

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Second Six-Month )  
Review of Qwest Corporation’s ) DOCKET NO. UT-043007  
Performance Assurance Plan )  
) MCI INITIAL COMMENTS  
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MCImetro Access Transmission Services LLC (“MCImetro”) submits the following comments pursuant to the Commission’s July 13, 2004 Order No. 6 in this proceeding.

**INTRODUCTION**

1. Many of the issues included in this proceeding are issues that have been thoroughly discussed in the Long Term PID Administration (“LTPA”) process. At the end of that process, the LTPA facilitator and the state commission staffs submitted their responses to many of the issues discussed below. MCI and other parties involved in the LTPA process spent seven months and a great deal of resources discussing and presenting their positions on several of the issues discussed below.

2. The LTPA process was meant to be an efficient and time saving method to discuss and resolve disputes amongst parties. Therefore, many of the issues addressed herein have already been thoroughly reviewed and

recommendations have already been rendered to resolve these issues. In a previous Order, this Commission stated, "The Commission continues to find, as we stated in paragraph 17 of Order No. 01 in this proceeding, that all parties and the Commission will benefit from the efficiency and time-savings of addressing common issues first in the LTPA collaborative."<sup>1</sup> Unfortunately, this has turned out not to be the case. Months ago, Qwest asked the Commission to wait to resolve issues with the PAP until after the LTPA process was complete. CLECs are now in the situation they were before, arguing with Qwest at the Commission about the same issues. The CLECs' agreement to allow these issues to be addressed through LTPA only benefited Qwest, to delay the incorporation of terms into the Washington PAP.

3. MCI asks this Commission to review and adopt the recommendations of the facilitator in the LTPA process as to several of the issues addressed below and order Qwest to implement the recommendations as soon as possible to minimize further delay in the implementation of these important matters.

## DISCUSSION

**Issue 1. Line Splitting: What standard should be used for this product for the MR-3, 4, 6 and 8 and the OP-5 PIDs?**

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<sup>1</sup> See the Commission's Order No. 05/Docket No. UT-033020 dated January 16, 2004, at paragraph 62, page 21.

4. The standard of parity with retail Res and Bus POTS used for line sharing should be used for line splitting for the MR-3, 4, 6 and 8 and OP-5 PIDs. The support for using a standard of parity with retail Res and Bus POTS is clearly stated in the LTPA documentation, specifically, the CLECs' Line Splitting Statement document, dated April 12, 2004.<sup>2</sup> MCI will not fully repeat those arguments here but only summarize for the Commission's convenience. MCI incorporates by reference herein the details set forth in its LTPA document.

5. First, line sharing and line splitting are identical from network, product, service and functional perspectives. No legitimate reason exists to measure the two services differently.

6. Second, the parties agreed upon and have successfully used the Res and Bus POTS standard for line sharing for almost 3 years. In November 2001, during the 271 process, the ROC TAG participants agreed on the standards for line sharing PIDs. Since that time, the parties have successfully utilized the standard of parity with Res and Bus POTS. All reporting kinks and anomalies have been ironed out, and all carriers are comfortable with and knowledgeable about the reporting format, how it should be interpreted, and what it means with respect to the retail service against which the line sharing wholesale service should be compared. The time and effort that went into developing and

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<sup>2</sup> See Exhibit MCI-2 or [http://www.qwest.com/about/policy/ltpa/docs/LTPA\\_Line\\_Splitting\\_Comments.pdf](http://www.qwest.com/about/policy/ltpa/docs/LTPA_Line_Splitting_Comments.pdf)

implementing the Res and Bus POTS parity standard for line sharing should be maximized, and applied to line splitting.

7. Third, Qwest has made no showing that Res and Bus POTS is *not* an appropriate retail analogue. Given that the parties have operated quite well under the current parity regime of Res and Bus POTS, a logical presumption exists that the analogue is appropriate and should be used for like products.

8. Moreover, the LTPA facilitator agreed with the CLEC position on this issue in his decision outlined on pages 3-5 of the LTPA Line Splitting Impasse Document, dated April 21, 2004.<sup>3</sup> In his recommendation, the facilitator specifically states, “After reviewing the positions submitted by the parties and as discussed below, the facilitator recommends that the CLECs’ position be adopted and therefore the standard for line splitting for OP-5A, MR-3, 4, 6, 7 and 8 should be the same standard that is used for line sharing.” The state commission staffs participating in the LTPA (including Washington) also voted and agreed with the facilitator’s recommendation on this point.<sup>4</sup>

9. Finally, for months now, MCI and Covad have been asking this Commission to add Line Splitting as a separate product category with its own standards and payment opportunities. Qwest argued that the Commission

