

## **LTPA Impasse Document and Recommendation Line Splitting**

**Dispute:** What is the appropriate standard for Line Splitting?

### **Overview**

CLECs have requested that standards be set for line splitting where currently they are listed as diagnostic. Line splitting involves the offering of both voice and data services by one or two CLECs via UNE-P. According to CLECs, a diagnostic standard is no longer appropriate because Qwest has had ample experience and order volume to establish an appropriate standard. This proposal applies to the following PIDs: OP-3, 4, 5, 6 and 15; PO-5; MR-3, 4, 6, 7, and 8. The parties agreed to use 5 months of reported data as the starting point for negotiating a standard.

The parties successfully negotiated a line splitting standard for PO-5; OP-3, 4, 6, 15 and; MR-7.

There are three disputes for this issue. First, the parties have been unable to agree on a standard for MR-3, 4, 6, and 8. CLECs have proposed to use the same standard of parity with retail Res and Bus POTS that is used for line sharing while Qwest has proposed using parity with Qwest DSL as the standard. Second, while the parties have agreed to a line splitting standard for OP-3 and 4, they have been unable to agree on a proposal by Qwest to include a low volume exception. According to Qwest, they should be entitled to “one free miss” if the volume of orders is less than 20. CLECs contend that this low volume exception should be address in state PAP proceedings. Third, CLECs have proposed to use the same standard for OP-5 that is used for line sharing while Qwest has proposed obtaining six months of reported results before implementing any standard (currently, three months have been reported).

### **Process**

The following process will be used for addressing line splitting issues:

1. Apr. 9 – Position statements presented to the LTPA facilitator.
2. Apr. 21 – Recommendation by the LTPA facilitator.
3. May 3 – Vote by the state staff.

It is assumed that since multiple CLECs have participated in the negotiations, CLECs will confer and submit a joint statement.

### **CLEC’s Position on Line Splitting Issues**

In general, Covad and MCI believe that the parties should stick with what has been demonstrated to work in the past. That is, CLECs believe that the appropriate standards

for line splitting for OP-5 and the MR PIDs should be those used for line sharing, and that the one free miss concept should be confined to where it currently exists – the PAs. Qwest has failed to provide any evidence, much less compelling evidence, demonstrating why the agreements, standards and methods of approach that were agreed upon and successfully used in the past (through today) should be set aside.

A complete copy of the position statement submitted by the CLECs was distributed to the LTPA on April 12, 2004.

### **Qwest's Position on Line Splitting Issues**

During the first session of LTPA, Qwest agreed to develop its proposal for PID standards for Line Splitting. By definition, Line Splitting utilizes the high frequency portion of a UNE-P to provide data services, and, rides on the voice line but does not itself include the voice offering. Despite agreement on six PIDs, three primary issues remain in dispute between the CLECs and Qwest as they relate to the appropriate standard for Line Splitting reporting. The first considers the appropriate parity standard, the second relates to the applicability of a low volume allowance and the third focuses on the appropriate timing to report new standards.

**Qwest DSL is the Correct Parity Standard:** OP5A, MR-3, MR-4, MR -6 and MR-8: Qwest's analysis led to the determination that Qwest DSL is the appropriate Line Splitting retail analogue, or parity standard, for the PIDs OP5A, MR-3, MR-4, MR-6 and MR-8. Qwest DSL provides the best retail comparative for Line Splitting based on the following four test criteria: similarity of Qwest processes/systems, customer use, product characteristics, and technology. Due to these similarities, Line Splitting and Qwest DSL trouble reports at the physical or transport layer, are expected to be similar in terms of nature, resolution, and timeliness, which in turn support the use of this parity standard.

**Low Volume Allowance Applies:** OP-3 (and OP-4): Qwest agrees to the benchmark standard of 95 percent for OP-3, but only if there is a one free miss allowance at the state level for low volume situations of less than 20 orders. Without this exemption, Qwest will be required to perform at a level above the prescribed benchmark, effectively 100%, in low volume states simply to "pass" a metric. Perfection, while an excellent goal, is certainly a high expectation in terms of performance and should not be required. Qwest also agrees to the benchmark standard for OP-4 of 3.3 days and withdraws the one-miss allowance originally needed against a 3.15 benchmark, which again would have required perfect performance.

**Data gathering before PID standard implemented is reasonable:** OP-5A: After producing six months of results with the corresponding data reporting integrity, Qwest maintains that Qwest DSL would be the appropriate retail analogue for a Line Splitting parity standard following the same logic as outlined above. Included in Qwest's current monthly performance reports through

February 2003, there are three months of performance results for Line Splitting under OP-5A. Ensuring reporting stability of new standards requires six months of performance results prior to implementation and allows the people preparing the reporting structure to ensure that stability.

Qwest asks for nothing unreasonable in this position because: 1) sufficient logical criteria supports the choice of Qwest DSL over Residence and Business Telephone Service (“Res and Bus POTS”) as the retail parity standard for these installation and maintenance and repair PIDs; 2) a low volume allowance in OP-3 has precedent in addition to meaning that Qwest is not unreasonably held to a standard of perfection, and; 3) data integrity must be maintained before requiring PID reporting on a new standard.

A complete copy of the position statement submitted by Qwest was distributed to the LTPA on April 12, 2004.

