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BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the)	Docket No. UT-003022
Investigation Into US WEST)	Volume XLIV
Communications, Inc.'s)	Pages 6560-6595
Compliance with Section 271 of)	
the Telecommunications Act of)	
1996.)	
_____)	
In the Matter of US WEST)	Docket No. UT-003040
Communications, Inc.'s)	
Statement of Generally)	
Available Terms Pursuant to)	
Section 252(f) of the)	
Telecommunications Act of 1996.))	
_____)	

A prehearing conference in the above matter was held on February 6, 2002, at 9:40 a.m., at 1300 South Evergreen Park Drive, S.W., Olympia, Washington, before Administrative Law Judge ANN RENDAHL.

The parties were present as follows:

AT&T, by Mary Tribby, Attorney at Law, 1875 Lawrence Street, Suite 1575, Denver, Colorado, 80202 (Appearing via teleconference bridge.)

QWEST, by Lisa Anderl, Attorney at Law, 1600 Seventh Avenue, Room 3206, Seattle, Washington, 98191.

WORLDCOM, by Michel Singer-Nelson, Attorney at Law, 707 17th Street, Suite 3600, Denver, Colorado, 80202 (Appearing via teleconference bridge.)

Barbara L. Nelson, CCR
Court Reporter

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1 PUBLIC COUNSEL, by Robert
2 Cromwell, Assistant Attorney General, 900 Fourth
3 Avenue, Suite 2000, Seattle, Washington, 98164.

4 COVAD COMMUNICATIONS COMPANY, by
5 Megan Doberneck, Attorney at Law, 7901 Lowry
6 Boulevard, Denver, Colorado 80230 (Appearing via
7 teleconference bridge.)
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1 JUDGE RENDAHL: Let's be on the record.
2 Good morning. We're here before the Washington
3 Utilities and Transportation Commission on the
4 morning of Wednesday, February 6th, 2002, for a
5 prehearing conference in Dockets UT-003022 and
6 UT-003040. It's the matter of the investigation into
7 US West Communications, Incorporated's, now Qwest's,
8 compliance with Section 271 of the Telecommunications
9 Act of 1996, and US West's Statement of Generally
10 Available Terms pursuant to Section 252(f) of the
11 Telecommunications Act of 1996.

12 I'm Ann Rendahl, the Administrative Law
13 Judge presiding over this proceeding. I will take
14 appearances from the parties present in the room
15 first and then take the appearances of those
16 appearing via the conference bridge line. Let's
17 start with Qwest, Ms. Anderl.

18 MS. ANDERL: Thank you, Your Honor. Lisa
19 Anderl, representing Qwest.

20 JUDGE RENDAHL: Mr. Cromwell.

21 MR. CROMWELL: Robert Cromwell, on behalf
22 of Public Counsel.

23 JUDGE RENDAHL: Thank you. On the bridge
24 line, beginning with AT&T.

25 MS. TRIBBY: Thank you. Mary Tribby, on

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1 behalf of AT&T.

2 JUDGE RENDAHL: Thank you. Ms. Tribby,
3 you'll have to speak up just a little bit louder.
4 It's coming through, but I think, for the sake of the
5 court reporter, if you can speak up just a little
6 bit.

7 MS. TRIBBY: Okay, thank you.

8 JUDGE RENDAHL: Thank you. For Covad.

9 MS. DOBERNECK: Megan Doberneck, on behalf
10 of Covad Communications Company.

11 JUDGE RENDAHL: And for WorldCom.

12 MS. SINGER-NELSON: Michel Singer-Nelson,
13 on behalf of WorldCom. Liz Balvin is with me, as
14 well.

15 JUDGE RENDAHL: Thank you. And is there
16 anyone else appearing on the bridge line this
17 morning? Okay. Our agenda this morning is, as
18 identified in the notice, the prehearing conference
19 notice, is to identify the remaining issues for
20 discussion in this proceeding and to discuss the
21 status of each of those to know whether we're ready
22 to go forward on each of those issues and establish a
23 process and a schedule for the Commission's review of
24 the issues.

25 The prehearing conference notice identified

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1 performance data, data reconciliation, change
2 management, final OSS test report, and any remaining
3 compliance issues. And I should let the parties know
4 that since the presentation to the Commissioners on
5 January 10th, the Commissioners have had a chance to
6 review the parties' arguments on the issue of public
7 interest, and while there's no written order on that,
8 they wish that I convey to you all today that they
9 believe that a final resolution of the public
10 interest issue is premature until we get farther
11 towards the end of this process.

