

**BEFORE THE WASHINGTON UTILITIES
AND TRANSPORTATION COMMISSION**

In the Matter of the Investigation Into)
U S WEST Communications, Inc.’s) **Docket No. UT-003022**
Compliance With Section 271 of the)
Telecommunications Act of 1996)
_____)

In the Matter of U S WEST Communications,) **Docket No. UT-003040**
Inc.’s Statement of Generally Available)
Terms Pursuant to Section 252(f) of the)
Telecommunications Act of 1996)
_____)

**AT&T’S VERIFIED COMMENTS REGARDING
QWEST’S PERFORMANCE DATA**

AT&T Communications of the Pacific Northwest, Inc. hereby submits its Verified Comments Regarding Qwest’s Performance Data. AT&T appreciates the opportunity to address the Commission regarding these issues.

I. ACCURACY AND RELIABILITY OF QWEST’S PERFORMANCE RESULTS

The issue of the accuracy and reliability of Qwest’s performance results is still open. The performance measurement audit Liberty Consulting performed as part of the ROC OSS test was important but it did not provide a complete picture of the accuracy and reliability of Qwest’s performance measurement results. One of the fundamental and general assumptions made by Liberty during the conduct of the performance measurement audit was that the raw, input data provided by Qwest were accurate. Operating under that assumption, Liberty evaluated whether Qwest could take that raw data and turn it into PID-compliant performance measurement results. There were some limited instances during the performance measurement audit where Liberty had some visibility into the

capture and recording of the raw data, but for the most part Liberty assumed the data were accurate. For example, if Qwest-provided data showed an order was missed for reasons attributed to the customer, Liberty would check as to whether or not Qwest treated an order with a customer-caused miss in a manner consistent with the PID requirements. If Qwest said it was a customer-caused miss, Liberty had no way to determine if, in fact, the order was missed for Qwest reasons. Simply stated, Liberty's conclusion in the *Final Report on the Audit of Qwest's Performance Measures* (September 25, 2001) was that assuming accurate and reliable raw data, Qwest was able to turn that data into PID-compliant performance results. Liberty's performance measurement audit did not generally test the assumption that the raw data were accurate and reliable.

There are two primary mechanisms designed to address the question of the accuracy and reliability of Qwest's raw, input data. They are the Liberty Consulting data reconciliation effort and the independent calculation of Pseudo-CLEC results by KPMG Consulting as part of ROC OSS test. Both mechanisms remain a work in progress and both have identified problems with Qwest's data accuracy. Qwest has not remedied some of those problems. Consequently, the record and evidence with respect to the accuracy and reliability of Qwest's performance results will not be complete until Liberty Consulting completes its data reconciliation efforts and KPMG completes its effort of independently calculating the Pseudo-CLEC data and then comparing its results to the Qwest produced results for the Pseudo-CLEC.

A. The Liberty Consulting Group Data Reconciliation Efforts

The Liberty data reconciliation effort remains very much a work in progress. To date, Liberty has reviewed results for the states of Arizona, Colorado, Nebraska and

Washington. Data for the states of Oregon, Utah, and Minnesota is either in the process of being reviewed or has yet to be reviewed. Liberty views the results of its data reconciliation efforts to be cumulative. Liberty clearly identified the “work in progress” nature of the data reconciliation effort when it stated, “Liberty views the results of its data reconciliation work to be cumulative and that overall conclusions should be made after its work for the states of Washington and Nebraska is complete.”¹ To ensure that the Washington Utilities and Transportation Commission (“Commission”) has the complete picture of Qwest’s treatment of its raw data, the Commission should wait until after Liberty has published its last reconciliation report before reaching any final conclusions based upon Liberty’s data reconciliation efforts.

As a result of the review of the Arizona, Colorado, Nebraska and Washington data, Liberty opened one exception and eleven observations to document problems with the accuracy and reliability of Qwest’s performance results. To AT&T’s knowledge, two of the observations are currently open. In addition, there remains the possibility that Liberty may, in the evaluation of the data for the remaining states, identify other problems with the accuracy and reliability of Qwest’s performance data. As Liberty has moved from state to state in its analysis, it has confirmed the existence of issues that were uncovered in the analysis of earlier states and also uncovered new issues.