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<sup>3</sup> See Exhibit MCI-3 or [Hhttp://www.qwest.com/about/policy/ltpa/docs/Line\\_Splitting%20 Impasse\\_Document.pdf](http://www.qwest.com/about/policy/ltpa/docs/Line_Splitting%20Impasse_Document.pdf)H

<sup>4</sup> See Exhibit MCI-4 or [Hhttp://www.qwest.com/about/policy/ltpa/docs/Line\\_Loop\\_Splitting\\_Vote\\_Kern\\_Email.pdf](http://www.qwest.com/about/policy/ltpa/docs/Line_Loop_Splitting_Vote_Kern_Email.pdf)H

should remove this issue from the six-month review process and address it in the LTPA process. The Commission's Order No. 05 in Docket No. UT-033020 at paragraph 57 states, "Qwest argues that the LTPA is the appropriate forum to develop performance standards for line splitting and modify standards for line sharing, and that the data reporting should assist in this effort." In the same Order, the Commission required parties to "...address standards and payment opportunities for line sharing, line splitting, and loop splitting in the Long Term PID Administration (LTPA) collaborative." This is what we did.

10. The LTPA facilitator and state commission staffs (including Washington) recommended that the standard of parity with retail Res and Bus, be used for Line Splitting measures. Now, over six months after the Commission ordered the parties to participate in the LTPA process, we are back to where we started, asking this Commission to "start from scratch" and consider the appropriate standard. MCI asks the Commission to adopt the facilitator's recommendation on this issue and order Qwest to implement the line splitting measures immediately.

**Issue 2. Loop Splitting: Should this product be added to the PO-5, OP-3, 4, 5, 6 and 15, MR-3, 4, 6, 7 and 8 PIDs and if so, what standard should apply?**

11. MCI's reasons for adding Loop Splitting to the measures noted are clearly stated in LTPA documents, namely, the CLECs' Loop Splitting Statement

document, dated April 12, 2004.<sup>5</sup> Again, MCI will not fully restate the details of those argument here but refers the Commission to its Exhibit. There is no doubt that access to local loops for purposes of loop splitting is required now and will be required in the future. In fact, the new Commercial Agreement between MCI and Qwest is meant to help ease MCI's transition to utilizing UNE Loops to provide residential local services.

12. In the LTPA, Qwest's sole objection to the inclusion of loop splitting in the PIDs is that there is zero volume. As MCI pointed out during the face to face meeting in Denver, however, that statement is not accurate. MCI began placing loop splitting test orders to test the Qwest Loop Splitting process. MCI has also been working with Qwest on the process requirements for changing from UNE-P Line Splitting to Loop Splitting. Thus, any potential efforts undertaken by CLECs to shift their existing and new lines to unbundled loop splitting arrangements should be supported in the form of ensuring that the process will run smoothly and adequately through constant reporting and the monitoring of loop splitting in the PIDs.

13. MCI made a concession in LTPA to Qwest's concern about using resources for low volume products. In exchange for the inclusion of loop splitting in the PIDs enumerated above, the CLECs agreed to six months of

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<sup>5</sup> See Exhibit MCI-5 or [Hhttp://www.qwest.com/about/policy/ltpa/docs/LTPA\\_Loop\\_Splitting\\_Comments.pdf](http://www.qwest.com/about/policy/ltpa/docs/LTPA_Loop_Splitting_Comments.pdf)H

diagnostic reporting, with a standard to be established at the end of that six month period.

14. The LTPA facilitator agreed with the CLEC position on this issue in his decision outlined on pages 5-6 of the LTPA Loop Splitting Impasse Document, dated April 21, 2004: "After reviewing the positions submitted by the parties and as discussed below, the facilitator recommends that that CLECs' position be adopted and Qwest should begin reporting loop splitting for PO-5, OP-3, 4, 5, 6 and 15, MR-3, 4, 6, 7 and 8. The facilitator also accepts the CLECs' proposed standard of a six month diagnostic period."<sup>6</sup> Once again, the state commission staffs (including Washington) voted and agreed with the facilitator's recommendation.<sup>7</sup>

15. Finally, as stated with regard to Issue 1, Qwest asked this Commission to delay this issue for consideration until after the LTPA process concluded. Thus, the issue was addressed in LTPA. The facilitator recommended that that CLECs' position be adopted and Qwest should begin reporting loop splitting for PO-5, OP-3, 4, 5, 6 and 15, MR-3, 4, 6, 7 and 8. The facilitator also accepted the CLECs' proposed standard of a six month diagnostic. However, now over six months after the Commission referred us to the LTPA