12 That does not mean that they want to rehear
13 the testimony, revisit the testimony that was
14 presented, but they would like to build upon that
15 based on the comments that the parties made at the
16 oral argument on the 10th that, you know, there are
17 issues such as the QPAP and -- my mind is going
18 blank, but there are other issues, performance
19 issues, the QPAP, CICMP, and other issues that the
20 Commission would like to hear from the parties about
21 before making a final decision on public interest.

22 And so that issue was not included on the
23 list, but that is something the Commission would like
24 to hear more from the parties about in this, before
25 we conclude this process. Are there any other issues

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1 the parties would like to add to that list?

2 MS. ANDERL: None from Qwest, Your Honor.

3 JUDGE RENDAHL: Mr. Cromwell.

4 MR. CROMWELL: I think that, as I mentioned
5 at the last hearing on public interest issues, I
6 think that there should be an opportunity to
7 supplement the record when relevant information
8 becomes available, sort of post the August hearings,
9 when we had our workshop on public interest, and
10 again, the best example of that being the recent
11 decision regarding UNEs.

12 I think that the Commission should afford
13 parties the opportunity to supplement the record
14 again, not rehash ground well-plowed, but to the
15 degree that anything has arisen since that time, I
16 think it's -- to the degree that parties can assert
17 relevancy to the Commission's satisfaction, this
18 Commission should consider admitting that evidence
19 into consideration in that aspect of its 271
20 proceeding.

21 JUDGE RENDAHL: And I think the Commission,
22 when they relayed to me that they did not want to
23 rehash old -- you know, the testimony that has
24 already been presented, I think that's the kind of
25 thing that they would like to hear about, but they do

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1 not want to go back and discuss what was presented
2 during the fourth workshop.

3 MR. CROMWELL: Sure. Is there a process or
4 --

5 JUDGE RENDAHL: I think we'll get to
6 process.

7 MR. CROMWELL: -- anything envisioned?

8 JUDGE RENDAHL: I think what I'd like to do
9 is really just make sure we have the issues
10 identified, find out where we are on each of them,
11 and then, once we know where we are, we can establish
12 a process for each of those issues. Because my
13 thinking is that some of them may be -- some of the
14 issues may be more appropriately dealt with in an
15 oral argument type fashion and others may be more
16 appropriately dealt with in a testimony type fashion
17 with briefing.

18 And so I need to hear from all of you about
19 that and so we can get this done in the most
20 efficient manner possible. And I think when we get
21 to that point, we can talk about how to address
22 public interest issues.

23 Assuming that there are no other issues,
24 does any party, anybody on the bridge, wish to weigh
25 in on other issues?

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1 MS. SINGER-NELSON: This is Michel
2 Singer-Nelson, on behalf of WorldCom. I think I just
3 wanted to highlight that in the change management
4 subject, we'll have to focus on the stand-alone test
5 environment and --

6 JUDGE RENDAHL: Did you say the stand-alone
7 test environment?

8 MS. SINGER-NELSON: Yes. As a big part of
9 the change management process that we'll have to
10 address.

11 JUDGE RENDAHL: Okay. Well, why don't we
12 move to the status of the issues. And I'd like to
13 hear from Ms. Anderl, starting with performance data
14 and data reconciliation, what the status is on those
15 issues right now.

16 MS. ANDERL: On performance data and data
17 reconciliation, Your Honor, we expect a data
18 reconciliation report from Liberty no later than the
19 15th of this month, so a week from Friday, and we
20 would anticipate filing that as soon as we get it and
21 we would like to propose that we build a schedule
22 around hearing the data issues, both actual
23 performance data and the data reconciliation issues,
24 and build that for consideration in the March or
25 April time frame, if necessary, for a day or two on a

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1 stand-alone basis in March or, at a minimum, to
2 include it into the April time frame. We think we'll
3 be ready.

4 We ordinarily get our performance data in
5 the last week of the month following the month for
6 which the data is representative, so we're looking at
7 -- December data is available right now, because it's
8 past the end of January. We will have January data
9 available at the end of February. It is likely that
10 if we held hearings in March, if we were able to have
11 two days in March for that, we would be able to do
12 data reconciliation and actual performance data for
13 months, let's say October, November, December and
14 January data if the Commission wanted to consider the
15 most recent four months that were available, and we
16 could make that presentation.

17 JUDGE RENDAHL: Okay. Well, we'll get to
18 scheduling a little bit later, but you think that --
19 your thought is that performance data and data
20 reconciliation could be handled in two days?

21 MS. ANDERL: Yes. I think that's what we
22 had it scheduled for in December when we thought it
23 was going to go in December. I don't anticipate that
24 there's any need to allow a longer amount of time
25 now.

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1 JUDGE RENDAHL: Okay. And then the next
2 issue on the list would be the change management.
3 And we have received a number of different filings
4 from Qwest and the other parties on change
5 management, but if you wouldn't mind summarizing for
6 us this morning where we were are on change
7 management, that would be helpful.