It should not be assumed that Liberty will not uncover any new data reliability or accuracy problems as it completes the analysis of additional states. The parties’ experience with the Arizona and Colorado analysis demonstrate the danger of that

¹ Second Report on Qwest Performance Measure Data Reconciliation – Colorado, dated January 3, 2001 (“Colorado Report”). As previously mentioned, Liberty is also conducting data reconciliation work for results from the states of Minnesota, Oregon, and Utah.

assumption. After the Arizona analysis, Liberty issued one exception. Qwest argued at that point that there was no need to continue the analysis since everything the parties needed to know was learned in the Arizona analysis. That argument was rejected and the audit was permitted to proceed. In the next state to be analyzed, Colorado, there were nine new problems identified that resulted in the creation of nine observations. Given that there is analysis pending in four states, it would be imprudent to base any conclusions on the accuracy and reliability of Qwest's performance results on the previously concluded analysis of four states.

To ensure that the Commission has a complete record, AT&T attaches to this document as Exhibits A-F its comments on the data reconciliation efforts in Washington, Arizona, Colorado, Nebraska.

B. The KPMG Consulting Independent Calculation of Performance Results for the Pseudo-CLEC

The Liberty data reconciliation efforts have been valuable in that they have identified areas where Qwest's data were inaccurate and/or unreliable. However, the effort was somewhat limited. The reconciliation was limited to three CLECs, four services, six performance measurements and seven states. The KPMG reconciliation effort will be much broader in scope. The KPMG effort will include a much wider range of services and will include results from all of the thirteen states participating in the ROC OSS test. Because it will look at more products and more states, it will provide insights into the accuracy and reliability of Qwest' performance results that could not be obtained in the reconciliation of a limited amount of commercial data from three CLECs.

Qwest produces CLEC-specific reports for the relevant PID results. As part of the ROC OSS test, Qwest will be producing reports for the Pseudo-CLEC. During the ROC

OSS test, HP will be collecting and KPMG will be analyzing Pseudo-CLEC data for activities performed during the test. KPMG will take the raw, input data from HP and convert that data into PID-compliant performance results.

The developers of the Master Test Plan (“MTP”) recognized that KPMG’s independent calculation of PID-compliant performance results provided an opportunity to check the accuracy of Qwest’s raw, input data as well as to confirm that Qwest continues to convert the raw, input data into PID-compliant performance results. This check can be done by simply comparing KPMG’s PID results for the Pseudo-CLEC to the Qwest PID results for the Pseudo-CLEC.

One of the MTP-required outputs that KPMG must produce is a “KPMG Consulting-produced, HP data to Qwest-HP data comparison.”² This comparison report will provide further evidence as to the accuracy and reliability of Qwest’s raw, input data and whether or not Qwest continues to turn that data into PID-compliant performance results. Any significant deviations between the KPMG- and Qwest-produced performance results should be investigated to determine if the deviation is the result of inaccurate or unreliable Qwest data.

KPMG has only just started to compare its independently calculated results for the Pseudo-CLEC to Qwest’s calculated Pseudo-CLEC results. Even though it has just started the comparative analysis, KPMG has already issued two Observations that question the accuracy of Qwest’s input data. In Observation 3089 KPMG found, “[i]n Test 12 and Test 14 of the MTP, KPMG Consulting is required to compare the P-CLEC data KPMG Consulting produces to the P-CLEC data Qwest produces. **KPMG**

² The Regional Oversight Committee (ROC) 3rd Party Test, Qwest OSS Evaluation Project Master Test Plan, Revised Release 5.0, December 28, 2001, Sections 12.6.3 and 14.6.3.

