

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)

**WORLDCOM'S COMMENTS ON QWEST'S WASHINGTON PERFORMANCE
DATA**

WorldCom, Inc., on behalf of its regulated subsidiaries, (collectively "WorldCom") hereby files its Comments on Qwest's Performance Data relating to the State of Washington for the time period October 2000 – September 2001.

INTRODUCTION

The Federal Communications Commission ("FCC") has defined Qwest's obligations under the 1996 Telecommunications Act (the "Act") as to provide interconnection, collocation and access to unbundled network elements on a nondiscriminatory basis:

[F]or those functions the BOC [Bell Operating Company] provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its retail services offerings, the BOC must provide access to competing carriers in substantially the same time and manner as it provides to itself, i.e., at equal levels of quality, accuracy and timeliness.

For those functions that have no retail analog, the Bell Operating Company (“BOC”) must demonstrate that the access it provides to competing carriers would offer an efficient carrier a “meaningful opportunity to compete.”¹

Qwest must establish a *prima facie* showing that it meets the requirements of each of the checklist items in Section 271 of the Act. Qwest must plead, with appropriate supporting evidence, facts which if true, demonstrate that it is providing access or interconnection pursuant to the terms of that checklist item.² The type of evidence that a BOC presents to satisfy this standard may vary, but the FCC encourages the BOCs to present performance data and performance measurements, and reiterates, “the most probative evidence that a BOC is providing nondiscriminatory access is evidence of actual commercial usage.”³

Qwest argues that its performance data demonstrates that it meets Section 271 objectives. WorldCom disagrees. As these comments demonstrate, Qwest does not provide service to competitive local exchange carriers (“CLECs”) in accordance with its obligations under the Act.

DISCUSSION

A. Checklist Item No. 1: Interconnection

1. Local Interconnection

The combined OP-3 Installation Commitments Met (zone 1 & 2) results show that Qwest provided lower competitive local exchange carrier (“CLEC”) results in eight of the

¹ *In re the Matter of Section 271 Application of Bell Atlantic New York to Provide In-Region, InterLATA Service in the State of New York*, FCC Memorandum Opinion and Order, CC Docket No. 99-295 (Dec. 22, 1999) at para. 44.

² *Id.* at paras. 49 & 52.

³ *Id.* at paras. 53-54.

last twelve months producing a weighted average result for CLECs of 83.73% versus 87.66% for Qwest.⁴ For the most recent 4 months (June – September 2001) Qwest provided lower CLECs results in 3 of the 4 months producing a weighted average result for CLECs of 91.36% versus 95.35% for Qwest.

Qwest's performance in installing CLEC interconnection trunks is questionable with respect to the time to install interconnection trunks. In the most recent 4 months (June – September 2001) Qwest provided longer installation times for CLECs of 25.70 days versus the Qwest results of 20.84 days on a combined weighted average⁵. Qwest's inferior performance in installing CLEC interconnection trunks is really highlighted in July 2001 as the combined weighted average results for CLECs was 35.23 days versus only 18.01 days for Qwest.

WorldCom also notes that Qwest cleared a higher percentage of troubles cleared within 4 hours in August and September 2001 than it did for CLECs for zone 1 and for June 2001 in zone 2.⁶ For the twelve-month combined weighted average Qwest's results show a lower percentage of repeat repairs on the retail side of 21.90% versus 28.42% for CLECs.⁷ CLECs received a higher percentage of repeat repairs in 8 of those 12 months and in 3 of the last 4 months. Qwest has also provided a higher percentage of troubles for CLECs than Qwest reports on the retail side in each of the last 4 months.⁸

⁴ See WorldCom's Exhibit 1 LIS INSTALL COMMITMENTS MET and Qwest's reported results for October 2000 – September 2001, OP-3, p. 1 and 2.

⁵ See WorldCom's Exhibit 1 LIS INSTALL INTERVAL and Qwest's reported results for October 2000 – September 2001, OP-4, p. 1 and 2.

