

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION  
COMMISSION**

**In the Matter of the Investigation Into  
U S WEST COMMUNICATIONS, INC.'s  
Compliance with Section 271 of the  
Telecommunications Act of 1996.**

**Docket No. UT-003022 and UT-003040**

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**AFFIDAVIT OF SHEILA HOFFMAN**

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I, Sheila Hoffman, being of lawful age and having been duly sworn, state as follows:

1. My name is Sheila Hoffman. I am employed by Covad Communications Company ("Covad") at its offices located at 7901 Lowry Boulevard, Denver, CO 80230. I am employed by Covad as a senior service delivery specialist, and have primary responsibility for supervising the agents who manage orders placed by Covad with Qwest and that fall out of the "success path" – that is, orders that do not flow through the Qwest ordering and provisioning systems to successful completion.

2. Covad provides xDSL services to end user customers via a number of different Qwest loop-based products, including ISDN loops. In approximately March of 2000, Qwest informed Covad that Qwest could not provision any ISDN loop orders placed by Covad where there was integrated pair gain ("IPG") on that particular loop. Specifically, Qwest explained that, due to some type of software issue, it could not provision these types of orders and that no order placed by Covad for an ISDN loop where there was IPG on that loop could ever be successfully closed and provisioned.

3. In light of Qwest's unequivocal statements, Covad determined that it made no rational, economic or business sense to place those orders and therefore decided not to do so. Moreover, such a decision made sense if Covad was to effectively manage its end user customers' expectations. That is, Covad did not want to create the false impression that it could provide service to end user customers if such service ultimately could not be provided. In addition to the desire to avoid wasting resources on orders that could never be provisioned and creating unfulfillable expectations on the part of potential customers, Covad also sought to ensure that its reputation as a reliable service provider was not unnecessarily jeopardized by trying to place orders that, according to Qwest, could not be successfully provisioned.

3. Covad recently learned that Qwest now can provision ISDN orders where there is IPG on the loop and has been doing so for its retail customers for some unspecified period of time. Covad learned of Qwest's newfound capability *not* through any notification from Qwest, but rather through pure happenstance. In the absence of this particular fortuitous occurrence, Covad would have absolutely no knowledge of Qwest's ability to provision ISDN loops where there is IPG on the loop.

Further Affiant sayeth not.

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Sheila Hoffman

Subscribed and sworn to before me this \_\_\_\_<sup>th</sup> day of April, 2002, by Sheila Hoffman.

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Notary Public

Commission Expires: \_\_\_\_\_