8 MS. ANDERL: Yes, Your Honor. I can only
9 do so in a very general way. I spoke with Andy
10 Crain, who is the company's attorney on that issue.
11 He indicated to me that Qwest feels as though it's
12 ready to present the change management issues to the
13 various state commissions, essentially in a format to
14 be determined by the commissions, but that his
15 anticipation was if the commissions wanted to hear
16 testimony on any open issues, we could do that. We
17 could also do it from an oral argument -- in an oral
18 argument format, that we are ready to do that at any
19 time, we could do that in March or April, and that we
20 would not need more than one or two days in order to
21 present to the Commission the issues that remain
22 open.

23 JUDGE RENDAHL: Can you give me a status,
24 though? The last -- when you all came before us the
25 last time, it was still in the CICMP, CLEC/Qwest

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1 discussion phase, and I know that things have been
2 filed with the Commission. And are we now in a
3 testing mode? What mode are we in right now?

4 MS. ANDERL: I don't know that I can really
5 say that. I think we are -- my understanding was we
6 were done with the workshops and meetings on it.

7 MS. SINGER-NELSON: Judge -- excuse me,
8 Lisa. It's Michel Singer-Nelson. Liz Balvin
9 actually is very involved in that process, so maybe
10 she can update you on that.

11 MS. ANDERL: Well, I'd rather speak with my
12 own folks on it.

13 JUDGE RENDAHL: Well, I'll take, you know,
14 thoughts and positions and statements from the other
15 parties, as well, so --

16 MS. ANDERL: It may be that people have
17 different views of where we are in the process, but
18 my understanding is, from Qwest's viewpoint, we are
19 ready to proceed to review these issues with the
20 individual state commissions in the context of the
21 271 proceedings.

22 JUDGE RENDAHL: Okay. Well, we'll hear
23 from the other parties on where we are and the status
24 on those issues. And the final OSS test report, the
25 last information I had from those folks on the staff,

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1 advisory staff, who are also involved in the process,
2 is that there was a draft report coming out in March,
3 late March, with a final report sometime in April.

4 Can you verify or tell me if that slipped or --

5 MS. ANDERL: The current schedule
6 contemplates a draft final report at the end of
7 March, that's correct, I think it's the 28th, and a
8 final-final on April 19th.

9 There are two technical workshops
10 scheduled, which I think is new information from the
11 last time we talked about this. And one technical
12 workshop is to be scheduled in March, before the
13 draft final, on the reports that are already
14 completed. And the other technical workshop, I don't
15 believe the dates or the location have been selected
16 yet, but it is going to be in between the draft final
17 and the final-final. And that's what we know right
18 now.

19 The schedule on this final-final has
20 changed in the past. We don't have any ability to
21 commit that it will or won't change in the future at
22 this point.

23 JUDGE RENDAHL: I understand that.

24 MS. ANDERL: I know that right now maybe
25 you just want to talk status and we can talk schedule

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1 and process later, but we would like to talk about
2 some proposals that we have for scheduling around the
3 review of the OSS test report, as well.

4 JUDGE RENDAHL: Okay. And then the last
5 issue would be the public interest, and I think we
6 have set aside some hearing dates in April, and I
7 think the plan is we would probably go ahead with
8 addressing any public interest issues that parties
9 feel are pertinent for discussion during that time
10 frame. And so I think we can talk when we get to
11 process. The process discussion, we can talk about
12 how to do that.

13 And then any remaining compliance issues, I
14 think we would handle that similarly. Compliance
15 with any orders that have come out since that time.
16 And again, that's going to -- I think the process
17 that -- this is sort of going into process, but my
18 take is that the process we had the last time, where
19 the parties made filings almost for a presentation,
20 an oral argument type presentation, worked for those
21 types of issues, that there was no need to have
22 testimony on those types of issues.

23 MS. ANDERL: We agree with that, and we
24 anticipate that if we address the compliance issues
25 in April, we will by that time have all of the final

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1 orders and we could file something very much like
2 what we filed in October, where we addressed
3 compliance with workshops one and two final orders,
4 we could address compliance with workshops three and
5 four final orders, and any orders on reconsideration,
6 any compliance issues around the QPAP, and just
7 address it in a half-day or whatever it takes, oral
8 argument, like we did before.

9 JUDGE RENDAHL: Okay. Mr. Cromwell, I'm
10 going to turn to you now and see your thoughts on
11 what Ms. Anderl has just stated in terms of status of
12 the issues, if there's anything you'd like to add to
13 that discussion.