⁶ See Qwest's reported results for October 2000 – September 2001, MR-5, p. 5 and 6.

⁷ See WorldCom's Exhibit 1 LIS REPEAT REPAIR REPORT and Qwest's reported results for October 2000 – September 2001, MR-7, p. 5 and 6.

⁸ See Qwest's reported results for October 2000 – September 2001, MR-8, p. 7.

2. Collocation

Qwest reports show Qwest missing the collocation feasibility study interval standard of 10 days in 4 of the last 6 months, averaging 10.44 days.⁹ In addition, Qwest failed to meet the collocation feasibility study commitments standard of 90% in 4 of the last 6 months, averaging only 64.44%.¹⁰

B. Checklist Item No. 2: Access to Network Elements

1. Jeopardy Notice Interval/Timeliness

During the last twelve months of reported data for non-designed services, Qwest provided earlier notice of order jeopardy to its retail customers as compared to CLEC customers in 7 of the 12 months.¹¹ In addition, with regard to the PO-9 timely jeopardy notices measure, which measures the percentage of orders for which advanced jeopardy notification is provided, in 11 of the last 12 months, Qwest provided a higher percentage of advanced jeopardy notices to its retail customers than to CLECs for non-designed services.¹² Moreover, in 9 of the last 12 months, Qwest provided jeopardy notices to its retail customers earlier than to CLECs for UNE-P POTS.¹³

2. Due Date Changes (Resale)

The Number of Due Date Changes per Order (PO-15), counts all due date changes made for Qwest reasons following assignment of the original due date. WorldCom notes that Qwest provided better results on the retail side than it did for CLECs in all ten of the reported months¹⁴.

⁹ See Qwest's reported results for October 2000 – September 2001, CP-3, p. 9.

¹⁰ See Qwest's reported results for October 2000 – September 2001, CP-4, p. 9.

¹¹ See Qwest's reported results for October 2000 – September 2001, PO-8A, p. 40.

¹² See Qwest's reported results for October 2000 – September 2001, PO-9A, p. 40.

¹³ See Qwest's reported results for October 2000 – September 2001, PO-9D, p. 43.

¹⁴ See Qwest's reported results for October 2000 – September 2001, PO-15, p. 45

3. Unbundled Network Element Platform (UNE-P)

Installations without the need for a dispatch represent the large majority of UNE-P installations. Qwest's OP-4 installation interval results for no dispatches show that Qwest installed UNE-P services for CLECs in intervals that were longer than for similarly situated retail customers in 9 of the last 12 months.¹⁵

C. Checklist Item No. 4: Loops

1. Loop Installations

While Qwest is currently meeting the average installation interval in zone 1 for analog loops it have missed the 6-day standard in 5 of the last 12 months, averaging 6.93 days.¹⁶ The results are much worse for interval zone 2 where Qwest missed the 6-day standard in 11 of the 12 months, averaging 9.47 days.¹⁷ Qwest also reports a higher interval for pending orders delayed past the due date for CLECs in 6 of the 9 months Qwest reports parity results. For the reporting period of January – September 2001 the average interval for CLECs was 110 days for CLECs and only 39 for Qwest.¹⁸

For DS1 capable loops, Qwest has reported a lower percentage of installation commitments met for CLECs than on the retail side in all 12 months for zone 1.¹⁹ The report also shows that the overall trouble percentage for CLECs has been higher in 6 of the last 7 months.²⁰

Installations in zone 1 represent the majority of the ISDN capable installations. The percentage of commitments met for CLECs was lower than the Qwest results in 10

¹⁵ See Qwest's reported results for October 2000 – September 2001, OP-4 No Dispatches, p. 53.

¹⁶ See Qwest's reported results for October 2000 – September 2001, OP-4, p. 66.

¹⁷ See Qwest's reported results for October 2000 – September 2001, OP-4, p. 67.

