

**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 MS-2**

**TO THE**

**DIRECT TESTIMONY OF MICHAEL STARKEY**

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

**SEPTEMBER 29, 2006**

**Qwest Response to Document In Review**

**Response Date:** June 29, 2006  
**Document:** Product: CMP - Multiple PCAT update Held Order 90 day  
**Original Notification Date:** June 01, 2006  
**Notification Number:** PROD.06.01.06.F.03974.Held\_Order\_30\_to\_90\_Day  
**Category of Change:** Level 3

Qwest recently posted proposed updates to CMP - Multiple PCAT update Held Order 90 day. CLECs were invited to provide comments to these proposed changes during a Document Review period from June 02, 2006 through June 16, 2006. The information listed below is Qwest's Response to CLEC comments provided during the review/comment cycle.

**Resources:**

Customer Notice Archive <http://www.qwest.com/wholesale/cnla/>  
 Document Review Site <http://www.qwest.com/wholesale/cmp/review.html>

If you have any questions on this subject or there are further details required, please contact Qwest's Change Management Manager at [cmpcomm@qwest.com](mailto:cmpcomm@qwest.com).

**Qwest Response to Product/Process CMP - Multiple PCAT update Held Order 90 day Comments**

#	Page/Section	CLEC Comment	Qwest Response
1	1	<p><i>Eschelon                      June 07, 2006                      Comment: Comment: In the email below Qwest indicates that this change may impact the arbitration of Eschelon's Interconnection Agreement. If Qwest is serious about dealing with the issue of orders held for no local facilities in CMP, Eschelon believes that Qwest should provide the CLEC community the opportunity to have meaningful dialogue on this topic. Qwest said in the Minnesota arbitration that: "The entire purpose of CMP was to ensure that the industry (not just Qwest or one CLEC) is involved in creating and approving processes." If so, Qwest should include in its proposal, at least, the following 4 options to facilitate a full discussion with the CLEC community.</i></p> <p><i>Option 1: The current Washington held order process                      Option 2: Hold for 90 business days versus 30 business days                      Option 3: CLEC resubmits the request.                      Option 4: CLEC supplements the request.</i></p>	<p>Qwest initiated this CMP Level 3 "change in process" to move from 30 business days to 90 business days if there are no facilities available. With a Change Management Process level 3 change, Qwest is utilizing the formal comment process which is what is required.</p> <p>Qwest acknowledges this comment.</p>

*Details of each option:  
Option 1: Qwest will send CLEC an indication that there is a lack of available facilities and the order will be delayed. The delayed order will remain open, pending availability of facilities at Parity with retail End User Customer orders. In the event that an engineering job is completed that would allow delivery of the UNEs requested, or Qwest completes construction of facilities for delivery of UNEs for CLEC pursuant to a request to build the UNEs, and this occurs after Qwest sends the delayed order notification, CLEC will receive a new FOC identifying a new Due Date when the UNEs will be available for installation.*

*Option 2: For UNEs that meet the POLR/ETC requirements, CLEC will receive a jeopardy notice indicating that no facilities are available. Qwest will initiate an engineering job order for delivery of primary service to the End User Customer. Once the engineering job is initiated, the CLEC's order will be assigned to it. The CLEC's order will remain open from the time of initial submission until the engineering job is completed. When the engineering job is completed, CLEC will receive a FOC identifying a Due Date when the UNEs will be ready for installation. In response to such FOCs, CLEC can request a different Due Date by submitting a supplemental order to change the Due Date to a later date.*

*For UNEs that do not meet the POLR/ETC requirements, Qwest shall send CLEC a jeopardy notice indicating that facilities are not available, however, Qwest shall maintain the order as pending for a period of ninety (90) business days. Qwest shall send such jeopardy notice to CLEC as soon as possible, but in no event less than forty-eight (48) hours prior to the CLEC requested Due Date. (i) If facilities become available to fill the order within that ninety (90) business day period, Qwest shall notify the CLEC of such availability. CLEC and Qwest acknowledge that the availability of facilities hereunder is on a first come, first served basis. Any facility orders placed by any other provider, including Qwest, which predate CLEC's order shall have priority in any facilities made available under the terms of this Section. (ii) If facilities do not become*

available to fill the order within that ninety (90) business day period, Qwest will send CLEC a rejection notice for the LSR or ASR and cancel the Service Order.(iii) Upon receipt of the rejection notice, or at any time after receipt of the jeopardy notice, CLEC may:  
(a) submit a request to build UNEs or (b) while a UNE order is in Jeopardy Status, CLEC may cancel its UNE order at any time at no charge.

Option 3: If Qwest rejects the order after thirty (30) business days, CLEC may re-submit the order. If CLEC re-submits the order within three (3) business days of receipt of the rejection notice, CLEC maintains its position in queue for the facilities if they become available. CLEC's maintaining of its position in queue does not affect the application of the PIDs or PAP (as described in Exhibits B and K), but ensures that CLEC maintains its first come, first served status.

Option 4: CLEC can submit a supplement to its existing service request to identify a Due Date that is up to thirty (30) business days later than the previously requested Due Date. If CLEC submits such a supplemental request, the CLEC service order will remain open until the requested Due Date or until CLEC submits another supplemental request. Qwest will not reject CLEC's supplemental requests based on the Due Date change. If facilities become available, Qwest will send CLEC another FOC with a new Due Date.

Original Message-----

From: Salverda, Kathleen

[mailto:Kathleen.Salverda@qwest.com]

Sent: Tuesday, June 06, 2006 12:07 PM

To: Clauson, Karen L.; Hartl, Deborah; Albersheim, Renee; Bastiampillai, Harisha; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Topp, Jason; diane.wells@state.mn.us; Zeller, Ginny A.