14 MR. CROMWELL: Not as to the status of the
15 issues. I think our position on public interest is
16 that OSS, that a fully-functioning OSS capable of
17 meeting commercial volumes of traffic is a
18 significant element of this Commission's public
19 interest analysis, and we would propose that any
20 public interest review should occur after the final
21 OSS report is out, rather than prior to that time.
22 We can talk scheduling a little later, but there's
23 those sorts of issues around that.

24 JUDGE RENDAHL: Thank you. Okay. Now,
25 going to the folks on the bridge line, beginning with

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1 AT&T. Starting with the discussion of performance
2 data and data reconciliation, do you have any
3 comments on the status laid out by Ms. Anderl?

4 MS. TRIBBY: Yes. Your Honor, we have not
5 heard yet a date for the Washington report. I know
6 that Liberty is currently working on Oregon and
7 Washington. I don't know what their time frame is.
8 Middle of February may be doable. I will tell you
9 that on the ROC TAG call last week, I read from your
10 order, because when I got your order saying that you
11 expected -- or your information was that there would
12 be a report by early February, I was surprised by
13 that. And the ROC TAG's response was, Well, we don't
14 know where they got that information because none of
15 us have talked to them, that being the vendors, and
16 Liberty's response was it was not likely that they
17 would provide a Washington report by early February.

18 I was in a hearing yesterday on data in
19 Colorado where we discussed the fact that Oregon and
20 Washington were ongoing and Utah and Minnesota had
21 yet to be done, but I have not heard any dates with
22 respect to when those reports will come out, other
23 than to hear them say that early February was not
24 doable.

25 I think two days would be fine for a

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1 hearing. I think that something that maybe is new
2 since we talked last time is that Liberty Consulting
3 has now come out and said, even though we are doing
4 state-specific reports, our reporting and our
5 reconciliation process is cumulative. So you're not
6 really going to know the status of data
7 reconciliation until we're done with the report for
8 all of our states. And the states that are left are
9 Oregon and Washington, which are in progress,
10 Minnesota and Utah, which still haven't been started.

11 And let me explain a little bit about that.
12 They had come out with an Arizona report and
13 essentially found that Qwest was doing fine with
14 respect to their data reporting. They then moved on
15 to Colorado and Nebraska and have issued 11 new
16 observations and exceptions for things they didn't
17 previously find when they did Arizona, and yet their
18 belief is that those problems also exist in the
19 Arizona data.

20 So one of the things that they're now doing
21 is to say, until we do our last report, which will
22 not only be a report that will be state-specific, but
23 it will also be cumulative of everything else we've
24 found, you will not have the full picture as to data.
25 And as I said, they have not given any dates with

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1 respect to the future data reports, but if you wanted
2 to wait until all four states had been concluded, I
3 would say you'd be well into March before that's
4 done.

5 I think you probably can go ahead with the
6 Washington report, but I think if you do that, you
7 need to be prepared that any findings that come out
8 in future reports, to the extent that those apply
9 across the region, which all of the findings except
10 one to date have, we will be wanting to address the
11 Commission with respect to those data issues, as
12 well.

13 Liberty is trying to give us dates every
14 week on the ROC calls, but they -- given the findings
15 and the new findings, they've just not been able to
16 give us dates for the future reports.

17 Again, we think, as a matter of just
18 principle, that doing data as close in time to the
19 time Qwest does their application is the right way to
20 approach it, because you'll have that many newer
21 months of data to look at. So that's just kind of
22 our overall approach to data.

23 With respect to change management, what my
24 folks are telling me -- and I realize Ms. Balvin is
25 on the phone, she may have even more current

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1 information -- our sense is that the change
2 management piece that the FCC believes needs to be
3 concluded for 271 approval, there are currently
4 meetings scheduled at least through the end of
5 February to address those issues.

6 It's our folks' belief that even at the end
7 of February, there may still be a number of open
8 issues, but I realize too that those open issues
9 could go on for a very long time. So I think once
10 the meetings have concluded toward the end of
11 February or the first part of March, you may be in a
12 position to at least have an initial meeting on
13 what's happening with change management, but I'll
14 defer more to Michel and Liz on the status of that.

15 With respect to the final OSS test report,
16 Ms. Anderl has given you the correct date.
17 Obviously, we would like to see proceedings scheduled
18 following the final report. We don't think it's
19 appropriate to proceed on the draft report. Right
20 now that date is April 19th, but I will tell you that
21 for the last month, probably, the dates have slipped
22 every time a new schedule has come out. So you know,
23 I don't know what to tell you in terms of how solid
24 those dates are, other than to say they haven't been
25 yet.

