Introduction

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Richard Cabe and my business address is 221 I Street, Salida, Colorado.

Q. ARE YOU THE SAME RICHARD CABE WHO FILED SUPPLEMENTAL RESPONSE TESTIMONY IN THIS DOCKET.

A. Yes, I am.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. At the time of filing supplemental response testimony, Qwest had not yet made a complete response to Covad Data Request 60. This testimony contains the results of my analysis of Qwest's response to that Data Request.

Q. PLEASE SUMMARIZE YOUR CONCLUSIONS.

A. Qwest's response to Covad Data Request 60 provides examples that corroborate my earlier testimony regarding the character of cooperative testing. Specifically, cooperative testing is a collaborative process used to ensure that the installation is done correctly, it is sometimes used during installation activities before Qwest is ready to deliver the loop, and it frequently points out problems that had escaped the attention of Qwest technicians engaged in the installation – problems which were not uncovered until contacting Covad to undertake cooperative testing, and which would lead to Qwest delivering a defective loop in the absence of cooperative testing. Further, the records provided in Qwest's response to Covad Data Request 60 confirm the reservation mentioned in my earlier testimony that Qwest's present activities are being expedited in the interest of making a good

showing for the sake of 271 applications, which raises the concern that performance will fall when Qwest no longer has 271 applications under consideration.

The Character of Cooperative Testing

Q. WHAT RECORDS DID QWEST PROVIDE IN RESPONSE TO COVAD DATA REQUEST 60?

A. Qwest provided some of its records of testing on a number of recent Covad 2 wire non-loaded loop installations. Qwest's records provide a number of examples that illustrate the characteristics of cooperative testing mentioned above and in my earlier testimony. While the records do not allow me to confidently compute percentages that would summarize the various possible ways that installations in this sample proceed, it is not hard at all to find examples illustrating the three characteristics mentioned above.

Q. PLEASE PROVIDE AN EXAMPLE THAT SHOWS COOPERATIVE TESTING AS A COLLABORATIVE PROCESS TO ENSURE A CORRECT INSTALLATION.

A. A redacted copy of Qwest's documentation of the process for this example is attached as Exhibit RC-1. Note that the dates and times appear in the left hand column, and chronological order is from the bottom of the page up. The entry of 1/11/02 0936 shows Qwest's outside technician calling from the customer premises ready for cooperative testing. At 0940 Covad's tester "can loop first card, but not second card." At this point it is clear that there is a problem that Qwest has overlooked and a collaborative effort at troubleshooting ensues. At

0943 Qwest's outside technician and Covad's tester are put on hold and contact is initiated with a Qwest central office technician. It is worth noting that Qwest didn't release the Covad tester with a promise to call back when the problem is fixed. Qwest's technicians want continued access to Covad's testing capabilities for troubleshooting purposes, so Covad's tester is put on hold. At 0956 Qwest's central office technician has returned from checking cross-connects and Covad's tester is asked to try again. Covad's tester reports that the loop still doesn't work. The log now mentions repair activities that may take a while and the call is ended. After a little more than an hour, Qwest's technicians call in again to report that the problem had been fixed – the circuit design had neglected two central office cross-connects – and they were ready to try cooperative testing again. This time the loop was ready and cooperative testing proceeded smoothly.

Q. DOES THIS EXAMPLE ILLUSTRATE THE PHENOMENON THAT QWEST MAINTAINS DOES NOT HAPPEN AT ALL?

A. Yes. As discussed in my earlier testimony, Qwest maintains that it tests loops thoroughly from the CLEC's point of demarcation in the central office to the end user customer's point of demarcation at the customer's premises, and any problems with the loop are fixed before the CLEC is contacted for cooperative testing. In this example, as in many others in the records supplied, cooperative testing identified a problem that Qwest had overlooked. In this case, Covad's tester stayed on the line from 9:36 to 9:59 to participate in a collaborative effort to isolate the problem. In the end, the problem was very clearly documented as part of the loop that Qwest claims to test before contacting the CLEC. If Qwest had

actually tested the loop thoroughly the problem would have been identified. If Qwest had quality control measures in place to ensure that this didn't happen, Covad wouldn't need to dedicate facilities and personnel to the cooperative testing process.

