

**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)
_____)

**JOINT CLEC BRIEF REGARDING
QWEST'S CHANGE MANAGEMENT PROCESS**

Pursuant to the Commission's 27th Supplemental Order as modified, AT&T Communications of the Pacific Northwest, Inc., TCG Seattle and TCG Oregon, Covad Communications Company, and WorldCom, Inc., on behalf of its regulated subsidiaries (collectively "Joint CLECs") hereby submit this Brief regarding Qwest's Change Management Process ("CMP").¹ For the reasons stated below, the Joint CLECs recommend that the Commission withhold judgment of Qwest's CMP process pending receipt of actual proof that: (1) Qwest has submitted a final revised draft of the CMP document that fully reflects all the agreements reached during the redesign process; (2) Qwest has actually implemented and is adhering to the redesigned process; (3) Qwest has responded to and resolved all the outstanding Exceptions and Observations that the third party testers have issued concerning Qwest's CMP; (4) Qwest has available a stable,

¹ Qwest's CMP was previously known as the Co-Provider Industry Change Management Process or "CICMP."

stand alone test environment (“SATE”) fully reviewed and approved by third party testers; and (5) Qwest has updated—through the product and process part of CMP—its PCAT and Technical Publications such that they are consistent with the Statement Of Generally Accepted Terms (“SGAT”) upon which Qwest intends to rely, not only in seeking this Commission’s recommendation, but on proving its compliance with its § 271 obligations before the Federal Communications Commission (“FCC”).

Without the actual proof of demonstrated compliance as noted above, Qwest is simply asking that this Commission find that Qwest complies with its § 271 obligations based upon nothing more “than mere promises to perform”—empty promises, are neither acceptable “evidence” to the courts nor, importantly, to the FCC in its § 271 review.² Likewise, this Commission deserves more; it deserves real proof of *actual* compliance, regardless of Qwest’s desire to rush to the “271 finish line.”

No one, not this Commission, Qwest nor the CLECs have had any significant experience using the redesigned CMP. Because CMP is an important part of the § 271 investigation and because CMP is an area of the record that is underdeveloped at best, the Joint CLECs offer the following suggestions to remedy the situation.

INTRODUCTION

According to the FCC, the change management process refers to the methods and procedures that the Regional Bell Operating Company (“RBOC”) employs to

² The FCC states “in order to gain in-region, interLATA entry, a BOC must support its application with actual evidence demonstrating its present compliance with the statutory conditions for entry, instead of prospective evidence that is contingent on future behavior. Thus, we must be able to make a determination based on the evidence in the record that a BOC has actually demonstrated compliance with the requirement of section 271.” *In the Matter of 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*, Memorandum Opinion and Order, CC Docket No. 99-295, FCC 99-404 (Rel. Dec. 22, 1999) at ¶ 37 (hereinafter “*BANY 271 New York Order*”).

communicate with competing carriers regarding the performance of, and changes to, the RBOC's Operational Support Systems ("OSS").³ Further, the FCC notes:

By showing that it adequately assists competing carriers to use available OSS functions, [an RBOC] provides evidence that it offers an efficient competitor a meaningful opportunity to compete. As part of this demonstration, the Commission will give substantial consideration to the existence of an adequate change management process and *evidence* that the [RBOC] *adhered to this process over time*.⁴

Qwest, as it frequently asserts, has had a CMP process in place since 1999. What is missing from this statement, however, is Qwest's acknowledgement that its 1999 CMP process was inefficient and essentially non-functional for actual use by competitive local exchange carriers ("CLECs"). In fact, consistent with the *actual* evidence that the Joint CLECs proffered during the workshops,⁵ third party testers proclaimed that Qwest's original CMP was deficient because it was inefficient, with response intervals far too long for use, and no adherence to practices and procedures documented in its CMP material.⁶ In short, Qwest's CMP was not "successfully managed" nor was Qwest adhering to it according to these independent third parties.

In an effort to remedy this problem, Qwest requested that the CLECs agree to take the CMP temporarily out of the § 271 workshop investigations and place "CMP" in the change management process itself for "redesign."⁷ One important goal of the redesign

³ *In the Matter of Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enter. Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania*, Memorandum Opinion and Order, CC Docket No. 01-138, FCC 01-269 (Rel. Sept. 19, 2001) at ¶ 41 (hereinafter "**Verizon PA 271 Order**").

⁴ *Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to provide In-Region, InterLATA Services in Arkansas and Missouri*, Memorandum Opinion and Order, CC Docket No. 01-194, FCC 01-338 (Rel. Nov. 16, 2001) at ¶ 40. (emphasis added).