Subject: RE: Qwest initiated CMP actions relating to ICA negotiations ALSO Exh A all other states and other State filings

Please forward your redline Exh A's for the remaining states in the same order as

*the filings.*

*Qwest understanding is Eschelon will file MN AZ UT OR and Qwest will file WA and CO.*

*At a first look I believe the following sections may be impacted by the CMP activity. Once CMP is finalized I will am willing to address section modifications with the Eschelon team to be sure we are in agreement. As for now it remains the same as is.*

*PROS.05.30.06.F.03960.Collo\_DC\_Power\_Overview*

*8.2.1.29.3.4*

*PROD.06.02.06.F.03963.Collocation\_Gen\_V61*

*8.4.3.4.2*

*8.4.4.4.2*

*8.4.7.4*

*PROS.06.02.06.F.03969.Collo\_Decommission\_Orvw*

*8.2.1.22.2.6*

*PROD.06.01.06.F.03973 Held Orders*

*Eschelon Proposal 1 and 3*

*Eschelon Proposal 2*

*Eschelon Proposal 4*

*Qwest proposal*

*9.1.2.1.3.2.1*

*9.1.2.1.3.2.2 i; ii; iii a abd b*

*Eschelon Proposal 1*

*Eschelon Proposal 3*

*Eschelon Proposal 4*

*9.2.2.3.2*

*Esxchelon Proposal 1*

*Eschelon Proposal 2*

*Eschelon Proposal 3*

*eschelon Proposal 4*

*9.2.2.16*

*-----Original Message-----*

*From: Clauson, Karen L.*

*[mailto:klclauson@eschelon.com]*

Sent: Friday, June 02, 2006 3:51 PM  
To: Salverda, Kathleen; Hartl, Deborah;  
Albersheim, Renee; Bastiampillai, Harisha;  
Denney, Douglas K.; Diamond, Paul;  
Goldberg, Tobe L.; Johnson, Bonnie J.;  
Kennedy,  
Robert.F; Markert, William D.; Olson, Joan M.;  
Topp, Jason; [diane.wells@state.mn.us](mailto:diane.wells@state.mn.us);  
Zeller, Ginny A.  
Subject: RE: Qwest initiated CMP actions  
relating to ICA negotiations

Kathy:

As you know, Eschelon disagrees with Qwest's position as to CMP. My question is more specific. To which sections of the ICA do you believe each of the new Change Requests apply?

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

From: Salverda, Kathleen  
[mailto:[Kathleen.Salverda@qwest.com](mailto:Kathleen.Salverda@qwest.com)]  
Sent: Friday, June 02, 2006 9:55 AM  
To: Clauson, Karen L.; Hartl, Deborah;  
Albersheim, Renee; Bastiampillai, Harisha;  
Denney, Douglas K.; Diamond, Paul; Goldberg,  
Tobe L.; Johnson, Bonnie J.; Kennedy,  
Robert.F; Markert, William D.; Olson, Joan M.;  
Topp, Jason; [diane.wells@state.mn.us](mailto:diane.wells@state.mn.us);  
Zeller, Ginny A.  
Subject: RE: Qwest initiated CMP actions  
relating to ICA negotiations

Karen: As Qwest believed these were CMP oriented issues, I utilized CMP to pursue the issues. I am anticipating that these issues will pass through the CMP process to completion and then the parties may close on these issues. I wanted to share with you that I had managed to place them with CMP.

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

From: Clauson, Karen L.  
[mailto:[klclauson@eschelon.com](mailto:klclauson@eschelon.com)]  
Sent: Thursday, June 01, 2006 3:13 PM  
To: Hartl, Deborah; Albersheim, Renee;  
Bastiampillai, Harisha; Denney, Douglas K.;  
Diamond, Paul; Goldberg, Tobe L.; Johnson,  
Bonnie J.; Kennedy, Robert.F; Markert,  
William D.; Olson, Joan M.; Salverda, Kathleen;  
Topp, Jason; [diane.wells@state.mn.us](mailto:diane.wells@state.mn.us);  
Zeller, Ginny A.

*Subject: RE: Qwest initiated CMP actions relating to ICA negotiations*

*Kathy:*

*Thanks for your email. It is unclear from your note what you believe the impact is on the negotiations/arbitrations. Please let us know. Thanks, Karen*

*-----Original Message-----*

*From: Hartl, Deborah*

*[mailto:Deborah.Hartl@qwest.com]*

*Sent: Thursday, June 01, 2006 2:21 PM*

*To: Albersheim, Renee; Bastiampillai, Harisha; Clauson, Karen L.; Denney, Douglas K.; Diamond, Paul; Goldberg, Tobe L.; Hartl, Deborah; Johnson, Bonnie J.; Kennedy, Robert.F; Markert, William D.; Olson, Joan M.; Salverda, Kathleen; Topp, Jason; diane.wells@state.mn.us; Zeller, Ginny A.*

*Subject: FW: Qwest initiated CMP actions relating to ICA negotiations*

*Sending on behalf of Kathy Salverda.*

*Deborah Hartl*

*Qwest Legal Department/CD&S*

*1801 California - 0900*

*Denver, CO 80202*

*303-383-6535*

*fax - 303-383-8515*

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*-----Original Message-----*

*From: Salverda, Kathleen*

*Sent: Thursday, June 01, 2006 1:16 PM*

	<p><i>To: Hartl, Deborah Subject: Qwest initiated CMP actions relating to ICA negotiations</i></p> <p><i>Deb: please pass to both teams This communication is the property of Qwest and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.</i></p>	
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