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STATE OF WASH.  
UTIL. AND TRANSP.  
COMMISSION



May 29, 2003

Ms Carole Washburn  
Executive Secretary  
Washington Utilities &  
Transportation Commission  
1300 S. Evergreen Park Drive, S.W.  
Olympia, WA 98504-7250

Via Airborne Express

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

Dear Ms. Washburn:

Enclosed are an original and 19 copies of the Comments of Eschelon Telecom, Inc., in connection with the above-referenced matter.

Sincerely,

Kim K. Wagner  
Senior Legal Secretary  
Eschelon Telecom, Inc.  
612-436-6225

cc: Linda Anderl, Qwest Corporation  
(w/enclosure)  
Ann E. Rendahl, Administrative Law Judge  
(w/enclosure)

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

**Docket No. UT-033020**

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**IN THE MATTER OF THE SIX-MONTH REVIEW OF QWEST  
CORPORATION'S PERFORMANCE ASSURANCE PLAN**

Eschelon Telecom, Inc. ("Eschelon") appreciates the opportunity that the Washington Utilities and Transportation Commission ("Commission") has provided to the parties to present their recommendations regarding the process and scope for the first six-month review of the Qwest Performance Assurance Plan ("QPAP"). Eschelon responds to the questions posed by the Commission in its May 15, 2003 request for comments.

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

Eschelon agrees that the LTPA process will not address all of the issues necessary to conduct the six-month review of the QPAP. There is, however, a relationship between issues in LTPA and the six-month review. In cases when LTPA is unable to resolve issues, the Commission will be called upon to resolve disputes. Even in cases when LTPA can agree upon the business rules for PIDs and a benchmark or parity standard, there must be a Tier designation for the PID before remedies can be determined in cases when Qwest fails a measure.

Eschelon believes the six-month review should begin as soon as possible. In response to the next question, Eschelon identifies issues that are currently ready for the Commission to address in the six-month review. More issues will come out of LTPA in the near future. Eschelon suggests that the Commission conduct a procedural conference call to determine the beginning of the review at this time, or, within three months.

This question presumes that the Washington Commission will participate in LTPA. If this assumption is incorrect, Eschelon requests that the six-month review begin immediately.

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

A. Partially Agreed upon PIDs should be included in the QPAP automatically.

Section 16.1.1 of the QPAP states that any agreements on adding, modifying, or deleting performance measures reached in LTPA shall be incorporated into the QPAP at the time the agreements are submitted to the Commission, whether before or after a six-month review.

LTPA may resolve a significant number of issues, yet a PID may go to impasse.<sup>1</sup> For example, LTPA is very close to finalizing OP-5 and PO-20. However, the inclusion of a particular product, may go to impasse. Even though a portion of the PID has gone to impasse, the Commission should clarify that all other portions of the PID should be included in the QPAP under Section 16.1.1.

B. EEL standards must be established.

More than a year ago, this Commission found that the QPAP “must have sufficient measures in place that reflect a broad range of carrier-to-carrier performance at the time Qwest enters the long distance market, including EELs, sub-loops, and line sharing.”<sup>2</sup> The Commission determined that “Qwest must provide payment opportunities in the QPAP for these measures as standards are determined and not wait until a six-month review to do so.”<sup>3</sup> The Commission referred the development of such standards to the Regional Oversight Committee (“ROC”) Technical Advisory Group (“TAG”). However, the ROC TAG dissolved prior to establishing such standards. The successor body, LTPA, has yet to take up this issue. Standards for EELs need to be established for PO-5, OP-4, OP-5, OP-6, MR-5, MR-6, MR-7, and MR-8. OP-3 has a standard for EELs.<sup>4</sup> The Commission should revisit the OP-3 standard when it considers standards for other measures.<sup>5</sup>

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<sup>1</sup> An impasse process has been developed as part of the LTPA governance document.

<sup>2</sup> Thirtieth Supplemental Order in the Matter of the Investigation into U S WEST Communications Inc.’s Compliance with Section 271 of the Telecommunications Act of 1996, Docket No. UT-003022 and In the Matter of U S WEST Communications, Inc.’s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Docket No. UT-003040, April 5, 2002 at 33.

