at different points in time. Thus, if Qwest had performance misses that date back  
7 several months, in and of itself, this should not cause the Washington Commission concern. On  
8 the other hand, if Qwest has consistently been in compliance with performance expectations over  
9 a 12-month span and then Qwest's performance dips for a month or two, the historical level of  
10 performance should provide the Commission with comfort that Qwest is implementing  
11 nondiscriminatory processes to make that item on the checklist available at an acceptable level of  
12 quality.

13 There are several circumstances that AT&T complains of where the performance  
14 problems are many months old. For example, AT&T complains about the installation interval for  
15 ISDN Capable Loops in Zone 1 claiming that Qwest did not provide statistical parity in 5 of 12  
16 months (*Finnegan Affidavit at ¶26*); however, the interval has been decreasing and in each of  
17 the last 4 months (May to August), the interval for CLECs has been at parity with retail. The  
18 same is true of ISDN troubles cleared within 24 hours in Zone 2 (*Finnegan Affidavit at ¶34*)  
19 and the mean time to restore troubles on ISDN Capable Loops (*Finnegan Affidavit at ¶38*). In  
20 both circumstances, Qwest provided parity service for both in 4 of the last 5 months (April to  
21 August). There are other examples that Qwest could cite to as well.

22 In each 271 application that the FCC has approved, it has focused in on four months of  
23 performance data.<sup>5</sup> There can be no dispute on this point. The Commission should not concern

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25 <sup>5</sup> See, e.g., *In the Matter of Application by Bell Atlantic New York for Authorization Under Section 271 of the*  
26 *Communications Act to Provide In-Region InterLATA Service in the State of New York*, Memorandum, Opinion and  
Order, CC Docket No. 99-295 ("Bell Atlantic New York Order") at ¶¶ 69, 156, 219, 221, 223, 224, 284, 300, 301 and 323  
(Dec. 1999).

1           itself with purported performance problems that are outdated and no longer of concern.

2       Q.    IF QWEST’S PERFORMANCE FOR ITSELF IS BETTER THAN THAT IT PROVIDES  
3           TO CLECs, BUT NOT TO A STATISTICALLY SIGNIFICANT DEGREE, SHOULD  
4           THAT CAUSE THE COMMISSION CONCERN?

5       R.    Absolutely not. In its New York decision, the FCC made this point plain: “[T]o the extent there  
6           is no statistically significant difference between Bell Atlantic’s provision of service to competitive  
7           LECs and its own retail customers, we [the FCC] need not look any further.”<sup>6</sup> I am unaware of  
8           any situation in any 271 decision where the FCC even discussed and considered performance  
9           that was statistically identical between CLECs and retail.

10                Nonetheless, AT&T spends a significant amount of time complaining about performance  
11           that it does not like, but that is statistically identical to retail. For example, Mr. Finnegan  
12           consistently asserts that Qwest provides better performance to itself in “x” months and then says  
13           it is statistically significant in some fraction of those months. For interconnection trunk  
14           provisioning, he asserts that “Qwest provided worse performance to CLECs in 9 of the last 12  
15           months of reported data.” *Finnegan Affidavit at ¶ 10*. What Mr. Finnegan does not state is  
16           that the performance Qwest provides to CLECs is statistically identical to that it provides to retail  
17           in 10 of these 12 months. The Commission should ignore all aspects of Mr. Finnegan’s affidavit  
18           that complains about performance that is at parity with retail.<sup>7</sup>

19       Q.    SHOULD THE COMMISSION GIVE ALL PERFORMANCE MEASURES EQUAL  
20           WEIGHT?

21       R.    No. The Commission should evaluate each performance measure on its own merits and decide  
22           what weight to give it. The ROC itself has already undergone this exercise. For example, some

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24           <sup>6</sup> Bell Atlantic New York Order at ¶58.

25           <sup>7</sup> Mr. Finnegan makes a similar assertion with respect to new service installation quality (OP-5). *Finnegan Affidavit at*  
26           <sup>¶ 12</sup>. In 10 of the 12 months, the service provided to CLECs is statistically identical to that provided to Qwest retail. A  
          similar assertion is made with respect to troubles cleared within 4 hours (MR-5), *Finnegan Affidavit at ¶ 16*, and repeat  
          troubles for interconnection trunks (MR-7), *Finnegan Affidavit at ¶ 15*, where Qwest provided parity service in 11 of 12  
          months.