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1 Public interest, I think whenever you
2 decide to address it is appropriate. I know we're
3 going to talk about scheduling, but I will tell you
4 that the dates that you identified in your order, at
5 least for the 22nd through the 26th, that's the week
6 South Dakota has scheduled its one and only 271
7 hearing. So at this point in time, the 29th and 30th
8 are clear, but the 22nd through 26th is -- we're sort
9 of double-booked on those dates.

10 And with respect to the remaining
11 compliance issues, I think our folks' sense was the
12 filings and the oral arguments worked well, as long
13 as there's sufficient time to address the Commission,
14 which I think there was the last time around, and we
15 would be happy with going forward with that same kind
16 of process in the future.

17 JUDGE RENDAHL: Okay. Thank you very much.
18 Ms. Singer-Nelson and Ms. Balvin, for WorldCom. If
19 you can just walk through the issues, just like Ms.
20 Tribby did, that would be very helpful.

21 MS. SINGER-NELSON: Okay. I'll address the
22 data reconciliation and just agree with AT&T's
23 understanding of the status of that and the way to
24 handle it. So I just echo everything that Mary said.

25 Then Liz, I think, will address the status

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1 of the change management process. She's been
2 directly involved in all those meetings. And then
3 she can also address our understanding of the OSS --
4 the status of the OSS process, although I think,
5 again, we would just echo everything that Mary's
6 already said on that. So I'll let Liz address change
7 management.

8 JUDGE RENDAHL: Thank you.

9 MS. BALVIN: Thank you. Actually, I did
10 get pulled out of what we call the redesign sessions
11 that are going on today to come meet with you all.
12 But the meetings are actually scheduled through the
13 end of April, and Qwest has been extremely vocal in
14 that, for 271 compliance, that they need only have a
15 change management process in place that covers
16 systems issues.

17 Qwest has had a change management process
18 umbrella that covers not only systems, product and
19 processes, and the thought behind the product and
20 process change management processes is that because
21 of all of the changes, internal changes that Qwest is
22 doing that affect CLECs and affect our business and
23 how we do business on a daily basis, that CLECs truly
24 need not only insight into what changes are coming
25 forth, but have an opportunity to provide input so

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1 that when Qwest unilaterally rolls out a product or
2 process, they're not impacting our businesses in a
3 way that's going to jeopardize what we need to do to
4 get the job done. So those meetings are actually
5 scheduled through the end of April.

6 WorldCom firmly believes that the product
7 and processes impact our business such that we would
8 like to see at least a somewhat finalized change
9 management process, where we don't have that today.
10 We feel that if you look at the history of change
11 management, that Qwest has dictated a lot of what has
12 happened through their systems product and processes
13 and CLEC input has been very minimal. So we'd like
14 to see that at least at a stage where we believe it's
15 much more collaborative and that it meets more of the
16 FCC requirements.

17 JUDGE RENDAHL: Ms. Balvin.

18 MS. BALVIN: Yes.

19 JUDGE RENDAHL: So your statement is that
20 the discussions are still ongoing through April and
21 there is no testing yet going on on the CICMP
22 process?

23 MS. BALVIN: When you say testing, I'm
24 going to assume that you mean the vendors from KPMG
25 or the ROC?

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1 JUDGE RENDAHL: Correct.

2 MS. BALVIN: Okay. They are actually
3 evaluating what has happened all along the way, and
4 there have been several observations and exceptions
5 put forth, which get to the issue of, you know,
6 there's no collaboration, we're on our way to
7 collaborating a process today that a lot of the
8 documented procedures that Qwest has in place are not
9 sufficient enough for CLECs to use them. I'm going
10 off the top of my head, so I'm trying to --

11 JUDGE RENDAHL: Well, I don't think this is
12 necessarily the time to be providing, you know, a
13 position on the issue. I'm just trying to get a
14 sense of status.

15 MS. BALVIN: Oh, okay.

16 JUDGE RENDAHL: And WorldCom will have an
17 opportunity to present its position on these issues
18 when the hearing comes. This is really just a status
19 check to know if we can -- when we can schedule these
20 to go for hearing.

21 MS. BALVIN: Okay. Then I apologize. As
22 far as the vendors for the ROC, they are evaluating
23 the whole redesign process. They have two parties
24 that attend each meeting and the meetings have been
25 bi-monthly, so they're scheduled through the end of

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1 April at this time.

2 JUDGE RENDAHL: Okay. Well, that helps me
3 understand where we are on status on CICMP. And what
4 are your thoughts on the OSS report in terms of the
5 status that Ms. Anderl set forth?

6 MS. BALVIN: If I could just skip back once
7 just to talk about the stand-alone test environment,
8 which I do feel falls under the change management
9 process. The reason WorldCom just wants to make sure
10 that this process is sufficient by the time Qwest
11 does file its 271 application is that the testing
12 vendors did identify that their current testing
13 process, and this is specific to EDI, was deficient,
14 and --

15 JUDGE RENDAHL: Okay. I think this is --
16 Ms. Balvin, this is heading in a -- I understand your
17 position, but if you can state it in a way that
18 doesn't state a position, but just explain the
19 status, that would be helpful.