<sup>3</sup> Id.

<sup>4</sup> Exhibit B to the Washington SGAT (Seventh Revision), June 11, 2002, at 31.

<sup>5</sup> In Eschelon’s March, 2003 PAP report for Washington, Qwest failed the OP-3 standard. However, Qwest did not make a PAP payment to Eschelon. Eschelon will raise this issue, and the other errors it has found in its first PAP report with Qwest directly.

In the Colorado Commission's six-month review, Qwest has agreed to meet with the parties to discuss benchmarks for EELs. If the parties are unable to resolve this matter, Eschelon requests that this Commission establish standards as part of the first six-month review.

C. Tier designations for PO-20 and other PIDs should be completed in this review.

As mentioned above, the LTPA process can result in agreement upon the business rules for a PID and a benchmark or parity standard. Each PAP, however, needs to establish the Tier designations. In terms of this review, LTPA changes to OP-5 and PO-20 are imminent. OP-5 is already designated as a Tier 1 High and Tier 2 Medium measure. The Commission allowed Qwest's unilateral offer of PO-20 to be included in the QPAP as an interim measure. However, the Commission required that PO-20 be reviewed and refined before the six-month review.<sup>6</sup> Because of the critical inter-relationship between PO-20 and OP-5, PO-20 should have the same Tier designations as OP-5.

Qwest has proposed that LTPA address the inclusion of BI-5, Timeliness of Billing Claims Resolution, and PO-19b, Standalone Test Environment ("SATE") Accuracy, in the PIDs. CLECs have proposed a Line Loss Notification PID.<sup>7</sup> Eschelon proposes that any PIDs changes proposed to LTPA by July 1, 2003, be included in this six-month review.

D. Products classified as "Low Volume, Developing Markets" should be expanded

Section 10.1 of the QPAP defines certain products as "Low Volume, Developing Markets." Section 10.2 describes how the determination of whether Qwest has met the parity or benchmark standards will be based on aggregate CLEC volume. Each CLEC receives the portion of any payment based upon each CLEC's relative share of the number of total service misses. However, once aggregate CLEC volume exceeds 100, Section 10.0 no longer applies, and PAP remedies are calculated in the normal manner.

Section 10.3 allows for the addition of new products at the six-month reviews. Eschelon requests that EELs, Local Interconnection Service ("LIS"), and

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<sup>6</sup> Forty-third Supplemental Order in the Matter of the Investigation into U S WEST Communications Inc.'s Compliance with Section 271 of the Telecommunications Act of 1996, Docket No. UT-003022 and In the Matter of U S WEST Communications, Inc.'s Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996, Docket No. UT-003040, September 26, 2002 at 4.

<sup>7</sup> Qwest has not assigned a PID designation to this measure at this time.

Unbundled Dedicated Interoffice Transport (“UDIT”) be added to the list of products in Section 10.1. The products included in Section 10.0 were an estimation of where CLEC entry would occur. Again, the terms of Section 10.1 provide that once aggregate CLEC volume for these services exceeds 100, the Low Volume, Developing Markets provisions would no longer apply.

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

Eschelon recommends that the six-month review process be conducted primarily through a paper record. Workshops conducted by teleconference could be scheduled, if necessary.

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

If workshops are needed, either an ALJ or Commissioners could preside over the workshops.

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

At some point, the Commissioners may need to review issues. If they feel a paper record is insufficient, a time could be scheduled for presenting issues.

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

Eschelon prefers a more informal process that allows participation by telephone and submission of written comments. For smaller CLECs, resources are an issue and anything that can be done to minimize participation costs is appreciated. If the Commission determines otherwise, Eschelon does not know if it will sponsor a witness.

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

Eschelon recommends that after all issues are identified, a conference call be convened to discuss procedures.

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

The Commission or an ALJ should document the issues to be addressed in the six-month review and then resolve the issues as quickly as possible. Setting a deadline will help focus efforts towards a timely resolution of the issues. Of course, deadlines can be adjusted if necessary.