

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest  
Corporation for Arbitration with Eschelon  
Telecom, Inc. Pursuant to 47 U.S.C. Section  
252 of the Federal Telecommunications Act of  
1996**

**Docket No. UT-063061**

**EXHIBIT BJJ-5**

**TO THE**

**DIRECT TESTIMONY OF BONNIE J. JOHNSON**

**ON BEHALF OF ESCHELON TELECOM, INC.**

**SEPTEMBER 29, 2006**

## JEOPARDY CLASSIFICATION AND FIRM ORDER CONFIRMATIONS

### Issues:

- Circuit not accepted: Qwest failure to provide Eschelon with an FOC after a Qwest jeopardy, with Qwest then applying a Customer Not Ready (CNR) jeopardy even though Eschelon could not accept the circuit because, due to the lack of an FOC, Eschelon did not know Qwest was delivering the circuit. (See CR PC081403-1)
- Circuit accepted: Qwest failure, after sending a Qwest jeopardy for a due date, to provide Eschelon with an FOC with a new due date, with Qwest calling Eschelon to deliver the circuit on a different date (*i.e.*, a date for which there is no FOC) anyway. Although Eschelon may have been able to scramble and accept the circuit, Qwest should have provided an FOC to avoid that scramble. (See CR PC081403-1)

### Event Summary (see Chronology below for additional information):

- 8/14/03 In CMP, Eschelon opened a Change Request (CR PC081403-1)
- 2/26/04 In CMP, Qwest confirmed (in response to an example provided by Eschelon) that (1) an **FOC should have been sent** after CLEC received a Qwest facility (K) jeopardy; (2) the FOC should have been sent **the day before the due date**; and (3) both sending the FOC and doing so the day before the due date are **part of Qwest's delayed order process**.
- 7/21/04 In CMP (eleven months after CR submission), Qwest closed the CR by providing that CLECs will receive an FOC after a Qwest facility (K) jeopardy but before (*i.e.*, 24 hours before) delivering the facility -- with compliance issues to be addressed going forward through Qwest Service Management (rather than CMP).
- 8/16/04 Eschelon began raising compliance issues with Qwest Service Management.
- 4/6/05 Qwest Service Management told Eschelon that **it is not part of the Qwest process** for CLEC to receive an FOC after Qwest facility (K) jeopardy but before (*i.e.*, 24 hours before) delivering the facility.
- 4/27/05 Eschelon proposed contract language in Qwest-Eschelon ICA negotiations addressing the issue of CLECs receiving an FOC after a Qwest facility (K) jeopardy but before delivering the facility.
- 8/3/05 **Qwest Service Management told Eschelon that Eschelon should open a Change Request in CMP** if Eschelon wanted to change the process.
- 8/15/05 Eschelon responded that it had already done so and that Qwest is in non-compliance with the process that already went through CMP.
- 9/1/05 Qwest CMP Process Manager told Eschelon that its process does not require Qwest to provide **any FOC at all** (*i.e.*, not just that it did not need to be provided the day before, but also that Qwest could send no FOC) after a facility jeopardy.
- 5/26/06 Issue 12-72 at impasse. Qwest position statement says to refer the issue to CMP.

## CHRONOLOGY

**8/14/2003** – Eschelon submitted Change Request PC081403-1 entitled “Delayed order process modified to allow the CLEC a designated time frame to respond to a released delayed order after Qwest sends an updated FOC.” Eschelon provided the following description of the requested change and requested deliverables:

“Qwest will contact the CLEC to test and accept only after the updated FOC has been sent and a designated time frame has passed. Qwest will not put the order in a CNR (customer not ready) jeopardy status until this time frame has passed and the CLEC is not ready.

When Qwest puts a CLECs request in delayed for facilities jeopardy status, Qwest should be required to send the CLEC an updated FOC when the delayed order is released and allow the CLEC a reasonable time frame to prepare to accept the circuit. Qwest releases orders from a held status (in some cases the CLEC has not even received an updated FOC) and immediately contacts the CLEC to accept the circuit. Because Qwest does not allow the CLEC a reasonable amount of time to prepare for the release of the delayed order, the CLEC may not be ready when Qwest calls to test with the CLEC. Qwest then places the request in a CNR jeopardy status. Qwest should modify the Delayed order process, to require Qwest to send an updated FOC and then allow a reasonable amount of time for the CLEC to react and prepare to accept the circuit before contacting the CLEC for testing.” (See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm)).

Qwest will contact the CLEC to test and accept only after the updated FOC has been sent and a designated time frame has passed. Qwest will not put the order in a CNR (customer not ready) jeopardy status until this time frame has passed and the CLEC is not ready.”