1 measures are contained within the Performance Assurance Plan (PAP) and others are not. Even  
2 more fundamentally, some measures are considered “diagnostic” or for informational purposes  
3 only. OP-15A – the interval for pending orders delayed past the due date – is one of those  
4 measures. Nonetheless, AT&T discusses that measure on four different occasions in its affidavit.  
5 *See Finnegan Affidavit at ¶¶ 13 & 30-32. Covad does the same. Covad comments at 7.*

6 Mr. Finnegan also spends a substantial amount of time discussing ISDN Capable Loops.  
7 Fully 29% of the substantive portions of Mr. Finnegan’s affidavit focuses on this subject. Why  
8 the concern with such loops? [CONFIDENTIAL: SEE CONFIDENTIAL EXHIBIT 3].  
9 Certainly, Qwest’s performance cannot be having a negative impact on AT&T’s ability to provide  
10 service. Moreover, these loops constitute a mere 7% of the total loops in service in Washington.  
11 In direct contrast, 71% of the loops in service are analog loops. Mr. Finnegan spends two  
12 paragraphs discussing analog loops and one of those paragraphs concerns the aforementioned  
13 OP-15A, a diagnostic measure. The other is the average interval it takes Qwest to provision  
14 analog loops to CLECs in Zone 2 (lower density areas) as compared to a 6-day benchmark.  
15 While it is true that Qwest missed the 6-day benchmark in three of the four months (May through  
16 August),<sup>8</sup> Qwest met in excess of 98.3% of its commitments for this product in Zone 1 for each  
17 month in question. Thus, a vast percentage of the time, CLECs get their loops timely. Moreover,  
18 when the entire state is analyzed together (adding Zone 1 and Zone 2 together and calculating the  
19 final result), Qwest met the 6-day benchmark in 3 of these 4 months and effectively met the  
20 benchmark in the fourth month as well. Specifically:

21

Month	Combined Numerator	Combined Denominator	CLEC Result
May 01	4501	779	5.8 days
June 01	4223	704	6.0 days
July 01	4199	695	6.04 days
Aug. 01	4511	786	5.7 days

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26 <sup>8</sup> Qwest just missed the 6-day benchmark in September, provisioning 38 loops in Zone 2 in an average of 6.08 days.

1 The 4-month average during this span for all analog loops is 5.88 days. Thus, when the totality of  
2 circumstances is evaluated, as the FCC recommends, it is clear that Qwest is even meeting the  
3 one substantive analog loop metric about which AT&T complains. It is noteworthy that Qwest  
4 has consistently met every other performance metric around analog loops.<sup>9</sup>

5 Q. SHOULD THE COMMISSION BE CONCERNED MERELY BECAUSE QWEST FAILED  
6 TO MEET ITS PERFORMANCE EXPECTATIONS ON A PARTICULAR MEASURE?

7 R. No. As the FCC stated, the Commission should consider the “totality of the circumstances” and  
8 determine whether the performance will have “competitive significance in the marketplace.”  
9 WCom’s comments are replete with examples of situations where Qwest’s performance will have  
10 no competitive impact. For example, WCom complains about a 0.03% trouble rate around  
11 interconnection trunks (3 in 10,000 trunks experience trouble), *WCom Comments at 3*, installing  
12 94% of its interconnection trunks on time, *WCom Comments at 3*, and timely provisioning 98-  
13 99% of its UNE-P, residential resale, and business resale installation commitments without a  
14 dispatch, *WCom Comments at 4 & 6-7*. Finally, WCom makes some confusing references to  
15 Qwest failing to make its loop commitments because it did not provide installation at parity.  
16 *WCom Comments at 6*. Parity, however, is not the standard for provisioning 2-wire non-loaded  
17 loops. The agreed upon ROC performance expectation is a benchmark -- 90% commitments  
18 met. Qwest has far exceeded that expectation meeting 95% of its commitments.<sup>10</sup> In every one  
19 of the noted examples, the performance is nothing short of outstanding. The only affect this has

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21 <sup>9</sup> AT&T may go back to the diagnostic measure of OP-15A, the interval for pending orders delayed past the due date.  
22 Even here, however, the average delay has been on a downward trend. Moreover, although this measure is diagnostic,  
23 Qwest reports retail data and calculates statistical scores. In each of the last three months (July through September),  
24 CLECs have been at parity with reported Qwest retail.