Consulting has found several differences between the two datasets.³ (emphasis added) In Observation 3099, KPMG found, “[o]ut of 240 orders reviewed, **25 were mishandled in the calculation of the OP-4 PID**, according to KPMG Consulting’s determinations. **If these determinations are correct, this issue has an impact on the accurate reporting of PID results.**”⁴ (emphasis added)

The fact that KPMG is in the early stages of its comparison of KPMG- and Qwest-produced Pseudo-CLEC data and it has already identified two problems is an additional reason why it would be premature to draw any conclusion on the accuracy and reliability of Qwest’s performance results data until KPMG completes its analysis and Qwest implements any fixes necessitated by negative findings in the analysis.

II. QWEST’S REPORTED PERFORMANCE MEASUREMENT RESULTS FOR WASHINGTON

Checklist Item # 2 Access to Unbundled Network Elements (Including OSS)

PO-2 Electronic Flow Through

Electronic flow-through of an order occurs when an order is submitted by a customer service representative and accepted into the ILEC’s service order processor without the need for any manual intervention on the part of the ILEC. Generally bad things can happen when an order is subjected to human intervention. Order information can be mistyped or not entered at all. ILEC representatives can improperly reject a CLEC order. In addition, a need for manual intervention can severely restrict the number of CLEC orders that an ILEC can process in a day. Qwest’s rate of order flow-through is

³ Observation 3089, First Response, March 4, 2002.

⁴ Observation 3099, First Response, March 13, 2002.

very poor. Less than 35% of all LSRs submitted for resale orders via the IMA-EDI interface in the last twelve months flowed through (PO-2A-1).⁵

The flow-through results for unbundled loop orders in the last twelve months are much worse. For unbundled loop orders submitted via the IMA-GUI interface, the flow through rate over the last twelve months never exceeded 35% (PO-2A-1).⁶ For unbundled loop orders submitted via the EDI interface, the flow through rate has only exceeded 38% once in the last eleven months (PO-2A-2).⁷ CLECs will never be able to count on Qwest accurately processing unbundled loop orders in any significant volumes with Qwest's extensive reliance on manual processing.

Qwest also has difficulties processing local number portability ("LNP") orders. In the last eleven months, Qwest's performance for LNP flow through for orders submitted via the IMA-GUI interface never exceeded 59% (PO-2A-1).⁸ For LNP orders submitted via the EDI interface, the flow through rate never exceeded 63% (PO-2A-2). Human error can be predicted with reliability when thousands of LNP orders in any given month are subjected to manual processing.

Billing

A. The Evidence Shows That Qwest's Bills to CLECs Are Inaccurate and Incomplete

The FCC has found that, "a BOC must demonstrate that it provides competing carriers with wholesale bills in a manner that gives competing carriers a meaningful

⁵ Qwest Performance Results, Washington, February 2001 – January 2002, February 20, 2002, ("Washington Results"), p. 53.

⁶ Washington Results, p. 54.

⁷ Washington Results, p. 54.

⁸ Washington Results, p. 55.

opportunity to compete.”⁹ The FCC has also found “that the BOC must demonstrate that it can produce a readable, auditable and accurate wholesale bill in order to satisfy its nondiscrimination requirements under checklist item 2.”¹⁰ The FCC has recognized that, “[i]naccurate or untimely wholesale bills can impede a competitive LEC’s ability to compete in many ways.”¹¹

Both the results of the Regional Oversight Committee (“ROC”) Operational Support Systems test and Qwest’s own commercial performance data demonstrate that Qwest cannot produce an accurate wholesale bill. KPMG Consulting observed, “[m]ultiple Observations and Exceptions highlighting rate discrepancies between Qwest’s public documentation and invoices to CLEC customers indicate that **Qwest’s process for ensuring complete, timely, and accurate rate updates is deficient.**”¹² (emphasis added)

KPMG Consulting described the issue of Qwest’s inaccurate wholesale bills as follows:

KPMG Consulting has discovered numerous instances where [wholesale] **rates and charges were inconsistent with the prevailing contract and/or tariff.** Evidence of these instances is detailed in Exceptions 3008, 3034, 3069, 3088 and Observation 3041. Qwest’s response to these Exceptions and Observations suggest that in some instances the **incorrect rates were resident in the P-CLEC rate tables, or new rates were not changed in a timely manner in the P-CLEC rate tables.** In response to the instances cited in the abovementioned Exceptions and Observations, Qwest has updated the rate and/or discount tables to reflect the appropriate rate and/or discount. KPMG Consulting requests that Qwest describe how these errors occurred and the approach Qwest will take to prevent

⁹ Before the Federal Communications Commission, In the Matter of Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania, CC Docket No. 01-138, Memorandum Opinion and Order, Adopted: September 19, 2001, Released: September 19, 2001, (“Pennsylvania Order”), ¶ 15.

¹⁰ Id., ¶ 22.

¹¹ Id., ¶ 23.

¹² Observation 3076, Initial Date: December 27, 2001.

inconsistencies between contract, tariff rates, and discounts.¹³ (emphasis added)

KPMG Consulting described the impact of Qwest's failure to remit accurate wholesale bills as follows:

Issuing bills with incorrect charges will have the following effect on CLECs:

- **Altering expected operating costs.** By incorrectly charging for a given service, Qwest alters a CLEC's expected operating costs and could affect CLEC budgetary planning and related activities.
- **Increased resource usage.** Incorrect application of rates and charges on a CLEC's bills will force a CLEC to regularly reconcile these bills – identifying and correcting the incorrect rates and charges. The necessity of an extensive validation of each bill will increase CLEC resource utilization, thereby increasing operating costs.¹⁴

As of March 22, 2002, the KPMG Observation identifying Qwest's deficient wholesale billing process remains open. Increasing a CLEC's costs through overcharges and increased resource utilization as a consequence of Qwest sending CLECs inaccurate wholesale bills prevents CLECs from having a meaningful opportunity to compete.

Qwest's commercial results for the state of Washington show that CLECs are finding Qwest's wholesale bills to be as inaccurate as KPMG Consulting found. The BI-3A Billing Accuracy measurement tracks how well Qwest does in sending accurate wholesale bills. The BI-3A standard is parity with Qwest's retail bills. In three of the last four months of reported data, Qwest's performance to CLECs was discriminatory as compared to its performance to its retail customers.¹⁵ In November of 2001, Qwest's

¹³ Id.

¹⁴ Id.

¹⁵ Washington Results, p. 79.

wholesale bills to CLECs were only 56.13% accurate.¹⁶ In October of 2001, Qwest's wholesale bills to CLECs were only 72.45% accurate.¹⁷ In that same period, Qwest's bills were never less than 98.82% accurate. Not only is Qwest's performance in sending accurate wholesale bills to CLECS discriminatory on a relative basis, it is also abysmal on an absolute basis. In contrast to Qwest's abysmal wholesale billing performance, it should be noted that the wholesale billing accuracy results that the FCC used in Verizon's successful Section 271 application in Pennsylvania was 97.79%.¹⁸

Qwest's commercial results in Washington show that Qwest's wholesale bills to CLECs are not as complete as the bills it provides to its retail customers. The BI-4A Billing Completeness performance measurement tracks the completeness of Qwest's wholesale bills. The performance standard for BI-4A is parity with retail bills. Qwest's reported performance results show statistically significantly discriminatory performance in **all twelve months** of reported results.¹⁹ In that twelve-month period, Qwest's retail results for billing completeness were never worse than 96.1%. In contrast, the CLECs results only exceeded 96.1% completeness in one month and it has been as bad as 24.87%.

B. The Evidence Shows That Qwest Sends Incomplete Usage Information to CLECs

The FCC has stated that, "a BOC must demonstrate that it provides competing carriers with complete, accurate and timely reports on the service usage of their customers in substantially the same time and manner that a BOC provides such information to

¹⁶ Id.

¹⁷ Id.

¹⁸ Pennsylvania Order, ¶ 26.