**8/26/2003** – During the CMP clarification call for Change Request PC081403-1, Qwest confirmed it should be sending the CLEC an FOC. The Qwest prepared minutes state: “Phyllis explained the jep could be placed early in the morning and the tech working on the it may get a solution the same day. This creates a timing difficulty. The current process is for the order to be jep’d, ***Qwest would send an FOC when they find out the issue has been taken care of***, and then if the customer is not ready the LSR is put in CNR.” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**9/17/2003** –Minutes of the CMP meeting regarding Change Request PC081403-1 state: “***Jill Martain is working on the issue with not receiving an FOC***. This was brought up at the CLEC forum. Cindy Macy-Qwest asked if the changes associated to PC072303-1 – changing the time when Qwest jeps for CNR, would meet this CR. Bonnie advised no, because in this case the order is being released from delayed status and the original FOC has already occurred.” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**10/6/2003** – Minutes of an ad hoc CMP meeting state: “Jill said she certainly can accommodate some time frames in between FOC and Jep. Jill referred to this as Phase 2.”  
See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm)

**10/15/2003** – Change Request combined/revised -- Qwest monthly CMP meeting notes state: “Changed the description of this CR as a result of synergies with PC072303-1. During the October 15 CMP meeting we discussed whether we should close/leave open/ or update CR PC081403-1 'Delayed order process modified to allow the CLEC a designated time frame to respond to a released delayed order'. The reason we wanted to close/leave open or update PC081403-1 is because PC072303-1 is meeting many of the needs. **Bonnie Johnson agreed to change this CR, as long as we retained the original CR description**” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**12/8/2003** – CMP clarification call for the revised PC081403-1. Minutes state: “Bonnie Johnson – Eschelon asked about the CR request regarding when the CLEC gets a jep, and then Qwest does not allow the CLEC time to react to the FOC (4 hour minimum). Jill asked Bonnie if we could wait and determine the impact of the 6pm jep time change **as this change should reduce the number of jeps and reduce this issue**. Bonnie agreed we could discuss this later if it is still an issue.” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**1/21/2004** – January CMP meeting notes state: “Bonnie sent in two examples where they did not get a subsequent FOC and the order was jep’d for CNR. Bonnie advised that Qwest needs to find a way to get the FOC to the CLEC. **The impact to our business is that we are forced to supp the order and take a new due date. Qwest no longer takes the hit on the held order in this situation too. Bonnie advised that Qwest needs to aggressively tackle this issue as it impacts our business, end users and held orders. It is high profile and critical and it needs to be fixed.** Jill Martain – Qwest advised we have the examples and we are prepared to talk in more detail at the Friday meeting.” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**1/23/2004** – Ad hoc CMP call to discuss Change Request PC081403-1 and related examples provided by Eschelon. Minutes stated: “Phyllis said the next topic to discuss is the request for additional wording on jeps. Phyllis explained that we can provide more detail on subsequent jeps. The first jep that goes out is considered a preliminary jep, with a preliminary view of the issue. Qwest does not know additional details until the engineer does investigation and finds out more. **Our target is that within 72 hrs Qwest would either send an FOC or another jeopardy notification with additional detail.** Bonnie Johnson – Eschelon advised the mechanical jeps are not detailed enough. . . .

Phyllis discussed the two examples that Eschelon sent in. 1) One was a jeopardy notification sent for a PICs issue, no FOC was sent & then CNR. – This was an example of a Critical Date Jeopardy that would be addressed by the proposal of not sending Critical Date Jeopardy Notifications as the situation is cleared so that the Due Date can be met, **thus the CLEC would expect Qwest to deliver on the Due Date.**” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**2/26/2004** – Qwest meeting notice<sup>1</sup> for a March 4, 2004 CMP meeting to review materials dated 2/25/06 attached to the notice related to Change Request PC081403-1. Attached 2/25/06 materials stated:

“Example #1 insufficient notice of an order being release prior to Eschelon receiving a CNR jeopardy.

1-23 Jeopardy Notification for K17, K09

1-28 FOC for 1-28

1-28 CNR

Action #1: As you can see receiving the FOC releasing the order on the day the order is due does not provide sufficient time for Eschelon to accept the circuit. Is this a compliance issue, shouldn't we have received the releasing FOC the day before the order is due? In this example, should we have received the releasing FOC on 1-27-04?