20 MS. BALVIN: Okay. The testing vendors are
21 doing what they call a commercial volume observation
22 on the stand-alone test environment, and that is if
23 there are CLECs in the states that the ROC covers,
24 that they can identify are actually using the system,
25 they will evaluate that. And so it is part of the

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1 ROC test, and I just wanted to provide that status so
2 that you knew some testing was going on, and we'd
3 like to make sure that any issues that come out of
4 that testing do get addressed.

5 JUDGE RENDAHL: Okay. And when -- are you
6 saying that the commercial volume testing is going on
7 now throughout the process, or is this something that
8 will occur after April?

9 MS. BALVIN: It is going on now and they
10 will -- KPMG will follow it through the end of the
11 OSS test, and the results will come out at the end of
12 the OSS test, which I do agree with the timelines
13 that Qwest put forth, that those are the dates that
14 we see today, but I also agree with AT&T that every
15 time we do get a new schedule, it seems to push out
16 the dates, so it's a very unstable date at this
17 point.

18 JUDGE RENDAHL: Okay. So sort of segueing
19 into the final OSS test, is it your understanding
20 that the vendors intend to complete their review of
21 the change management process in their final OSS test
22 report?

23 MS. BALVIN: Yes.

24 JUDGE RENDAHL: So that the change
25 management process and the OSS testing process are in

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1 tandem and will be completed at the same time?

2 MS. BALVIN: I believe that is true, yes.

3 JUDGE RENDAHL: Okay. And Ms. Balvin,
4 these may not be your issues, but Ms. Singer-Nelson,
5 if they're yours, on public interest and compliance,
6 any thoughts on those?

7 MS. SINGER-NELSON: I think on public
8 interest, we'll just address that whenever the
9 Commission wants to address it for final review. And
10 then, on compliance issues, I also agree with what
11 was previously stated, that setup we had previously
12 worked out great. So whenever the final two orders
13 come out, the order from the Commission on workshop
14 four and the QPAP, then as long as we have an
15 opportunity to address whether the suggestions from
16 Qwest are in fact compliant with the order, then I
17 think that would be sufficient.

18 JUDGE RENDAHL: Okay. And Ms. Doberneck.

19 MS. DOBERNECK: Thank you, Your Honor.
20 With regard to performance data and data
21 reconciliation, I agree with AT&T that the best way
22 -- and with Qwest, as well, the best way to address
23 these are together and that two days should be
24 sufficient.

25 I would reiterate what Ms. Tribby said

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1 about a due date and sort of the cumulative nature of
2 all of these reports. And the reason I concur in
3 this, not only had the due date for reports been a
4 constantly moving target, because we all
5 underestimated the amount of time, but also because
6 of the cumulative nature, as we go through the
7 states, additional issues are identified.

8 For example, just as we completed Colorado,
9 Liberty's report caused Covad to identify six issues
10 that will be addressed in connection with the
11 Washington reconciliation, so you know, not knowing
12 how quickly Liberty can get through that, I think
13 it's premature to fix a date for the particular
14 hearings until we actually have a Liberty report in
15 hand so we don't have to all reschedule.

16 On change management, I would concur in
17 what Liz said. We do -- there's a differentiation as
18 to what needs to be reviewed in connection for 271
19 compliance, but that whether we look at either just
20 systems or also product and process, that the
21 observations and exceptions that have been open for
22 all three parts of change management should be
23 wrapped up with the completion of the OSS testing,
24 but they're still outstanding.

25 So from our perspective, change management

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1 should be addressed in tandem when we address the
2 other issues that are contingent on completion of the
3 OSS testing and the issuance of the final report.

4 As far as the OSS testing, again, everybody
5 else has said it before, it's a moving target, so I
6 don't really know what to say. The one piece of
7 information I can add for you, the technical
8 workshops that have been scheduled, the first
9 workshop is scheduled for March 4th and 5th, to take
10 place in Denver, and the second technical conference
11 currently is scheduled for April 10th, 11th, and 12th
12 in Santa Fe, New Mexico, although my understanding is
13 that technical conference, again, may be a moving
14 target based on what happens when the final reports
15 come out.

16 Finally, public interest, I think the
17 Commission is the only entity in possession of when
18 it will -- or the only entity that can determine when
19 it has sufficient information to make that
20 determination, so I think whenever the Commission
21 decides it's ready to make that decision, we should
22 address it.