25 <sup>10</sup> WCom may be confused by the fact that data for analog loops is reported in several categories. Only the Zone 1 and  
26 Zone 2 information is germane to the performance analysis. WCom makes another mistake when evaluating how  
quickly Qwest clears out of service troubles in 24 hours for UNE-P. In their comments, WCom asserts that Qwest fails  
to clear trunks at parity in 3 of the 4 months for MR-3C (troubles cleared for UNE-P). In each service category, Qwest  
provided outstanding repair for CLECs. May through August data show that when a technician dispatch was required  
within an MSA, Qwest cleared out of service troubles at parity in all 4 months; when a technician dispatch was  
required outside an MSA, Qwest provided parity 3 of the 4 months; and when no technician dispatch was required  
Qwest provided parity 3 of the 4 months. Thus, over this four month span, Qwest provided parity service in 9 of the 12  
out of service performance data points.

1 on the CLECs ability in the marketplace is to allow them to compete and compete effectively  
2 against Qwest.

3 Q. ARE THERE ANY OTHER PERFORMANCE DATA POINTS ABOUT WHICH AT&T  
4 COMPLAINS THAT YOU WOULD LIKE TO MENTION?

5 R. Yes. I would like to mention two additional points. First, Mr. Finnegan complains about  
6 Qwest's flow through rates and concludes that generally "bad things can happen when an order is  
7 subjected to human intervention." *Finnegan Affidavit at ¶ 18*. As far as these purported "bad  
8 things," Qwest is consistently provisioning service at parity and is providing timely service an  
9 extremely high percentage of the time. Moreover, Qwest's flow-through PIDs are diagnostic,  
10 primarily because the FCC does not consider flow-through to be a "conclusive measure of  
11 nondiscriminatory access to ordering functions, but as one indicium among many of the  
12 performance" of Qwest's OSS.<sup>11</sup> The FCC recognizes that CLECs can impact heavily the flow-  
13 through rates that a BOC can achieve – efficient CLECs can achieve high flow-through rates while  
14 other, less efficient CLECs have lower flow-through rates. For these reasons, the FCC has  
15 focused less on actual flow-through rates than on whether the BOC's OSS are *capable of*  
16 flowing orders through.<sup>12</sup> Mr. Finnegan does not mention that Qwest tracks LSRs eligible for  
17 flow through and that flow through rates for such orders are quite high.

18 Second, Mr. Finnegan asserts that Qwest is experiencing an inordinately high percentage  
19 of new service troubles for 2-wire non-loaded loops in comparison with retail. *Finnegan*  
20 *Affidavit at ¶ 28*. This is incorrect. AT&T asserts that Qwest failed to provide statistically  
21 similar service to CLECs in each of the last 12 months. To the contrary, Qwest provided CLECs  
22 with parity service in 7 of the last 8 months.

23 \_\_\_\_\_  
24 <sup>11</sup> *In the Matter of Application of Verizon New England Inc., Bell Atlantic Communications, Ind. (d/b/a Verizon Long*  
25 *Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) and Verizon Global Networks, Inc.*  
26 *For Authorization to Provide In-Region InterLATA Services in Massachusetts, CC Docket No. 01-9, Memorandum*  
*Opinion and Order (April 16, 2001) Verizon Massachusetts Order at ¶ 77.*

<sup>12</sup> *Id.* at ¶¶ 78, 80.

1 Q. COVAD ASSERTS THAT THE PERFORMANCE MEASURE AUDIT (PMA)  
2 COMPLETED BY LIBERTY CONSULTING IS “REPLETE WITH FLAWS.” HOW DO  
3 YOU RESPOND?