Response #1 *This example is non-compliance to a documented process. Yes an FOC should have been sent prior to the Due Date.*”<sup>2</sup>

**3/4/2004** –Ad hoc CMP call. Minutes state: “Bonnie confirmed that the CLEC should always receive the FOC before the due date. *Phyllis agreed, and confirmed that Qwest cannot expect the CLEC to be ready for the service if we haven't notified you.* Bonnie asked about the CNR in error? (When the CLEC has gotten a CNR without a FOC). Jill Martain – Qwest advised that we believe eliminating the ‘critical date’ jeopardies will take care of the bulk of the problem with CNR jeopardies.” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**3/17/2004** –CMP meeting. Minutes state: “Bonnie Johnson – Eschelon stated that she wants to make sure that we get documentation to support the process that an FOC must be sent before a customer not ready jeopardy occurs. Phyllis advised she is still working on this issue with an interdepartmental team. Phyllis advised that Jean Novak – Service Manager has had meetings with Network to respond to the examples that Eschelon forwarded as “inaccurate Jeopardy Notices and is still working on the issue. *Jean is working on ‘inaccurate jeopardy notices’ and Phyllis is working on ‘when you don’t get an FOC’.*” See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**7/21/2004** – Closed Change Request PC081403-1 entitled “Delayed order process modified to allow the CLEC a designated time frame to respond to a released delayed order after Qwest sends an updated FOC” at CMP meeting. Minutes state: “*Qwest advised that this CR was implemented May 27.* Qwest would like to close this CR. Bonnie Johnson – *Eschelon advised she is having a problem with compliance to this process.* Bonnie asked if there is additional work going on for this CR? Jill advised we put the process in place to identify and work critical jeopardy codes so the CLECs do not have to worry about the interim jeopardy codes. In addition the process includes providing additional details on the jeopardy within 72 hours if we are not able to send an FOC within that time frame. Jill Martain – Qwest asked if this is a compliance issue or a process problem. Bonnie said it is hard to determine at times,

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<sup>1</sup><http://www.qwest.com/wholesale/cnla/uploads/CMPR%2E02%2E26%2E04%2EF%2E01421%2EJeopardyNotifiProcess%2Edoc>

<sup>2</sup><http://www.qwest.com/wholesale/cnla/uploads/PC081403%2D1JeopNotif%2DFinalMarch4meeting%2Edoc> (emphasis changed)

but *she is willing to close this CR and handle the compliance issue with the Service Manager*. The CLECs agreed to close the CR.”

See [http://www.qwest.com/wholesale/cmp/archive/CR\\_PC081403-1.htm](http://www.qwest.com/wholesale/cmp/archive/CR_PC081403-1.htm) (emphasis added)

**8/16/2004** – Email from Eschelon to Qwest Service Manager. It states:

**“From:** Johnson, Bonnie J.

**Sent:** Monday, August 16, 2004 7:59 AM

**To:** [jlnovak](#)[contact information redacted]

**Cc:** Larson, Laurie A.; Bonnie Johnson; Karen Clauson; Kimberly Isaacs; Raymond Smith

**Subject:** Qwest Held Order Jeopardy Process Compliance

Jean,

Qwest delayed order process compliance issues are impacting our Service Delivery organization. In our last WTM, Eschelon communicated to Qwest that Eschelon was concerned about Qwest’s compliance to its newly implemented delayed order process. Eschelon said it would start measuring and reporting Qwest’s delayed order compliance to process on an ad-hoc basis for the RC/WTM.<sup>3</sup>

Though Qwest and Eschelon agreed to manage this within the WTM process, Qwest’s lack of adherence to its own delayed order process has created such a significant impact to our Service Delivery organization, Eschelon is asking for immediate root cause and action on the attached data.

Qwest sent a notice advising CLECs that the Qwest delayed order center work was being assigned to different centers. Eschelon heard (unofficially) that the Cheyenne, WY delayed order center was closing and in the June CMP meeting told Qwest this impacts CLECs and CLECs need to be notified this happens. When entire centers close and a new group of Qwest employees are doing work they have not performed before, this significantly impacts the CLECs involved.

As a general note, Eschelon has asked its employees that manage the Qwest delayed orders to be patient as Qwest works through its center reassignment and training. However, these Eschelon employees have reported they are having a great degree of difficulty getting answers to questions and finding someone to help. This is over and above the delay in getting any response at all. Prior to Qwest moving the work, Eschelon called the CSIE<sup>4</sup>, asked to be transferred to the delayed order group, requested the information needed, Qwest provided the information and the call was done. This is no longer the case.

**Action required** : Eschelon asks Qwest where Qwest is in the work movement process and what time frame Qwest will finish training its employees processing delayed orders.

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<sup>3</sup> RC = Report Card (a report Eschelon provided Qwest). WTM = Working Team Meeting (Eschelon and Qwest service management monthly meeting).