23 Finally, the compliance issue, I think the
24 approach of oral argument is a correct one. The only
25 thing I would note is that while it worked out well

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1 in December, I think, based on what we had with
2 workshop four, there is a potential to get jammed up
3 if we do all of that in one day, and I think we can
4 address it either by strict timelines or maybe
5 factoring in another half-day.

6 JUDGE RENDAHL: Thank you. Some of you
7 have commented that the schedule for April, you know,
8 isn't the best, but I can let you know, as I did in
9 the prehearing conference notice, that the
10 Commission's schedule is extremely tight. There are
11 two rate cases -- actually, three rate cases going on
12 with energy companies and Olympic Pipe Line and other
13 cases that are going on, and we have had to literally
14 schedule out the Commission's schedule for the entire
15 year, and we were lucky to get dates in April. And I
16 will let you know that I've tentatively reserved some
17 dates in May, and also tentatively reserved two days
18 in March. And I think, to the extent that we can
19 address the issues that are ready to be dealt with,
20 we should do so, understanding that OSS and CICMP may
21 slip and we may just have to deal with it as we can.

22 But I realize it may pose a hardship on
23 some of you, but there really are no other options,
24 unless some of these cases settle here at the
25 Commission, and I'm not holding out hope that they

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1 will. So I realize that's difficult, but that's kind
2 of where we are.

3 So let's talk about, first, performance
4 data and data reconciliation. I think we best ought
5 to go off the record for this. So we'll be off the
6 record to discuss these issues.

7 (Discussion off the record.)

8 JUDGE RENDAHL: Let's be on the record.

9 And while we were off the record, we had a fair
10 amount of discussion, give and take, about how to
11 accommodate scheduling all of these issues and the
12 process for scheduling all of the issues that we
13 identified while we were on the record earlier.

14 This is the schedule for now for the
15 remainder of this case. We will have a prehearing
16 conference on April 18th, from 9:30 until noon. The
17 room is to be determined and will be set forth in the
18 prehearing conference order. We will hold hearings
19 the week of April the 22nd through the 26th and the
20 29th and 30th.

21 The schedule will be as follows. We will
22 address performance data and the data reconciliation
23 report on the 22nd and 23rd. We have the afternoon
24 of April the 24th, because the morning is an open
25 meeting. The afternoon of the 24th and all day on

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1 the 25th, we will address compliance issues
2 concerning workshops one through four and the QPAP.
3 And if we need any time on the 26th for spillover on
4 any of these issues, we will use the 26th for
5 spillover time. We have the morning of the 29th
6 available for hearing and all day on the 30th, and we
7 will address CICMP or change management issues on
8 those days, and we have yet to fully determine the
9 format for that.

10 Performance data and data reconciliation
11 will be in the form of a prefiled testimony, witness
12 cross-examination format of hearing, whereas the
13 compliance issues will be an oral argument
14 presentation. And CICMP, we're still working that
15 out, and it will depend on what the parties file on
16 the 29th -- file on CICMP issues.

17 The filing schedule that we have come up
18 with, and please correct me if I misstate any dates.
19 On the performance data and data verification, Qwest
20 will file its October through January performance
21 data and any testimony and comments surrounding that
22 filing and the data verification reports from Liberty
23 Consulting for Washington and any other states on
24 March 8th. Any party can respond to Qwest's
25 performance data filing and the data verification

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1 reports on March 22nd.

2 Qwest will file its February data and any
3 rebuttal comments or testimony on April the 5th. And
4 there will be post-hearing briefing on those issues
5 due on May 6th.

6 As to the compliance issues, the parties
7 agreed that Qwest would file any compliance filing of
8 the SGAT in compliance with orders addressing the
9 first through fourth workshops and the QPAP on April
10 5th. And the parties may respond to that through
11 comments or briefing on April the 16th.

12 As to CICMP, Qwest will file its CICMP
13 status report and any testimony/comments, whatever
14 form Qwest chooses to file on CICMP on March the
15 15th. Any party can file responsive testimony or
16 comments on March the 29th, and Qwest has the
17 opportunity to file rebuttal on those issues on April
18 the 12th.

19 If the hearing turns out to be a witness
20 cross-examination-type hearing, then there will be
21 post-hearing briefing on CICMP issues due on May 6th.
22 If it turns out to be an oral argument type
23 presentation, then there will be no post-hearing
24 briefing.

25 We have also reserved the dates of May 13th

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1 through May 17th for the conclusion of this hearing,
2 based on the assumption that the final OSS test
3 report will be filed before May 1st, or before --
4 excuse me, April 29th. And so in that time frame of
5 the 13th through the 17th, we will address the OSS
6 final report, public interest issues, and any
7 remaining compliance or other issues that may need to
8 be addressed during that week, and we will have,
9 maybe at the time of the prehearing conference on the
10 18th of April, if not before then, maybe in the
11 schedule I'll schedule a prehearing conference the
12 first week of April that we can discuss the status of
13 those remaining issues and whether the week of the
14 13th will still work.