¹⁹ Washington Results, p. 80.

itself.”²⁰ Through the ROC OSS test, KPMG Consulting found that the usage files that Qwest sends to CLECs are woefully incomplete.

Usage information is information that Qwest collects in its switch. It includes items like local calling features such as “last call return” that are charged on a pay per use basis as well as 800 calls, intraLATA toll and directory usage charges. CLECs need Qwest to provide timely and accurate usage information so that the CLECs can bill their customers. A failure of Qwest to provide complete usage information is quite insidious in that the CLEC has no effective way of knowing if the information is indeed missing. The CLEC’s customer is unlikely to either keep accurate records of every call it makes or if the customer does keep accurate records, report to the CLEC that he or she has been undercharged. Since Qwest will be recording the call activity, the only way the CLEC would know that a billable event has occurred is for Qwest to report it on the usage information. If Qwest fails to report usage charges or provides late usage charges, the revenue of the CLEC can be severely impacted.

The only effective way of determining that Qwest has failed to provide usage information is through a test as is being done in the ROC OSS test. In that test, KPMG Consulting representatives make thousands of test calls for which usage information is expected. For every one of those thousands of calls, the KPMG Consulting representatives record in a log the pertinent call information such as the day and time of the call, the call duration, the calling telephone number, and the called telephone number. Once KPMG Consulting receives the usage information from Qwest, it compares what is contained on the Qwest usage report to what is found on the KPMG Consulting call log.

²⁰ Pennsylvania Order, ¶ 14.

The KPMG Consulting test of the completeness of the usage information is quite manually intensive. Because of the extraordinary efforts required to determine if usage information is missing, there is no reasonable, systematic method of measuring Qwest's usage completeness on a routine basis. As a result, there is currently no performance indicator definition ("PID") that adequately measures Qwest's performance in providing usage information. While there is a BI-4 Billing Completeness performance measurement, that measurement is only concerned with complete wholesale bills. It does not cover the completeness of usage files.

Usage information is reported by Qwest to CLECs in what is referred to as the daily usage file or "DUF." KPMG Consulting described the issue of Qwest sending incomplete usage information as follows:

From June 11th – June 29th 2001, KPMG Consulting placed 7,855 test calls for which DUF records were expected. Qwest provided DUF records for 5,388 (69%) of the completed test calls. KPMG Consulting expected to receive DUF records for a minimum of 95% of those test calls that were expected to generate DUF records.

A significant number of the missing records are for local call details completed on UNE-P or resale measured lines. This includes both direct-dialed and operator-handled calls. Other instances of missing DUF records include other call types such as toll, directory assistance, and switched access (UNE-P only).²¹ (footnote omitted)

KPMG Consulting described the impact of the missing usage information as follows:

Failure to deliver DUF records may prevent a CLEC from accurately billing its customers, and could prevent the CLEC from receiving its complete usage revenue. In addition, the absence of appropriate access records could result in lost revenue from Interexchange Carriers for access minutes of use for calls delivered to CLEC end users.²²

²¹ Exception 3036, September 6, 2001.

²² Id.

KPMG Consulting is in the process of completing its **fifth** retest of Qwest's process for delivering usage information. The latest schedule for the ROC OSS test does not have KPMG Consulting's analysis completing until April 5, 2002.²³

KPMG Consulting has identified a second significant problem with how Qwest provided usage information. KPMG Consulting has found that Qwest is inaccurately recording the state of a CLEC's line. Qwest has been identifying lines that are resale lines as being UNE-P lines and identifying lines that are UNE-P lines as resale lines. KPMG described the impact of Qwest's errors as follows:

Inconsistencies between DUF records and the account status could prevent a CLEC from accurately billing its customers, thereby denying the CLEC usage revenue. It could also result in additional effort by the CLEC to correct this issue with Qwest. In addition, the absence of appropriate access records could result in lost revenue from Interexchange Carriers for access minutes of use for calls delivered to CLEC end users.²⁴

As of March 22, 2002, this exception remains open.