<sup>4</sup> CSIE = Qwest’s Customer Service Inquiry and Education (otherwise known as Interconnect Service Center (ISC)), see ICA Section 12.1.3.3.3.2.1.

I am attaching the analysis Kim completed for delayed orders 8/1/04 through 8/13/04. For this project Eschelon included only DS1 loop orders. To help Qwest identify where the breakdown is occurring, Eschelon has included all held orders. Qwest then see who is following process and who is not. As you will see from the summary tab, for all held orders Qwest has about a 50% process compliance rate.

**Action required:** Eschelon asks Qwest to perform root cause expeditiously and tell Eschelon what steps Qwest will take to ensure Qwest is adhering to the delayed order process. Eschelon measured; timely jeopardy, did Qwest send detail or an FOC within 72 hours, did Qwest send an FOC releasing the order at least 24 hours before the release or DD (or did Qwest send a FOC releasing the order at all) and did Qwest inappropriately apply a CNR jeopardy when Qwest did not follow the delayed order process. In addition, Eschelon asks Qwest to remove any inappropriate CNR jeopardies from service orders.

Please let me know if you have questions.

[enclosure – Excel spreadsheet]

Bonnie J. Johnson  
Director Carrier Relations  
[contact information redacted]

**2004-Present** – Eschelon continued to provide additional examples to Qwest on at least monthly basis. For example:

-----Original Message-----  
From: Isaacs, Kimberly D. [contacted information redacted]  
Sent: Monday, March 07, 2005 9:51 AM  
To: Jean Novak (E-mail)  
Subject: Jeopardy Compliance

<<Qwest Jep Process Sent 3-7-05 .xls>>  
Kim Isaacs  
ILEC Relations Process Analyst  
Eschelon Telecom  
[contact information redacted]

**3/28/2005** – Qwest email to Eschelon in response to examples. It states:

“-----Original Message-----  
**From:** Novak, Jean [contacted information redacted]  
**Sent:** Monday, March 28, 2005 9:00 AM  
**To:** Isaacs, Kimberly D.; Jean Novak (E-mail)  
**Cc:** Novak, Jean; Nielsen, Joshua  
**Subject:** Jeopardy Compliance 3 7 05

Kim,

Qwest completed on the analysis on Eschelon's February Delayed Orders that were sent on March 7, 2005 with the following results:

Missed sending the 72 hour update notification . Qwest is currently working with each department that updates information to insure the Delayed Order Group receives the information needed for processing.

Missed sending the Releasing FOC . Qwest has trained individually and with the group. In addition, tracking information from other Qwest departments which impact timely responses.

Missed providing the Circuit ID/SBN on Jep's sent prior to FOC. Qwest has trained individually and with the group.

Of all the misses due to not adhering to process, 50% were attributed to the same person. Correction action has taken place.

Thanks  
Jean Novak  
Regional Service Director  
Qwest Communications”

**4/6/2005** - Discussion during the 4/6/2005 Eschelon/Qwest monthly Service Delivery meeting. Eschelon later provided the following documentation to Qwest in an issues log (with emphasis added): “The delayed orders have moved to the Mpls Center. Chris believes she has addressed process and training needs for her Center personnel and Chris and Jean are working with network on the network caused issues. **Chris said there is an outstanding problem of FOC 24 hours in advance when the order had a Qwest K jeopardy.** Chris said she cannot find that process and she checked with process on the issue. **Chris said Phyllis said this was not a part of the process. Bonnie said she was in disbelief to hear anyone from Qwest make that statement after all of the work in CMP.** Not having time to react to an FOC was one of the main sticking points of the whole process overhaul and Qwest send information as responses to Eschelon's examples that state Qwest should FOC 24 hours before the DD and for the examples Qwest said it was a compliance issue to an existing Qwest process. Bonnie said if Qwest wants to change or work through the process we could do that in CMP. Jean will work with Qwest CMP and review CRs , meeting minutes and ad-hoc meeting minutes on the subject.”