15 So at this point, merely hold that on your
16 calendars, block it out, and we will schedule that
17 week at a later time. If there's nothing else to
18 come before us this morning, and if I haven't left
19 anything off, this is your opportunity to speak up.

20 MS. TRIBBY: Your Honor, it's Mary Tribby.
21 We're going to note for the record that electronic
22 and fax filings will be okay?

23 JUDGE RENDAHL: Yes, and I will note in the
24 prehearing conference order my agreement that parties
25 may file electronically if they follow it up with a

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1 mailed copy on the same day.

2 I have two brief questions, and one is on
3 the compliance hearing that we had on the 10th, the
4 parties indicated that they would be filing with the
5 Commission any agreements they might have reached,
6 and I'm wondering what the status of that is, if you
7 can relate that.

8 MS. ANDERL: Your Honor, this is Lisa
9 Anderl. I know that our Qwest attorneys, not me, but
10 others, are talking to some AT&T attorneys, not Ms.
11 Tribby, but others, and we anticipate being able to
12 file something by the 8th, day after tomorrow.

13 JUDGE RENDAHL: Okay, thank you. And the
14 only other issue is in the QPAP hearings in December,
15 Ms. Stang had agreed to file comments filed in
16 Colorado on Chairman Gifford's decisions, and we
17 don't believe we've ever received those, and we're
18 wondering if that's something Qwest can do in the
19 near future to assist us in the preparation of our
20 order.

21 MS. ANDERL: Yes, Your Honor. I'll follow
22 up on that.

23 JUDGE RENDAHL: There's a note in the
24 transcript at page 5962, so if you need a reference
25 to it.

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1 MR. CROMWELL: I can give you sort of very
2 brief background. My understanding currently is that
3 the hearing dates at Colorado Commission on the CPAP
4 that we had discussed at the last presentation were
5 stricken. Instead, the Colorado Commission remanded
6 to Special Master Weiser for consideration of the
7 four areas of objection, I think would be the right
8 way to state it, that Qwest expressed regarding
9 Chairman Gifford's last order, which was to be
10 considered by the en banc commission in those
11 hearings that were stricken, all of them, and I think
12 the hearings were continued into late March -- I
13 think I have the dates.

14 JUDGE RENDAHL: I guess the question we had
15 is there were comments that Qwest filed on Chairman
16 Gifford's decisions, and I'm assuming those comments
17 would still remain, and I think that's what we need.

18 MS. ANDERL: Right, and I wasn't sure.
19 What Mr. Cromwell is saying sounds right too, but I'm
20 not sure what Ms. Stang committed to file with you,
21 whether that was something that already existed or --

22 JUDGE RENDAHL: It did already exist, and
23 there were comments that were yet to be filed by the
24 other parties that we did not ask to be filed.

25 MS. ANDERL: Okay. I'll follow up with

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1 that and make sure that that document gets submitted.

2 JUDGE RENDAHL: I think Ms. Strain also has
3 a question about some compliance language, and so
4 just one last issue, then you're all released.

5 MS. STRAIN: This is Paula Strain. I
6 recall on the January 10th oral presentation that
7 there was an issue that Covad had with language in
8 the SGAT, I think regarding packet switching. And
9 Qwest responded to it by saying that AT&T had
10 proposed language that Qwest agreed to and Covad had
11 not seen the AT&T language, so that would be another
12 issue to follow-up on.

13 MS. DOBERNECK: This is Megan Doberneck. I
14 don't believe I have yet to see that language, or at
15 least nothing has been proposed to me. So whenever
16 Qwest can get that to me, I will turn it around
17 quickly.

18 MS. STRAIN: Thank you very much.

19 MS. ANDERL: Ms. Strain, let me just
20 clarify. This is language that Qwest was supposed to
21 get to Covad or AT&T was supposed to get to Covad?

22 MS. STRAIN: Well, I think Qwest committed
23 to making sure that Covad saw the language, and it
24 was at maybe on the last page of the transcript, so
25 we can look at it afterward.

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1 MS. ANDERL: I will be happy to do that.

2 It wasn't me who said it.

3 JUDGE RENDAHL: Okay. I appreciate your
4 patience this morning and I know that scheduling,
5 especially these days, is quite difficult, and so I
6 appreciate your flexibility in allowing us to set the
7 tight schedule that we have, and look forward to
8 talking to you all in the near future. And let's go
9 have fun. Thanks. Let's go off the record.

10 (Proceedings adjourned at 12:08 p.m.)

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