4 R. Covad’s claim that the PMA is a “fundamentally unreliable tool” is simply inaccurate. Covad  
5 made similar claims in comments to Liberty Consulting. Liberty considered and rejected each  
6 and every comment raised by Covad. See *Exhibit 2*. For example, Covad asserts that Liberty  
7 only considered data for 1-wire non-loaded loops for states with low volumes of such loops.  
8 *Covad Comments at 10-11*. Liberty responded as follows:

9 Covad comments on the “sample data sets” it says Liberty used in the  
10 audit, and generally claims that Liberty’s selection was inappropriate  
11 because the states chosen were not among those with a larger volume of  
12 data. Covad has misunderstood what Liberty did during the audit. As  
13 noted above, one of the required parts of the audit was to recalculate  
14 Qwest’s results. In several cases, Liberty chose states with smaller  
15 volumes to do the recalculation simply for convenience in handling large  
16 amounts of data. However, in all cases, Liberty verified that the  
17 programming used to determine Qwest’s results for these low-volume  
18 states was identical to that used for all other states. Liberty was not  
19 “sampling” when it did its recalculation, but rather tested the computer  
20 code for particular states and products. Liberty also examined the actual  
21 code used to make these calculations. Recalculation of results for more  
22 states, higher-volume states, or more products would not have added any  
23 value to the audit and would not have produced any new findings.<sup>13</sup>

18 Q. COVAD AND AT&T ALSO ALLEGE THAT THE PMA DID NOT ADDRESS CERTAIN  
19 ASPECTS OF HOW QWEST TRACKS AND COLLECTS DATA. HOW DO YOU  
20 RESPOND?

21 R. The affidavit of Mr. Kail and this portion of the Covad Comments focus on the accuracy of  
22 certain aspects of Qwest’s data. Although Qwest believes its performance data is accurate as  
23 validated by the PMA, Qwest did agree to participate in a data reconciliation effort that is  
24

25  
26 <sup>13</sup> *Exhibit 2* at 2.

1 underway and is also under the supervision of The Liberty Consulting Group.<sup>14</sup> The reconciliation  
2 is currently scheduled to conclude on November 19, 2001. The Commission has already set a  
3 comment cycle to discuss the reconciliation effort. Qwest will respond to the reconciliation  
4 concerns raised by CLECs as the current schedule contemplates.  
5

6 Q. ALTHOUGH AT&T AND COVAD CLAIM THAT QWEST'S DATA IS INACCURATE,  
7 WHAT DO THEIR DATA SHOW WITH RESPECT TO THE ADEQUACY OF QWEST'S  
8 PERFORMANCE.  
9

10 R. This issue is one of the most telling of all. Both AT&T and Covad complain bitterly about the  
11 accuracy of Qwest's performance data; however, in many instances the data that Covad or  
12 AT&T present also shows that Qwest is meeting its performance expectations. Thus, much of  
13 the performance data cited by both Mr. Kail in this proceeding and Covad during the  
14 reconciliation effort verify what Qwest is seeking to establish here – that its overall performance  
15 meets Section 271 expectations. At this point, I will not go into greater detail because the data is  
16 confidential. Qwest will also discuss this issue in its comments on the data reconciliation.  
17

18 Q. DO YOU HAVE ANY CONCLUSIONS ABOUT THE CURRENT LEVEL OF QWEST'S  
19 PERFORMANCE?  
20

21 Yes. Under any objective standard, Qwest's performance for CLECs during the months of May  
22 to August is outstanding. CLECs raise complaints principally around four checklist items: (1)  
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25 <sup>14</sup> Covad claims that Qwest's willingness to participate in the reconciliation is "tacit acknowledgment" that some of  
26 Qwest's data is inaccurate. Nothing could be further from the truth. As Covad knows, at every stage of the process  
Qwest has proclaimed that its data is accurate, but nonetheless was willing to participate in the reconciliation process.