C. The Evidence Shows That Qwest Sends Untimely Billing Completion Notices

The FCC described billing completion notices as:

[Billing Completion Notifiers (BCNs)]BCNs inform competitors that all provisioning and billing activities necessary to migrate an end user from one carrier to another are complete and thus the competitor can begin to bill the customer for service. Premature, delayed or missing BCNs can cause competitors to double-bill, fail to bill or lose their customers.²⁵
(footnotes omitted)

The PO-7 Billing Completion Notification Timeliness measurement results shows Qwest's performance in providing timely billing completion notices. The standard for the PO-7 measurement is parity with Qwest's retail performance. Qwest's PO-7 performance

²³ ROC Integrated Work Plan, Version 2.45, March 14, 2002, Step 435.

²⁴ Exception 3037, September 6, 2001.

results show that Qwest's performance is statistically significantly discriminatory in comparison to its retail results and inadequate on an absolute level.

In two of the last four months Qwest has failed to provide billing completion notices to CLECs in Washington that use the IMA-GUI interface as quickly as it does for retail customers.²⁶ In the last two months, Qwest has failed to provide billing completion notices to CLECs in Washington that use the IMA-EDI interface as quickly as it does for retail customers.²⁷ In one of those months, the difference was statistically significant. Qwest's recent performance in delivering timely billing completion notices has been as poor as 84.50% for Washington CLECs that use the IMA-GUI interface and as poor as 90.80% for Washington CLECs that use the IMA-EDI interface.

It should be noted that the timeliness standard for the PO-7 measurement is the percent of notices delivered within five business days.²⁸ In contrast, the FCC found performance that delivers 95% of the billing completion notices by **noon of the day following order completion in its billing systems** as "a reasonable and appropriate measure of whether Bell Atlantic provides timely notification that a service order has been recorded as complete in Bell Atlantic's billing systems."²⁹ The FCC approved Bell Atlantic's 271 application when Bell Atlantic was providing 100% of the billing completion notices by noon the day following order completion.³⁰ Qwest's performance in providing as few as 84.50% of billing completion notices within **five days** of order

²⁵ Pennsylvania Order, ¶ 43.

²⁶ Washington Results, p. 67.

²⁷ Washington Results, p. 67.

²⁸ Qwest Service Performance Indicator Definitions (PID), ROC 271 Working PID Version 4.0, October 22, 2001, p. 19.

²⁹ *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, FCC 99-404, released December 22, 1999, ("BANY Order"), ¶ 189.

³⁰ *Id.*

completion is woefully inadequate as compared to previous 271 applications that the FCC has approved.

D. Billing Summary

Qwest's inability to provide CLECs with accurate and complete wholesale bills, its failure to send complete usage information and its untimely and discriminatory provision of billing completion notification information are sufficient evidence for the Commission to conclude that Qwest has failed to comply with the requirements of Checklist Item #2.

OP-15 Number of Due Date Changes Per Order

The OP-15 performance measurement tracks the number of times that Qwest changes the due date on an order for Qwest-caused reasons after it has already provided a committed due date to a CLEC via a firm order commitment ("FOC"). The CLEC results are compared to the equivalent retail results. The standard for this performance measurement is diagnostic. A performance measurement with diagnostic standard is one in which there is no actual standard but the results may point to some other problem. Qwest's OP-15 results point to a problem with the reliability of Qwest's due date commitment process and also raise questions about the accuracy of Qwest's OP-3 Commitments Met and potentially OP-4 Installation Interval results.

Qwest's results show that Qwest made due date changes for CLEC resale orders at a rate that was greater than for its retail customers by a statistically significant amount in all twelve months or reported data.³¹ Generally, Qwest changes the due date on CLEC orders two to three times more often than it changes due dates for its retail customers. In the latest month of reported results, Qwest changed the due date seven times out of every

³¹ Washington Result, p. 73

hundred orders. Qwest-caused due date changes can result in a customer dissatisfaction with the CLEC in that the CLEC's customer will be inconvenienced by the due date change and will likely attribute the cause to the CLEC. Qwest-caused due date changes will also increase a CLEC's costs. The CLEC must spend additional time and effort to conform its order records to the new due date. Qwest should attempt to minimize Qwest-caused due date changes.