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<sup>6</sup> See Exhibit MCI-7 - [http://www.qwest.com/about/policy/ltpa/docs/Loop\\_Splitting%20 Impasse\\_Document.pdf](http://www.qwest.com/about/policy/ltpa/docs/Loop_Splitting%20Impasse_Document.pdf)

<sup>7</sup> See Exhibit MCI-4 - [http://www.qwest.com/about/policy/ltpa/docs/Line\\_Loop\\_Splitting\\_Vote\\_Kern\\_Email.pdf](http://www.qwest.com/about/policy/ltpa/docs/Line_Loop_Splitting_Vote_Kern_Email.pdf)

process, we are back at square 1, asking this Commission include Loop Splitting reporting. MCI asks the Commission to adopt the facilitator's recommendation on this issue and order Qwest to implement loop splitting reporting immediately.

**Issue 3. XDSL-i products: Should these products be added to the PIDs and if so, what standard should apply and if not, what alternative should be approved?**

16. This is not an issue that MCI directly addressed in LTPA or elsewhere. MCI defers to the position of Eschelon on this issue.

**Issue 4A. Measure PO-20: How will the new PO-20 be incorporated into Exhibit B?**

17. In comments on Qwest's recent SGAT filing, Eschelon and MCI jointly addressed this issue.<sup>8</sup> In LTPA, the parties agreed to a new PO-20 (Expanded) – Manual Service Order Accuracy measure. Qwest filed its revised SGAT Exhibit B on June 25, 2004 to incorporate the PO-20 (Expanded) – Manual Service Order Accuracy measure. The purpose of developing the new PO-20 (Expanded) – Manual Service Order Accuracy measure was to replace the old version of the PO-20 measure that Qwest developed unilaterally, without collaborative input from CLECs and other parties. The Qwest methodology used a sampling methodology; whereas PAP payments in Phase 1 under the new

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<sup>8</sup> See filing date July 16, 2004 under Docket No. UT-043007, ESCHELON AND MCI'S COMMENTS ON QWEST'S JUNE 25, 2004 PETITION TO MODIFY SGAT EXHIBITS B AND K.



collaboratively agreed to PO-20, are based on the aggregate CLEC report (not sampling).

18. Phase 1 under the new PO-20 (Expanded) – Manual Service Order Accuracy measure, began with Qwest’s May 2004 performance. Therefore, PAP payments should be calculated based on the new PO-20 (Expanded) – Manual Service Order Accuracy measure Phase I requirements which replaces the old PO-20 (Phase 0) measure. The parties agree that the Tier designation for PO-20 will change at the conclusion of this proceeding. Until the Commission approves a change to the Tier, however, Qwest should be required to make payments to the state based on aggregate PO-20 performance pursuant to the existing Tier 2 designation.

**Issue 4B. Measure PO-20: What Tier should be assigned to this new PID?**

19. MCI believes that the treatment of the PO-20 measure in the PAP needs to be changed to Tier 1 High and Tier 2 Medium. This is consistent with its companion measure OP-5 New Service Quality which is also designated as Tier 1 High and Tier 2 Medium.

20. It is important to remember how the PO-20 measure originated. Initially, it was assumed that OP-5 would capture the end-user customer’s experience when switching carriers, regardless of the cause of problems that occurred on the day of cut or within 30 days of installation. Later, it became

apparent, however, that all problems were not being captured by OP-5 when Qwest began to provide “new data” that was not included in OP-5 – “based on customer calls reporting *service order accuracy problems* to Qwest’s service delivery centers within the reporting month of order completion.”<sup>9</sup> An audit in Arizona and subsequent developments confirmed that Qwest was not reporting such manual service order errors in OP-5. Therefore, Qwest needed to create separate measures of its manual order accuracy. Its measurements, however, were designed by Qwest and not audited by the ROC. Qwest then committed to work with CLECs and state commission staffs to develop performance measures that would include the Qwest errors not included in the original OP-5.

21. First, OP-5 was split into two measures. OP-5A replaces the old OP-5. That is, OP-5A measures the percentage of new end-user customer orders that have Qwest-caused maintenance and repair troubles after the provisioning process is complete up to the 30<sup>th</sup> day from when Qwest delivered the circuit/service. Second, a new sub measure, OP-5B, was included to measure the percentage of orders that have troubles during the provisioning process. These include the important day-of-cut issues that Qwest previously omitted from its measure. Third, Qwest also proposed PO-20 to measure the percentage of orders

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<sup>9</sup> Reply Comments of Qwest Communications International Inc. In Support of Consolidated Application, *In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in Montana, Utah, Washington, and Wyoming* (Qwest II) FCC Docket No. 02-189 (“Qwest II August 26, 2002, Reply”), p. 26 (emphasis added) (See Exhibit RLS-9T).

on which Qwest makes a service order error. Together, these three measurements are supposed to measure the experience of end-user customers and CLECs during the critical phase when end-user customers switch carriers.