**4/27/05** - Eschelon proposed contract language in Qwest-Eschelon ICA negotiations addressing the issue of CLECs receiving an FOC after a Qwest facility (K) jeopardy but before delivering the facility

**6/27/2005** - Eschelon/Qwest weekly issues call – Eschelon later provided the following documentation to Qwest in an issues log (with emphasis added):

“Jean said she had an internal call with Qwest personnel and Qwest disagrees that Qwest sending an FOIC [sic] the day before the DD is a part of the process. Bonnie said that is not true. Qwest responded to an example Kim sent to Phyllis where Qwest sent a CO1 jep on an order that Qwest sent a same day FOC for. **The Qwest response**



*was that Qwest did not follow process and Qwest should send an FOC before the DD. Kim said this is why we did not focus on this as a part of the process. Qwest said it was already a part of the process so it did not need to change. Bonnie sent Jean the CMP notice Qwest sent February of 2004. Jean will contact Phyllis directly to discuss.”*

**6/27/05** – Eschelon email to Qwest. It stated:

**“From:** Johnson, Bonnie J.  
**Sent:** Monday, June 27, 2005 3:18 PM  
**To:** [jlnovak](#) [contact information redacted]  
**Cc:** Johnson, Bonnie J.; Isaacs, Kimberly D.; Larson, Laurie A.  
**Subject:** FW: Change Management Notice: Meetings: GN: CMP - Jeopardy Notification Process: Effective Immediately

Jean,  
As you can see this went out through CMP. Qwest FOCd us that same day date and then CO1 jepped the order. You can see Qwest’s response so we never felt we had to approach changing the process. This was in February of 2004.

I am not certain, however, but was under the impression Phyllis did the analysis and provided the responses.

Bonnie J. Johnson  
Director Carrier Relations  
Eschelon Telecom, Inc.  
[contact information redacted]”

**8/3/2005** - Eschelon/Qwest monthly Service Delivery meeting – Eschelon later provided the following documentation to Qwest in an issues log (with emphasis added): “Jean stated that Qwest continues to look at data and take appropriate training action, In June Eschelon reported a 74% compliance rate and Qwest believes the compliance was at 80%. Jean will provide Qwest's analysis to Kim to review. Jean once again stated that Qwest disagrees that it is Qwest's process to send the releasing FOC 24 hours prior to the FOC due date. **Jean stated that Eschelon should open a CMP CR if we would like to change the process.”**

**8/9/2005** – Qwest email to Eschelon. It stated:

“-----Original Message-----  
From: Novak, Jean [contacted information redacted]  
Sent: Tuesday, August 09, 2005 10:21 AM  
To: Isaacs, Kimberly D.  
Cc: Novak, Jean; Nielsen, Joshua  
Subject: Delayed order process

Kim

As we discussed at our meeting last week regarding Qwest giving Eschelon a 24-hours notice of a released delayed order. We have had many

discussions and Qwest is still holding to the position that this is not part of the delayed order process. At our last meeting, Eschelon indicated that they were going to re-open a previous CR. Can you let me know when you plan to do that and please copy me when you do send the email to re-open.

Thanks  
Jean Novak”

**8/9/05** – Eschelon email to Qwest. (*See* above at 2/26/04 regarding the notice/agenda for the 3/4/05 call referenced in the email.) It stated:

“-----Original Message-----  
From: Isaacs, Kimberly D. [contact information redacted]  
Sent: Tuesday, August 09, 2005 10:39 AM  
To: Novak, Jean; Johnson, Bonnie J.  
Cc: Nielsen, Joshua  
Subject: RE: Delayed order process

Jean,

As we have discussed in a number of our meetings, Eschelon believes that on 2-25-04 Qwest communicated (see the agenda for the 3-4-05 ad hoc call on change request PC080103-1) that it is Qwest's process to provide 24 hours notice on a released delayed orders. Eschelon is very disappointed that contrary to the written statements Qwest made on 2-25-04, Qwest is maintaining that sufficient notice of an order being released from delayed status is not part of the delayed order process and that issue needs to be brought to CAMP again.

I will discuss the current status of this issue with Bonnie when she returns. Bonnie and I will discuss the alternatives and communicate our next steps to you at that time.

Thank you.

Kim Isaacs  
Eschelon Telecom, Inc  
ILEC Relations Process Specialist  
[contact information redacted]”

**8/16/05** – Eschelon email to Qwest. It stated:

“**From:** Johnson, Bonnie J.  
**Sent:** Tuesday, August 16, 2005 9:01 AM  
**To:** Isaacs, Kimberly D.; 'Novak, Jean'; Bonnie Johnson; [cmper@qwest.com](mailto:cmper@qwest.com)  
**Cc:** 'Nielsen, Joshua'; Larson, Laurie A.; Henderson, Mike P.; Johnson, Bonnie J.  
**Subject:** RE: Delayed order process

All,

As Kim states below, Qwest told Eschelon (and all CLEC's in an ad-hoc meeting for delayed process through CMP) that Qwest's existing process for delayed orders is to FOC the CLEC 24 hours (or the day prior to the new DD). As a practical matter, it is unreasonable to expect a CLEC to accept a circuit when Qwest has told the CLEC the circuit is in jeopardy and Qwest has not sent the CLEC notification that the jeopardy condition no longer exists.