¹⁸ See Qwest's reported results for October 2000 – September 2001, OP-15A, p. 69.

¹⁹ See Qwest's reported results for October 2000 – September 2001, OP-3, p. 90.

²⁰ See Qwest's reported results for October 2000 – September 2001, MR-8, p. 96.

of the last 12 months, averaging only 77% for CLECs and 92 % for Qwest.²¹ CLECs also received a lower percentage of new service quality in 8 of the 12 months, averaging 91.15% for CLECs and 95.86 for Qwest.²² For the out of service troubles cleared within 24 hours for zone 1, CLECs have received a lower percentage cleared than the Qwest results in 11 of the last 12 months, averaging 92.38% for CLECs and 98.52% for Qwest.²³

2. Unbundled Loop Cutovers

For coordinated cuts completed on time for unbundled loops analog, Qwest missed the 95% standard in 8 of the last 12 months, averaging only 82%.²⁴ For coordinated cuts unbundled loop other Qwest missed the 95% standard in 9 of the last 12 months, averaging only 61%.²⁵

D. Checklist Item No. 14: Resale

Installations without the need for a dispatch represent the large majority of resale residence and business installations. CLECs received lower installation commitments met percentages compared to the Qwest results in 10 of the last 12 months for residence resale.²⁶ CLECs also experienced higher installation intervals in all 12 months for residence resale no dispatch.²⁷ For business resale, CLECs have received a lower percent of installation commitment met in 10 of the last 12 months and a higher installation

²¹ See Qwest's reported results for October 2000 – September 2001, OP-3, p. 97.

²² See Qwest's reported results for October 2000 – September 2001, OP-5, p. 99.

²³ See Qwest's reported results for October 2000 – September 2001, MR-3, p. 101.

²⁴ See Qwest's reported results for October 2000 – September 2001, OP-13A UBL Analog, p. 119.

²⁵ See Qwest's reported results for October 2000 – September 2001, OP-13A, UBL Other, p. 119.

²⁶ See Qwest's reported results for October 2000 – September 2001, OP-3, Residence No Dispatches, p. 164.

²⁷ See Qwest's reported results for October 2000 – September 2001, OP-4, Residence No Dispatches, p. 164.

interval in all 12 months versus the Qwest results.²⁸ With regard to resale business new service installation quality, CLECs also experienced a lower percentage in 11 of the last 12 months. The repeat repair rate for business no dispatch shows a higher percentage of repeat troubles for CLECs in 11 of the last twelve months, averaging 27.98% for CLECs and only 19.59% for Qwest.²⁹ CLECs also experienced a higher percentage of overall trouble in all 12 months.³⁰

CONCLUSION

As these comments demonstrate, a review of Qwest's performance data for Washington for the period October 2000-September 2001 shows that Qwest fails to provide service to its wholesale customers/competitors in accordance with its obligations under the Act. Qwest consistently fails to provide service to competing carriers in "substantially the same time and manner as it provides to itself," i.e., at equal levels of quality, accuracy and timeliness. Moreover, Qwest's consistent failure to comply with the benchmarks on key PID measurements shows that Qwest does not provide its wholesale customers/competitors with a meaningful opportunity to compete. Accordingly, WorldCom urges the Commission to find that Qwest has not complied with the checklist requirements of Section 271 of the Act.

²⁸ See Qwest's reported results for October 2000 – September 2001, OP-3 and OP-4, Business No Dispatches, p. 175.

²⁹ See Qwest's reported results for October 2000 – September 2001, MR-7, Business No Dispatches, p. 181.

³⁰ See Qwest's reported results for October 2000 – September 2001, MR-8, Business No Dispatches, p. 181.

Dated this 5th day of December 2001.

WORLD.COM, INC.

By: _____ /S/ _____

Michel L. Singer Nelson
707 -17th Street, #4200
Denver, Colorado 80202
303-390-6106
michel.singer_nelson@wcom.com