22. In addition, during the LTPA process, one of Qwest's arguments for lower standards was that the new PO-20 would count errors against Qwest that the CLEC caught as part of the PSON review process.<sup>10</sup> Qwest makes the same argument here with respect to the Tier designation.<sup>11</sup> MCI, however, does not subscribe to the PSON process, as it would require not only receiving the PSONs but also reviewing PSONs for all manually handled orders to find those with Qwest's errors. Given the large volume of orders that MCI pumps through the system each month, conducting such a highly manual review process is not feasible. Such a manual review would defeat the purpose of the high degree of electronic flow through that the parties have been working to achieve. Performing such a review is also objectionable because the purpose of the review would be to perform quality control to find Qwest errors that Qwest should be performing itself. The Colorado Independent Monitor correctly found that "the PSON reports should not shift Qwest's responsibility for ensuring the accuracy

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<sup>10</sup>See PO-20 Measure - Service Orders, including those otherwise considered accurate under the above-described mechanized field comparison, will not be counted as accurate if Qwest corrects errors in its Service Order(s) as a result of contacts received from CLECs no earlier than one business day prior to the original due date.

<sup>11</sup> See Final Issues Matrix, Issue 4B.

of manually processed orders.”<sup>12</sup> Carriers do not have the resources to accept the inappropriate burden of doing Qwest’s quality control for Qwest. This is particularly true for MCI, because of the large volume of Local Service Requests that MCI submits.

23. The CLECs had proposed a benchmark standard of 99% for PO-20 but later agreed to a lower benchmark that varies over time but never reaches 99% (Phase 1 = 97%, Phase 2 = 96%, and Phase 3 and beyond = 95%). Now, Qwest is asking for a Tier 1 Low designation in addition to the lower benchmark. Qwest did not make the request for the lower Tier designation in LTPA.

24. The mechanized review in PO-20 is limited to certain fields on the service order. Even as more fields are reviewed by PO-20 in future phases, there will still be omissions. In such cases, Qwest will report its inaccurate service order as “accurate” under PO-20. Therefore, Qwest’s reported performance for MCI under PO-20 will be artificially high. Because Qwest’s PO-20 performance will be biased in a manner that makes it more likely that Qwest will pass PO-20, despite the fact that Qwest errors truly occur, a Tier 1 High designation is needed as a counterbalance.

**Issue 4C. Measure PO-20: Should Qwest be allowed a low volume exception?**

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<sup>12</sup> Order of the Independent Monitor Concerning Performance Indicator Definition PO-20—Manual Service Order Accuracy, In the Matter of Qwest Corporation’s Colorado Performance Assurance Plan, Docket No. 02M-259T, April 28, 2004 at ¶26 (See Exhibit RLS- 26T).

25. Qwest originally raised the low-volume (one free miss) exception issue up in the LTPA discussions. CLECs contended that any low volume exception should be addressed in state PAP proceedings, as the PIDs are meant to capture the actual performance achieved by Qwest. The LTPA facilitator concluded that “such PAP issues are not at impasse in LTPA, because Qwest has not allowed PAP issue discussion in LTPA. Therefore, the facilitator recommends against adopting this proposal.”

26. Any low volume adjustment from the actual PID performance should be addressed in the PAP proceedings. However, Qwest has not provided any proposed changes to the PAP to address any additional low-volume (one free miss) exception. The Washington PAP currently includes language for the treatment of low volume situations in Sections 2.4 and 7.1 of the Washington PAP. The PAP’s treatment of low volume situations should be no different for PO-20 than for any other measure in the PAP. There is no reason that different products should now be singled out and treated any differently than presently accounted for in the PAP.

2.4 For performance measurements that have no Qwest retail analogue, agreed upon benchmarks shall be used. Benchmarks shall be evaluated using a “stare and compare” method. For example, if the benchmark is for a particular performance measurement is 95% or better, Qwest performance results must be at least 95% to meet the benchmark. **Percentage benchmarks will be adjusted to round the allowable number of misses up or down to the closest integer, except when a benchmark standard and low**

CLEC volume are such that a 100% performance result would be required to meet the standard and has not been attained. In such a situation, the determination of whether Qwest meets or fails the benchmark standard will be made using performance results for the month in question, plus a sufficient number of consecutive months so that a 100% performance result would not be required to meet the standard. For purposes of section 6.2, a meets or fail determined by this procedure shall count as a single month.<sup>13</sup>

