

**COVAD COMMUNICATIONS COMPANY'S COMMENTS ON PROCESS
FOR COMMISSION'S SIX-MONTH REVIEW OF QWEST'S
PERFORMANCE ASSURANCE PLAN (QPAP)
(May 30, 2003)**

**Re: In the Matter of the Six-Month Review of Qwest Corporation's
Performance Assurance Plan, Docket No. UT-033020**

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

Covad believes that the Commission should begin its six month review in late June. Similar to the ROC TAG's role in the development of PIDs, which co-existed and was complimentary to the individual state PAP proceedings, Covad believes that a two-pronged approach will prove most efficient because it will take advantage of collaborative efforts but with the additional advantage of specific timelines imposed by the six-month review and the ready avenue of recourse to the WUTC should disputes arise. Also, the LTPA will not cover all elements of the six-month review.

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

At the very least, Covad would like the Commission to consider the following issues in its six-month review of the QPAP:

- a. The Commission should ensure that line sharing and line splitting products are included in relevant PIDs. For example, in the LTPA, discussions are ongoing regarding which products should be included in OP-5 and PO-20. Covad has argued that both OP-5 and PO-20 should include line sharing and line splitting products, but Qwest has resisted these arguments by stating that line sharing may not be available as a UNE post-Triennial Review order and that line splitting does not yet have enough volume to justify its inclusion in these PIDs. Covad strongly disagrees with Qwest's reasoning. Both of these products must be included in relevant PIDs in order to ensure that Covad can provide adequate competitive services to customers in Washington State.

b. Currently, the QPAP does not include PIDs for various migration scenarios that are important to Covad. For example, there are no PIDs addressing line sharing to line splitting scenarios; CLEC to CLEC migrations for like products, UNEs and services; or ILEC to CLEC migrations for like products, UNEs, and services. All of these scenarios must be addressed in order for Covad to be able to provide seamless service to its customers and for Covad to be able to take on and serve new customers switching from other providers. Covad will provide an exhaustive list of these scenarios in this proceeding.

c. The OP-4 loop conditioning intervals should be shortened. Currently, the OP-4 loop conditioning interval is 15 days. Qwest has proven that it can condition loops within a much shorter time period – usually between five and seven days. This shortening of the conditioning interval not only reflects Qwest’s own statistics, but provides Qwest with the correct incentives to improve its service to Covad and similarly situated CLECs.

d. The OP-6 and OP-15 intervals should be changed from diagnostic to parity with residential and business POTS.

e. PO-15 for line sharing should be changed from diagnostic to parity with residential and business POTS.

f. The standards in the QPAP PIDs should be synched up with the standards in the ROC PIDs wherever necessary.

g. The Commission should create a separate reporting category for disconnect Firm Order Commitments.

Covad may have other areas that it would like the Commission to address in its review of the QPAP.

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

Covad believes the parties should submit comments with specific proposals; followed by responses and then a workshop. Finally, the parties should file briefs and make a presentation to the Commission.

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

Covad believes the ALJ should preside over the workshop and the Commission should preside over disputes that arise between the parties.

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

Yes – please see answers to questions 3 and 4 above.

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

Covad believes that it can present its case via verified comments. The workshop should be the forum in which the parties explain complex or disputed issues.

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

Covad believes that comments should be filed prior to the proceeding so that proposals can be laid out. The parties should then brief the issues at the end of the proceeding on issues that are still in dispute.

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

Covad believes that the Commission should set a deadline for concluding the proceeding and that the schedule should be expedited. If the proceeding schedule is not expedited, then there is a good chance that this six-month review could run into the next six-month review or audit.

Respectfully submitted this 29th day of May, 2003.

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