Q. PLEASE PROVIDE AN EXAMPLE THAT SHOWS A PROBLEM WITH A LOOP THAT WAS ONLY IDENTIFIED THROUGH COOPERATIVE TESTING.

A. A redacted copy of the pertinent part of the documentation for this example is included as Exhibit RC-2. The phenomenon of cooperative testing pointing out a problem that had previously escaped the attention of Qwest personnel is common in the records Qwest supplied and appears in several of the illustrative examples I rely on, including the previous one. I offer this example to show that the identification of a problem at cooperative testing doesn't always lead to a protracted period of troubleshooting. In this example cooperative testing occurred on 1/15/02. The call to Covad's testing center was placed at 10:09. Covad's tester found an open in the central office. A call was placed to the central office and a central office technician corrected a "bad heat coil." Covad's tester then tested the loop and accepted delivery of a good loop at 10:16. Cooperative testing, including troubleshooting and repair of a Qwest fault in the loop, was completed in 7 minutes.

Q. PLEASE PROVIDE AN EXAMPLE THAT SHOWS QWEST'S USE OF COOPERATIVE TESTING BEFORE A LOOP IS READY FOR DELIVERY.

A. A redacted copy of the pertinent part of the documentation for this installation is attached as Exhibit RC-3. In my earlier testimony I noted that Qwest benefits from access to Covad's testing capabilities during the installation process but before the loop is ready or offered for delivery, and in fact, Qwest can call on Covad's testing capabilities in any repair activities after installation has been completed. In the present example, there was some question among Qwest personnel before the loop was ready to deliver whether bridged tap had been removed from this loop or not. At 6:28 on 1/14/02, approximately 5 hours before the loop was ready for delivery, Qwest's tester coordinating the installation resolved the issue by calling Covad for a "pre-test on line to see if they see any BT." Covad's tester confirmed that there was no bridged tap on the line. Of course, Qwest could have conducted this test without Covad's assistance, but relying on Covad was quicker and less costly.[1] At 11:18 Qwest's outside technician was ready and cooperative testing proceeded without any problems.

Q. YOU HAVE MENTIONED BOTH COOPERATIVE TESTING AND PRE-TESTING. IS THERE A DIFFERENCE?

A. There is no difference of any substance. The records provided show Qwest personnel observing an awkward distinction. Qwest personnel appear to be trained to first seek a "pre-test," and if the "pre-test" shows the loop to be satisfactory, then to offer the loop for a "cooperative test." When this happens, Covad testing personnel do not conduct further testing under the label of "cooperative testing," but just acknowledge that the loop passed cooperative

[1] It was less costly for Qwest, but of course it imposed on Covad the cost of maintaining

testing and is accepted. Covad's testers want to make sure the loop works, but don't care what label is applied to the testing. An illustration of this odd distinction is provided in Exhibit RC-4. At 11/16/01 0932, Qwest's tester departed from the standard procedure of first asking for a "pre-test:" "I offered coop test and coop test was performed but CLEC could not see short. I asked CLEC if this could be a pretest – pretest approved." Perhaps this is part of the explanation of Qwest's position that faults are not identified during cooperative testing; cooperative testing is renamed "pre-testing" if there is any chance of a problem being identified. In this case the Qwest tester was quick to seek approval for a re-labeling that has no substance whatsoever, and Covad's tester didn't object. Regardless of how the interaction is labeled, if this installation had been performed in the absence of cooperative testing, the loop would have been defective when installed and additional costs would have been imposed on Covad and Covad's customer. If Covad's customer had been willing to persist beyond an unsuccessful initial attempt to establish service, a trouble ticket would have been filed and additional costly activities would have been required of Qwest. The problem identified in this cooperative testing interaction – a "cut over at xbox" that Qwest had neglected – was corrected and the loop accepted at 9:48.

Q. DOES IT APPEAR THAT THE PHENOMENA ILLUSTRATED IN THESE EXAMPLES ARE RARE, OR UNUSUAL?

A. No. It is not difficult to find illustrative examples such as these; to the contrary, they are numerous. While there are instances of the installation process going as

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personnel and facilities to support the testing capability that Qwest called on.

Qwest describes it – a loop is prepared for delivery, any faults on the loop are identified and corrected, and the loop is accepted at cooperative testing – there are also many instances where the installation proceeds in ways that Qwest maintains can never happen. If the scenarios illustrated above did not happen, as Qwest contends they do not, Covad would never devote resources to participation in cooperative testing.