As CLEC's and Qwest worked through overhauling the delayed order process in 2004, Eschelon sent examples to Qwest so the CLEC's and Qwest could collaboratively determine what was and was not process and what changes needed to be made to the process. When Eschelon provided Qwest the example (attached below) when Qwest sent Eschelon an FOC on the due date for that same day due date, and then Qwest jipped the order CO1 because Eschelon was not ready to accept the circuit, Qwest said the example was Qwest non-compliance with Qwest's existing process to send an updated FOC the day before the due date (*"This example is non-compliance to a documented process. Yes an FOC should have been sent prior to the Due Date."*). As a result there was no further discussion on this subject during the time Qwest and CLEC's collaboratively worked on the delayed order process. Qwest cannot now say it has changed its "position" because by changing its "position" Qwest is unilaterally changing its process. Qwest cannot change its process without submitting a level 4 change request through CMP. If Qwest wants to change its existing process, or work collaboratively with CLEC's to develop a new or define the existing process further, Eschelon would be willing to do so. This process would need to care for the concern that Qwest could CO1 jep a request in error if the CLEC cannot accept the circuit when Qwest did not send a timely updated FOC and allow the CLEC an opportunity to prepare to accept the circuit.

Until such time Qwest submits a level 4 change request through CMP to change its existing process, Eschelon will continue to note Qwest's failure to send Eschelon an FOC 24 hours (or the day before the new due date) after Qwest has sent the CLEC a Qwest jeopardy, as non-compliance to Qwest's existing jeopardy process.

Let me know if you have questions. As I have done in the past, I will enclose Qwest's CMP response to Eschelon's question.

Jill,

I am making you aware of this matter. Our Service Management Team has been unable to resolve the issue with Qwest process. Perhaps we need to gather the CMP Oversight Committee to address.

[Here is the information on the receiving FOC 24 hours prior to the release due date for K Jep'd orders. The information I read you is on page two.](#)

[Here it is](#)

**Example #1 insufficient notice of an order being release prior to Eschelon receiving a CNR jeopardy.**

**1-23 Jeopardy Notification for K17, K09**

**1-28 FOC for 1-28**

**1-28 CNR**

**Action #1:** As you can see receiving the FOC releasing the order on the day the order is due does not provide sufficient time for Eschelon to accept the circuit. Is this a compliance issue, shouldn't we have received the releasing FOC the day before the order is due? In this example, should we have received the releasing FOC on 1-27-04?

**Response #1** *This example is non-compliance to a documented process. Yes an FOC should have been sent prior to the Due Date.*

-----Original Message-----

**From:** [mailouts2@qwest.com](mailto:mailouts2@qwest.com) [[SMTP:mailouts2@qwest.com](mailto:mailouts2@qwest.com)]

**Sent:** Thursday, February 26, 2004 2:57 PM

**To:** kdisaacs[contact information redacted]

**Subject:** Change Management Notice: Meetings: GN: CMP - Jeopardy  
Notification Process: Effective Immediately



ContactMailAttach.  
htm (7 KB)



ACF308C.doc (77  
KB)

Bonnie J. Johnson  
Director Carrier Relations  
Eschelon Telecom, Inc.  
[contact information redacted]"

**8/16/05** – Qwest email to Eschelon. It stated:

**“From:** New Cr, Cmp [<mailto:cmpcr2@qwest.com>]

**Sent:** Tuesday, August 16, 2005 2:45 PM

**To:** Johnson, Bonnie J.; Isaacs, Kimberly D.; Novak, Jean; [cmpcr@qwest.com](mailto:cmpcr@qwest.com)

**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.

**Subject:** RE: Delayed order process

Good Afternoon Bonnie,

Your email was received and I see your note stating that you may want to take the issue to the Oversight Committee to address. If you do want to proceed in that direction, please submit your formal request to the [cmpesc@qwest.com](mailto:cmpesc@qwest.com) email address, with the appropriate supporting documentation, as outlined in section 18.2 of the Qwest Wholesale Change Management Process Document.

Thank You.”

**8/17/05** – Eschelon email to Qwest. It stated (with emphasis changed):

**“From:** Johnson, Bonnie J.

**Sent:** Wednesday, August 17, 2005 2:08 PM

**To:** Isaacs, Kimberly D.; Novak, Jean; Johnson, Bonnie J.

**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.  
**Subject:** RE: Delayed order process

Jean,

I discussed this with Jill in CMP today. *I told Jill that pursuing this issue is not Eschelon's responsibility. Qwest CMP gave us a response and we discussed this existing Qwest process during ad-hoc calls. If Qwest now says this is not the process, Qwest changed the process and is in violation of CMP process which states Qwest must submit a level 3 or 4 CR. Eschelon has provided Qwest with the following response Qwest gave to CLEC's via CMP several times.*

Example #1 insufficient notice of an order being release prior to Eschelon receiving a CNR jeopardy.