### **Facilitator’s Recommendation**

The following CLECs submitted a joint position statement for this disputed issue: Covad and MCI. Because a single CLEC position was submitted, this disputed issue is addressed under Section B, Part 2, of the Governance Document.

After reviewing the positions submitted by the parties and as discussed below, the facilitator recommends that the CLEC’s 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 facilitator also agrees that reporting for OP-5A should begin immediately.

### **Standard for PIDs OP-5A, MR-3, 4, 6 and 8**

According to Qwest, its retail DSL service is the appropriate parity standard for line splitting. Qwest used four criteria to support its recommendation: similarity of processes and systems; customer use; product characteristics and; technology. Qwest states that, “when Line Sharing was deployed, Qwest DSL technology was different and that standard development had followed two fundamentally different technologies and processes. Since implementation, the Qwest DSL technology and processes have evolved from CAP to DMT technology and from design to non-design services. So that now, Line Sharing, Line Splitting, and Qwest DSL share similar customer use, product characteristics, non-design processes/systems for repair, as well as similar technology.”<sup>1</sup> According to Qwest, parity standards should be based on comparing products that utilize the same process and systems. Regarding customer use, Qwest asserts that, “The line splitting product is typically used for dedicated broadband services. Res and Bus POTS is typically used as a voice service rather than a dedicated data service.”<sup>2</sup> Regarding product characteristics, Qwest asserts that, “Line Splitting is a data service that rides on the high frequency portion of another CLEC’s UNE-P voice product. Qwest DSL is also

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<sup>1</sup> Qwest’s Position Statement, pg. 4, footnote omitted.

<sup>2</sup> Id, pg. 5

a data service that rides on the high frequency portion of the Qwest voice line (a Qwest retail product). The CLEC proposed analogue of Res and Bus POTS is not a data service.”<sup>3</sup> Finally, Qwest asserts that, “The Line Splitting product uses a form of ADSL technology. Qwest DSL uses a form of ADSL technology. Res and Bus POTs is based upon analog voice technology.”<sup>4</sup>

In response, CLECs assert that all shared loop products (e.g., line sharing, line splitting and loop splitting) are essentially the same and any technical or functional differences are nominal. CLECs further assert that, “If different standards are applied, Qwest can perform in a fashion that disadvantages line splitting CLEC(s), but remains undetected, while continuing to provide adequate service for a product that directly impacts its own retail customers.”<sup>5</sup> The CLECs also assert that the parties agreed to a standard for line sharing back in November, 2001 and all the reporting problems and other anomalies have been resolved. Finally, the CLECs assert that Qwest has never disputed that line splitting is virtually functionally and technically identical to line sharing. Therefore, CLECs recommend that the same standard used for line sharing be used for line splitting which is Res and Bus POTs.

The facilitator agrees with the CLECs that both line sharing and line splitting are essentially the same with the only difference being the entity providing the voice service. Both line sharing and line splitting use the high frequency portion of the loop for data services with the only difference being that Qwest provides the voice service in a line sharing scenario while a CLEC provides the voice service in a line splitting scenario. In other words, from the prospective of customer use, product characteristics and product technology both line sharing and line splitting are virtually identical. Therefore, since the offerings are essentially the same, it’s appropriate to have the line sharing standard apply to line splitting.

The CLECs also provided a compelling response to Qwest’s argument regarding technology and processes that support its recommendation to use Qwest DSL as the proper retail analogue. As the CLECs point out, this change in technology occurred well before the development of a standard for line sharing. The CLECs therefore concluded that, “while Qwest has had at least three clear opportunities to propose what it now calls the correct retail analogue after its own retail DSL service had moved to a POTs flow, it chose not to do so. Its failure to do so amply demonstrates that Qwest itself believes that Res and Bus POTs is the appropriate standard.”<sup>6</sup>

Finally, the facilitator agrees with the CLECs that all the implementation issues have been resolved with the line sharing standard and therefore there should be no new issues when the same standard is used for line splitting.

### **One Free Miss**

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<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> CLEC Position Statement, pg. 2

<sup>6</sup> Id., pg. 3

Since Qwest has withdrawn its request for “one free miss” for OP-4, this disputed issue is moot.

### **When Reporting Should Begin for OP-5A**

Qwest recommends that data be collected for six months before required PID reporting begins. According to Qwest, “Data integrity and stabilization efforts require six months of reporting as diagnostic ... Given the complexities of products and processes which are being measured – not to mention the complexity of the reporting system itself – it is impossible to anticipate and identify every circumstance that may impact reporting.”<sup>7</sup>

The facilitator agrees with the CLECs that “three to four months of reported results, with the apparent capability of rerunning those results back to September 2003, for a product demonstrating prodigious volumes from the get-go, is sufficient information for the parties to be able to set a standard.”<sup>8</sup> The facilitator also agrees with the CLECs that Qwest has had ample time to detect and resolve any errors in their reporting systems, “... since the provisioning process for line split loops is 99% identical to the provisioning process for line sharing.”<sup>9</sup> Finally, the facilitator would note that by the time the LTPA process concludes, Qwest should have six months of reported data.

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<sup>7</sup> Qwest’s Position Statement, pg. 6

<sup>8</sup> CLEC’s Position Statement, pg. 4

<sup>9</sup> Id, pg. 5