Q. YOU STATED THAT YOU COULD NOT CONFIDENTLY CALCULATE PERCENTAGE OF OCCURRENCE OF DIFFERENT USES OF CLEC TESTING TO SUMMARIZE THE DATA. PLEASE EXPLAIN.

A. As I indicated above, the records contain many instances of problems detected during cooperative testing that, in the absence of cooperative testing, would result in the CLEC being unable to provide service and having to file a trouble ticket for repair of the loop – if the customer were patient enough to continue beyond the frustration of an unsuccessful initial attempt to start service. Any attempt to calculate a percentage of occurrence of this outcome from the records supplied would lead to an understatement of the true percentage. This is true for at least two reasons.

First, while I have not examined every installation record in detail, I noticed two that show a form of reliance on CLEC testing capabilities that does not generally appear in the records Qwest supplied. Exhibit RC-5 documents an installation in which an outside plant technician called on Covad's testing capabilities in the course of installation activities without going through a Qwest "tester," and without causing the details of the cooperative testing to be recorded

in the records Qwest provided. From the records provided we cannot tell how many calls were made to Covad's testing center or how many of those calls identified faults that the technician repaired before achieving positive test results. This phenomenon – Qwest technicians simply calling Covad's 800 number and asking for a test – is also suggested in Exhibit RC-6. The remark at 1/22/02 1334 indicates that about 200 feet of bridged tap was removed during the previous week, and the technician worked with "tester Ray, CLEC." These two instances happen to appear in the records supplied, but it appears to be by accident that they did. We have no idea how commonly Qwest technicians call Covad's 800 number and ask for a test without that test being recorded in the installation records supplied.

Second, the detail entered into the records varies substantially, reflecting the discretion of the tester, and it's not clear that all instances of testing and collaborative troubleshooting are recorded in log entries. For example, note that the testing, troubleshooting and repair in Exhibit RC-2 took 7 minutes. The testing, troubleshooting and repair in Exhibit RC-4 took 16 minutes. Then, note that 19 minutes elapsed between the testing call to Covad and acceptance of the loop in the process documented in Exhibit RC-7. A great deal can be done in 19 minutes, as reflected in Exhibits RC-2 and RC-4. Further, the entries in Exhibit RC-7 are much less detailed than those of previous examples, leaving substantial doubt whether all events such as testing, identification of faults and repair activities that occurred during those 19 minutes are thoroughly documented.

Thus, in some instances, the records provided clearly do not document all testing interactions with the CLEC. In other instances there is a strong suggestion that identification and correction of faults occurred during cooperative testing, but was not recorded in the log. Because of these two effects, any percentages calculated from the records provided will understate the extent to which Qwest relies on CLEC testing capabilities.

Q. WHAT EVIDENCE CONFIRMS YOUR RESERVATION THAT QWEST'S PRESENT PERFORMANCE IS BETTER THAN CAN BE EXPECTED WHEN NO 271 APPLICATION IS PENDING BEFORE THE COMMISSION?

A. Qwest has clearly instituted an escalation process, by which any prospect of missing a due date triggers escalation of an order to be expedited by the "state 271 lead". Log entries refer to the "271 special task team," to a "271 team," etc. Many log entries convey the impression that attaining the present level of performance is accomplished through extraordinary means, as illustrated by recourse to the state 271 lead to expedite installations in peril of missing a commitment. While no complaint is in order regarding the present level of effort – as distinguished from the performance outcome produced by that effort – the fact that the present level of effort is clearly motivated by "271" considerations raises grave doubts about whether it can be, or will be, maintained when Qwest no longer has 271 applications pending.

Conclusion

Q. NOW THAT YOU HAVE EXAMINED QWEST'S RESPONSE TO COVAD DATA REQUEST 60, DOES THIS DATA CHANGE YOUR EARLIER CONCLUSION AND RECOMMENDATION REGARDING COOPERATIVE TESTING?

A. Not at all. Cooperative testing is not an enhancement to the installation process, but a collaborative procedure through which CLECs make testing facilities and personnel available to Qwest during installations. CLECs incur their own internal costs to participate in cooperative testing, and do so only because they must in order to ensure that Qwest loop installations will work. I recommend that the Commission require Qwest to participate in cooperative testing without any charge to the CLEC beyond the non-recurring charge for basic installation.

Q. DOES THIS CONCLUDE YOUR TESTIMONY AT THIS TIME?

A. Yes, it does.