1 interconnection; (2) UNE-P; (4) unbundled loops; and (14) resale. An evaluation of the data,  
2 however, shows that many of the problems about which AT&T and WCom complain are historic  
3 and no longer exist, are not competitively significant and constitute a small fraction of the overall  
4 performance on these checklist items. A review of the most current performance around these  
5 checklist items (June to September 2001) shows that CLECs are receiving outstanding service in  
6 each category. Specifically:  
7

- 8  
9 • Checklist Item 1 (interconnection): For the 4 months, Qwest averaged meeting 90.5% of its  
10 interconnection trunk installation commitments in Zone 1 and 94.4% in Zone 2. See OP-3.  
11 Qwest's service was at parity 3 of the 4 months in each instance. Every other performance  
12 metric surrounding interconnection installation (installation interval (OP-4); delays in  
13 provisioning for non-facility reasons (OP-6A); and installation quality (OP-5)) was also at  
14 parity at least 3 of the most recent 4 months. The sole exception to this was delays in  
15 installation for facility reasons. There, CLECs had 3 trunks installed late, one of which was  
16 delayed 135 days. Qwest did not experience any similar delays during this time. As to  
17 interconnection trunk repair, every repair metric (troubles cleared in 4 hours (MR-5); mean  
18 time to restore trunks (MR-6); and, repeat troubles (MR-7)) was at parity in each of the last  
19 four months. Here the only exception was trouble rate (MR-8). As discussed above,  
20 CLECs experienced .02% trouble rate (2 of 10,000 trunks experienced troubles) while  
21 Qwest experienced a .01% trouble rate (1 of 10,000 trunks experienced troubles). This,  
22 both Qwest and CLECs experienced excellent service. Finally, blockage on CLEC trunks to  
23 Qwest end offices was consistently well below the benchmark of 1% on both tandem trunks  
24 and direct trunks. See NI-1A & B. When Qwest's overall interconnection performance is  
25 evaluated, Qwest is providing outstanding service to CLECs.  
26

- 1 • Checklist Item 2 (UNE-P): Over the last 4 months, Qwest provisioned roughly 78% of its  
2 UNE-P, or unbundled network element platform, orders without a technician dispatch. For  
3 these non-dispatched orders, Qwest met 100% of its installation commitments to CLECs in  
4 each of these months. Including dispatched orders, Qwest met 98.3% of all UNE-P orders  
5 (OP-3). All interconnection installation metrics (OP-3, OP-4, OP-6 and OP-5) were at  
6 parity at least 3 of the 4 months and often 4 of the 4 months irrespective of whether the work  
7 required a dispatch within an MSA, a dispatch outside an MSA, or no technician dispatch at  
8 all. The sole exception to this is the average installation interval (OP-4) when no dispatch is  
9 required. There Qwest provisioned service to CLECs in an average of 2.7 days, meeting  
10 100% of its commitments, and service to CLECs was at parity in two months – the 2 most  
11 recent months. On the repair side, service to CLECs was equally outstanding. Qwest  
12 provided parity service in all four months in virtually every service category. There was only  
13 one metric with 2 of 4 months at parity – repair appointments met when technicians were  
14 dispatched within an MSA (MR-9). Just as with interconnection, when Qwest’s overall  
15 performance around UNE-P is evaluated, Qwest is providing outstanding service to CLECs.
- 16 • Checklist Item 4 Unbundled Loops: Over the past 4 months, Qwest has provided  
17 outstanding service in both provisioning and repairing all types of unbundled loops. Analog  
18 loops (voice loops) and 2-wire non-loaded loops (DSL-capable loops) account for more  
19 than 91% of all CLEC loops installed in Washington. Thus, I will discuss these two lops  
20 types in detail. For analog loops, in Zone 1, Qwest provisioned 99% of its loops on time  
21 (besting the ROC 90% benchmark each month (OP-3)) in an average interval of 5.7 days  
22 (below the ROC’s 6-day benchmark in each month (OP-4)). With the exception of  
23 installation intervals in Zone 2,<sup>15</sup> Qwest met its performance objective (retail parity or  
24 benchmark) in each service category in all four months. See OP-3, OP-4, OP-5, OP-6A &

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26 <sup>15</sup> Provisioning intervals (OP-4) in Zone 2 is discussed and explained earlier in my testimony.