1-23 Jeopardy Notification for K17, K09

1-28 FOC for 1-28

1-28 CNR

Action #1: As you can see receiving the FOC releasing the order on the day the order is due does not provide sufficient time for Eschelon to accept the circuit. Is this a compliance issue, shouldn't we have received the releasing FOC the day before the order is due? In this example, should we have received the releasing FOC on 1-27-04?

Response #1 This example is non-compliance to a documented process. Yes an FOC should have been sent prior to the Due Date.

- *Specifically Kim's question was "Is this a compliance issue, shouldn't we have received the releasing FOC the day before the order is due?"*
- *The Qwest response was "This example is non-compliance to a documented process. Yes an FOC should have been sent prior to the Due Date."*

Note how Qwest's response states non-compliance to a "documented" process. It just cannot be more clear. *This exact situation was the major basis for the CR Eschelon submitted and the work Qwest and CLEC's did to overhaul the process.* I am quite surprised, and frustrated, that we are even at this point and Eschelon has to spend time and resources attempting to resolve this.

Jill said she will review all of the work we did and contact me. In addition, to address Chris Siewert's concerns that Qwest may want to deliver the circuit after Qwest removes the Qwest jeopardy condition without a delay of 24 hours, I did reiterate that we are willing to refine the process to include short duration or even no FOC (with FOC to follow installation) as long as Qwest documents that it cannot inappropriately apply a CO1 jep if Eschelon CANNOT accept the circuit when Qwest did not send a timely FOC.

I suspect Jill will be in contact with you.

Thanks,

Bonnie J. Johnson  
Director Carrier Relations

Eschelon Telecom, Inc.  
[contact information redacted]

8/29/05 – Qwest email to Eschelon. It stated (with emphasis added):

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**“From:** New Cr, Cmp [mailto:cmpcr2@qwest.com]  
**Sent:** Monday, August 29, 2005 4:21 PM  
**To:** Johnson, Bonnie J.; Isaacs, Kimberly D.; Novak, Jean; cmpcr@qwest.com  
**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.; Martain, Jill; Harlan, Cynthia  
**Subject:** RE: Delayed order process

Bonnie,

I have researched the documents and conversations we have had around the jeopardy notification process. I have not found any reference where Qwest has stated that its process was to send a FOC 24-hours prior to the due date on a delayed order situation.

I was also unable to find the specific LSR that you referenced in your email, but I was able to find other spreadsheets where we did analysis on the LSRs that Eschelon believed the FOC was not issued timely. In those situations where we indicated it was a process compliance issue, it was because Qwest internally knew that the jeopardy condition was resolved prior to the due date but did not get the FOC issued in a timely manner. I also found other instances where Qwest had indicated that the reason that we were not able to send a FOC prior to the due date was due to the fact that the facility condition was not resolved until the actual due date. In those instances, Qwest did not state that there was a compliance issue, rather, we documented whether we were able to work with you to actually install the service on the original DDD or whether we completed it at a later date.

***As I tried to communicate at CMP, Qwest’s goal is to be able to provide you a FOC prior to the due date. However, that is not always possible as our process is to continue to work on the facility resolution in an effort to meet our customer’s requested due date.*** If we end up resolving the situation on the due date, Qwest still attempts to coordinate with our customers to turn up the service; and in many instances, we are successful in working with them to install the service and meet the CLECs and their end-users requested date.

I agree that we did have a lot of discussion around this issue when we worked the CR, but we believed that implementing the changes would dramatically reduce the jeopardy conditions and increase the instances when you could expect Qwest to meet the due date. I understand that there will be times when we don't really know until the due date that we can install the service, but those situations should be the exception, not the norm.

Qwest’s desire is to continue to move forward with the process that is documented and continue to make every effort to meet our customers due date.

Regards,

Jill Martain

CMP Process Manager

Qwest”

9/1/2005 – Eschelon email to Qwest. It stated (with emphasis added):

**“From:** Johnson, Bonnie J.

**Sent:** Thursday, September 01, 2005 8:22 AM

**To:** 'New Cr, Cmp'; Isaacs, Kimberly D.; Novak, Jean; [cmpcr@qwest.com](mailto:cmpcr@qwest.com)

**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.; Martain, Jill; Harlan, Cynthia; Johnson, Bonnie J.

**Subject:** RE: Delayed order process

Jill,

In your response you did not address Qwest’s policy/position/process of what happens when Qwest does not provide adequate notice of release via FOC or provides no FOC at all and the CLEC cannot accept the loop. This is usually due to staffing because the CLEC did not have the loop on its schedule. Will Qwest send a CNR jeopardy? *This is the core of the issue which was outlined in Eschelon’s CR that Qwest said it completed as a part of the “overall” redesign of the jeopardy process.*

Please advise. Once Qwest provides a response we can move forward with potential documentation needs.