7.1 Payments to the State shall be limited to the performance measurements designated in section 7.4 for Tier 2 per measurement payments and in Attachment 1 for per occurrence payments and which have at least 10 data points each month for the period payments are being calculated. Similar to the Tier 1 structure, Tier 2 measurements are categorized as High, Medium, and Low and the amount of payments for non-conformance varies according to this categorization.<sup>14</sup>

**Issue 4D. Measure PO-20: Should Qwest be allowed a “burn in period?”**

27. MCI does not agree to a 90-day burn in period for each phase of the implementation of PO-20. A significant amount of delay has already occurred in developing an agreed on PO-20 measure. A 90-day burn in period only further delays implementation of the new PO-20 into the PAP. Qwest argues that a 90-day burn in period is needed to stabilize the measure and to allow Qwest to validate reporting. However, it should not be assumed that Qwest will make errors in reporting under these new phases. Rather, if there are problems with the reporting, Qwest can correct errors in reporting just as it currently does.

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<sup>13</sup> Emphasis added.

<sup>14</sup> Emphasis added.

**Issue 5. What changes should be made to modify the QPAP for Qwest's May 6, 2004 filing and any additional filing to incorporate PO-20 that changed Exhibit B to reflect LTPA agreements?**

28. The appropriate changes to Exhibit K will be made based on resolution of the issues discussed above under Issue 4.

**Issue 6. Should Qwest be required to publish its aggregate payments under QPAP?**

29. MCI supports Eschelon's request that Qwest make available CLEC aggregate PAP performance and payment reports at the product level (e.g., report payments for "MR-8- DS-1 capable loops" rather than payments for the measure MR-8) for the state of Washington on Qwest's website.

30. CLECs only see their own individual PAP payment reports. CLECs have no visibility into aggregate payments made by Qwest to CLECs for Tier1 measures or Tier 2 payments. Qwest only reports the PIDs for individual CLECs and for CLECs in the aggregate. Reporting aggregate PAP performance and PAP payments similarly is appropriate. The Colorado Commission corrected a similar oversight in its PAP by requiring Qwest to provide aggregate payment reports on Qwest's CPAP website.<sup>15</sup>

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<sup>15</sup> See [http://www.qwest.com/about/policy/ldreentryco/files/PAP\\_CO\\_FEB2004\\_State\\_Rpt\\_V1.pdf](http://www.qwest.com/about/policy/ldreentryco/files/PAP_CO_FEB2004_State_Rpt_V1.pdf).

31. Section 15.5 of the Washington PAP states in part, “Any party may petition the Commission to request that Qwest investigate any consecutive Tier 1 miss or any second consecutive Tier 2 miss to determine the cause of the miss and to identify the action needed in order to meet the standard set forth in the performance measurements. Qwest will report the results of its investigation to the Commission.” Without access to the requested aggregate PAP performance and payment reporting, it would be difficult for CLECs to determine if any such investigation is required for consecutive Tier 1 miss or any second consecutive Tier 2 miss with out the requested PAP reporting.

32. Qwest has not identified why it opposes this request. The Commission should require aggregate payment reporting at the product level so that CLECs can determine as to which product(s) Qwest has failed under the PAP.

**Issue 7. Should a low-volume exception to QPAP payment requirements exist for the line splitting product as measured by the OP-3 PID?**

33. Qwest first raised the low-volume (one free miss) exception issue in the LTPA discussions. CLECs contended that any low volume exception should be address in state PAP proceedings as the PIDs are meant to capture the actual performance achieved by Qwest. If Qwest misses 1 out of 15 orders, that is what the PID results should reflect. The facilitator noted in his recommendation that



the “one free miss” issue is moot as Qwest withdrew its request in LTPA for this exception in the PIDs.<sup>16</sup>

34. Any such low volume adjustment from the actual PID performance should be addressed through PAP proceedings. However, Qwest has not provided any proposed changes to the PAP to address any additional low-volume (one free miss) exception. As demonstrated above, the Washington PAP already includes language for the treatment of low volume situations in Sections 2.4 and 7.1. The PAP’s treatment of low volume situations should be no different for OP-3 Line Splitting than for any other measure in the PAP. No reason exists to single out and treat products differently than currently treated in the PAP.

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<sup>16</sup> See Exhibit MCI-3 or [http://www.qwest.com/about/policy/ltpa/docs/Line\\_Splitting%20Impasse\\_Document.pdf](http://www.qwest.com/about/policy/ltpa/docs/Line_Splitting%20Impasse_Document.pdf) at pages 4&5 under section titled “One Free Miss”.