The alarming rate of Qwest-caused due date changes to CLEC orders shown by the PO-15 results can be used to diagnose a significant problem with Qwest's FOC process. Qwest brags about how quickly it provides FOCs to CLECs and touts its PO-5 Firm Order Confirmations (FOCs) on Time results as evidence of the quality of its firm order commitment process. When Qwest's PO-5 and PO-15 results are viewed together, a different conclusion is reached. That conclusion is that Qwest provides FOCs to CLECs very quickly but those FOCs are consistently unreliable. Qwest has focused too much attention on developing a process that sacrifices the reliability of the information contained in the FOC (the due date) for the sake of speedy, unreliable FOCs. It is cold comfort to a CLEC to receive very fast FOC responses if as much as 12% of the time Qwest is going to eventually change the due date. It appears that Qwest's process is to get a FOC back to the CLEC as quickly as possible without regard to whether or not it actually knows if it can meet the due date it is committing to. After providing the FOC, Qwest then does the necessary work of actually determining what due date can be met. As the January 2002 results show, about 7% of the time, Qwest has to change (push out) the due date once it actually investigates what due date it can actually meet. Qwest's high

and discriminatory rate of changes to CLEC orders is quite disruptive to CLEC operations.

Unbundled Network Element Platform (“UNE-P”)

A. OP-4 Installation Interval - No Dispatches (UNE-P)

The unbundled network element platform (“UNE-P”) a service that CLECs use in significant quantities in Washington. A CLEC that does serve its customers with the use of the UNE-P service will generally migrate its customer from Qwest’s service to the CLECs. In those cases, Qwest will almost always install the service without the need to dispatch a technician.

For this competitively significant service, Qwest has provided discriminatory service to CLECs in two of the last four months.³² Over the entire two month period, Qwest took over 15% more time to install services for CLECs as compared to similarly situated retail customers.

B. OP-5 New Service Installation Quality (UNE-P)

Qwest’s performance results show that Qwest does not install UNE-P services for CLECs with the same care as it does for similarly situated retail customers. In two of the last four months Qwest’s rate of trouble free installations was lower by a statistically significant amount when compared to similarly situated customers.

C. MR-7 Repeat Report Rate – No Dispatches (UNE-P)

Qwest’s performance results show that CLECs experience more repeat troubles on UNE-P services for repairs that do not require a dispatch than similarly situated retail

³² Washington Results, p. 83.

customers in four of the last five months of reported data.³³ The MR-7 measurement is intended to be an indicator of whether Qwest is able to repair a reported trouble right the first time. If Qwest does not repair the service right the first time, a repeat trouble report can occur within thirty days of the first trouble report. How well Qwest does in correctly repairing troubles the first time is what the MR-7 measurement is all about. Qwest's reported results show that Qwest is not repairing CLEC residential resale services with the same attention as it does for its own retail customers.

III. CONCLUSION

AT&T believes that all parties would agree that the ideal state for Qwest's performance measurements results is that the results "will speak for themselves." The Liberty data reconciliation effort to date has shown that there remain too many issues with the accuracy and reliability of Qwest's reported results such that they can "speak for themselves." In addition, Liberty Consulting may discover additional problems with the accuracy and reliability of Qwest's performance results as it completes its analysis for the remaining four states. Other problems with Qwest's data may be discovered by KPMG after it has produced its data comparison report.

The ultimate conclusions reached on the accuracy and reliability of Qwest's performance results are dependent upon the completion of the Liberty's audit activities and the ROC OSS test. There is no compelling need or tangible benefit to reaching any conclusions based upon a record and evidence that is still being developed. As it has with other Section 271 issues, AT&T requests that the Commission condition the closure of issues relating to the accuracy and reliability of Qwest's performance results on the completion of the OSS test and Liberty's data reconciliation audit.

³³ Washington Results, p. 89.