Thanks,

Bonnie J. Johnson  
Director Carrier Relations  
Eschelon Telecom, Inc.  
[contact information redacted]”

9/1/2005 – Qwest email to Eschelon. It stated:

“-----Original Message-----

**From:** Martain, Jill [contact information redacted]

**Sent:** Thursday, September 01, 2005 10:21 AM

**To:** Johnson, Bonnie J.; New Cr, Cmp; Isaacs, Kimberly D.; Novak, Jean; [cmpcr@qwest.com](mailto:cmpcr@qwest.com)

**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.; Harlan, Cynthia

**Subject:** RE: Delayed order process

Qwest’s current process is that if Qwest is unable to turn up a circuit on the due date and the reason is because the CLEC was not ready, a CNR jeopardy is sent after 6 p.m. MT.

Jill Martain

CMP Process Manager

Qwest”

9/1/2005 Eschelon email to Qwest. It stated :

**From:** Johnson, Bonnie J. [contact information redacted]  
**Sent:** Thursday, September 01, 2005 1:05 PM  
**To:** Martain, Jill; New Cr, Cmp; Isaacs, Kimberly D.; Novak, Jean;  
cmpcr@qwest.com  
**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.; Harlan, Cynthia;  
Johnson, Bonnie J.  
**Subject:** RE: Delayed order process

Jill,

So let me confirm:

- Qwest sends Eschelon a facility jeopardy (Qwest jeopardy)
- Qwest does not send Eschelon an FOC releasing the circuit
- Qwest calls Eschelon to deliver the circuit
- Eschelon does not have the resources to accept the circuit by close of business that day
- End result - Qwest places the circuit in a CNR jeopardy status.

Please advise.

Bonnie J. Johnson  
Director Carrier Relations  
Eschelon Telecom, Inc.  
[contact information redacted]”

9/1/2005 – Qwest email to Eschelon. It stated (with emphasis added):

“-----Originla Message-----

**From:** **Martain, Jill** [contact information redacted]  
**Sent:** Thursday, September 01, 2005 4:59 PM  
**To:** Johnson, Bonnie J.; New Cr, Cmp; Isaacs, Kimberly D.; Novak, Jean;  
cmpcr@qwest.com  
**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.; Harlan, Cynthia  
**Subject:** RE: Delayed order process

Bonnie,

Your scenario is correct. Qwest will continue strive to meet our customer’s due date even if that means that we resolve the facility situation on the due date. ***Our goal is to be able to provide you a FOC prior to the due date but there may be occasions that we were not able to do so if we did not resolve the facility condition until the***



*due date.* Again, this should be the exception, not the normal course of doing business.

Jill Martain

CMP Process Manager

Qwest “

**9/6/2005** – Eschelon email to Qwest. It stated:

**“From:** Johnson, Bonnie J. [contact information redacted]  
**Sent:** Tuesday, September 06, 2005 12:08 PM  
**To:** Martain, Jill; New Cr, Cmp; Isaacs, Kimberly D.; Novak, Jean; cmpcr@qwest.com  
**Cc:** Nielsen, Joshua; Larson, Laurie A.; Henderson, Mike P.; Harlan, Cynthia; Johnson, Bonnie J.  
**Subject:** RE: Delayed order process

Jill,

Eschelon is glad to hear this is the exception and not the rule because this is not the process we discussed in CMP. If Qwest tries to deliver the circuit and Eschelon is not ready, this has to be a Qwest jeopardy because Qwest did not send an FOC, and Qwest cannot delay our order.

Bonnie J. Johnson  
Director Carrier Relations  
Eschelon Telecom, Inc.  
[contact information redacted]”

**9/12/2005** – Qwest email to Eschelon. It stated:

**“From:** Martain, Jill [contact information redacted]  
**Sent:** Monday, September 12, 2005 5:26 PM  
**To:** Johnson, Bonnie J.  
**Subject:** RE: Delayed order process

Bonnie,

I apologize for the late reply. I did want to let you know that I did receive your feedback and comments. Qwest will continue to strive to deliver service on the due date to meet our customer’s expectations.

Regards,

Jill Martain  
CMP Process Manager  
Qwest”