1 OP-6B.<sup>16</sup> Repair of analog loops is even more impressive. Qwest repaired CLEC loops  
2 at parity with retail in each of the last 4 months in every service category without exception.  
3 See MR-3, MR-4, MR-6, MR-7 & MR-8 for both Zone 1 and Zone 2. When Qwest's  
4 overall performance around analog loops is evaluated, Qwest is providing outstanding service  
5 to CLECs.

- 6 • Qwest's service to CLECs for 2-wire non-loaded loops was even more impressive. In Zone  
7 1, Qwest met 97% of its installation commitments to CLECs (besting the ROC 90%  
8 benchmark each month (OP-3)) in an average interval of 5.1 days in August (below the  
9 ROC's 6-day benchmark in each month (OP-4)). In Zone 2, Qwest also bested the 90%  
10 benchmark in each month (OP-3) and the 6-day benchmark interval in 3 of 4 months with an  
11 average interval of 5.5 days during these four months. See OP-4. In addition, with the  
12 exception of delays for non-facility reasons in Zone 1 where Qwest provided parity service in  
13 3 of 4 months, Qwest met its performance objective (retail parity or benchmark) in each  
14 service category in all four months. See OP-5, OP-6A & OP-6B. Repair of 2-wire non-  
15 loaded loops is even more impressive. Qwest repaired CLEC loops at parity with retail in  
16 each of the last 4 months in every service category with only exception. See MR-3, MR-4,  
17 MR-6, MR-7 & MR-8 for both Zone 1 and Zone 2. The exception: in Zone 1, Qwest  
18 cleared 96.3% of CLEC out of service troubles within 24 hours in September (MR-3). In  
19 that same month, Qwest cleared 100% of such troubles on the retail side showing a very  
20 slight disparity; however, hardly anything that is competitively significant. In every other  
21 month, this metric was at parity. When Qwest's overall performance around 2-wire non-  
22 loaded loops is evaluated, Qwest is providing outstanding service to CLECs.
- 23 • Although I am not discussing other loop types in as much detail, Qwest's service is equally  
24 impressive. For 4-wire non-loaded loops, Qwest met both its installation and repair

25 \_\_\_\_\_  
26 <sup>16</sup> Delays for facility reasons (OP-6B) in Zone 1 was at parity in 3 of the 4 months.



1 performance objectives in every category in all 4 months without exception. For all remaining  
2 loop categories with any activity – DS-1 Capable Loops, ISDN Capable Loops and ADSL  
3 Qualified Loops – Qwest met virtually very performance objective in each month. There is  
4 only an odd performance miss or two on occasion. When Qwest’s overall performance  
5 around these loops is evaluated, Qwest is again providing outstanding service to CLECs.  
6 This is especially true for coordinated cutovers were Qwest met 99% of its commitments to  
7 CLECs for analog loops over the past 4 months and 95.8% of coordinated cuts for all other  
8 loop types besting the 95% benchmark in both categories. See OP-13A.

- 9 • Checklist Item 14 Resale: There is so much data around resale (120 pages) that I will only hit  
10 a few highlights. Approximately 60% of resale orders in Washington are provisioned without  
11 a technician dispatch. In such circumstances, Qwest met 99% of its installation commitments  
12 for resold residential customers, 99% for business customers, and 100% for Centrex and  
13 Centex 21 customers. See OP-3. In the unlikely event that service was delayed, Qwest  
14 established service for wholesale customers at parity with Qwest retail customers in every  
15 circumstance. See OP-6A & B. As to repair of resold services, Qwest provided parity  
16 service in virtually every category in virtually every month. For residential resale, Qwest  
17 provided parity service in every repair category in all four months without exception. The  
18 only complaint raised by CLECs regarding resale concerns the average installation interval for  
19 residential and business resale when no technician dispatch is required. As stated above, as  
20 to these services Qwest provisioned the services on time to CLECs 99% of the time, and the  
21 average intervals are always less than 2.75 days. Qwest’s overall performance around resold  
22 services is clearly outstanding and meets 271 objectives.

23 In summary, in each circumstance, when the totality of the performance is considered,  
24 it is very apparent that Qwest is providing all 14 checklist items at an extremely high level of  
25 quality.