⁵ See AZ 6 ATT 5; CO 6 ATT 55; Multi-State S8-ATT-MFH-1; WA 851.

⁶ IWOs 1076 & 1078. Exceptions 2003, 3094, 3110, 3094, 3102 & 3111. Observation 3066.

⁷ See e.g., 6/28/01 Multi-State Tr. at 6

process was to create an initial CMP document that described how Qwest would administer changes to its OSS and how Qwest would communicate those changes to the CLECs. The redesign process began in earnest in mid-July of 2001.

In addition to the redesign needs, throughout the many § 271 workshops, Qwest also asked that several disputed issues be removed from discussion at the workshops and resolved in the CMP process.⁸ Those issues have generally been referred to as the “product and process” issues. They include things like ensuring that Qwest technical publications and its PCAT⁹ are consistent with the SGAT. Without such consistency, this Commission has no way of knowing whether Qwest has actually implemented the SGAT or whether Qwest is, in fact, complying with it.

In short, this Commission’s review of the CMP is one of the last steps necessary to an open, full and fair investigation of Qwest’s actual performance. Until Qwest presents all five pieces of the necessary proof identified above, this Commission and the FCC do not have sufficient evidence to determine whether Qwest’s CMP process is compliant with the law or not.

DISCUSSION

The FCC has outlined five criteria against which an RBOC’s change management process is measured to determine whether the change management plan can be considered adequate to afford an efficient competitor a meaningful opportunity to compete. Those elements are:

⁸ See e.g., regarding the updates to technical publications and the PCAT moved to CMP: WA 7/9/01 Tr. at 159; WA 7/11/01 Tr. at 162-63; WA 7/31/01 Tr. at pp. 165, 173, 175; AZ 3/6/01 at 23-4; AZ 4/9/01 Tr. at 27; AZ 5/16/01 Tr. at 53-7; Az 6/15/01 Tr. at 6/15/01 at 154-55; CO 2/21/01 at 13; Multi-State 6/25/01 Tr. at 133; Multi-State 6/28/01 Tr. at 140; etc.

⁹ Technical publications and the PCAT are the documents that Qwest and CLEC field personnel use when actually implementing the SGAT and performing under other interconnection agreements.

(1) that information relating to the change management process is clearly organized and readily accessible to competing carriers; (2) that competing carriers had substantial input in the design and continued operation of the change management process; (3) that the change management plan defines a procedure for the timely resolution of change management disputes; (4) the availability of a stable testing environment that mirrors production; and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.¹⁰

Assuming an RBOC is able to demonstrate that its plan meets these FCC requirements, it must then demonstrate a pattern of compliance with its plan.¹¹ Since many of the re-designed elements of CMP are brand new or yet to be developed, the Commission cannot determine Qwest's compliance or lack thereof until Qwest provides the necessary evidence. Below, the Joint CLECs offer what it believes the necessary evidence entails.

I. Qwest's Draft CMP Document Does not Reflect Compliance with § 271 or the Completed Redesign Plan.

On numerous occasions, Qwest has complained that it has done more than any other RBOC with respect to its CMP process. The Joint CLECs submit that this is not accurate. The difference between Qwest's CMP process and the ones that the FCC has previously considered is summed up in the Bell Atlantic New York 271 Order. There, the FCC found:

Competing carriers have had a substantial role in the development of Bell Atlantic's change management process in New York. As part of a collaborative process *dating back to October 1997 and conducted under the auspices of the New York Commission*, Bell Atlantic and competing carriers developed a detailed process of managing changes to the Bell Atlantic systems and interfaces that affect competing carriers. *This process resulted in the May 1998 document*. Although there have been

¹⁰ *In the Matter of Application by SBC Communications Inc., Southwestern Bell Telephone Company and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 To Provide In-Region, InterLATA Services In Texas*, Memorandum Opinion and Order, CC Docket No. 00-65, FCC 00-238 (Rel. June 30, 2000) at ¶ 108 (hereinafter "*SWBT Texas 271 Order*").

¹¹ *Id.*

subsequent modifications to the Change agreement, *the basic process and timelines set out in this document are still applicable.*¹²

Unlike other RBOCs, Qwest's CMP process, the one it offers for judgment, dates back only to mid-July. The "basic process" is not fully documented nor has Qwest adhered to such a process for any length of time.

In response to this "not yet fully documented nor implemented and adhered to problem," Qwest often cites to the Texas § 271 order, arguing that, because Southwestern Bell Telephone ("SWBT") was not required to run a "major" EDI release through its CMP process,¹³ Qwest needn't complete its redesign documentation or prove any portion of implementation and adherence. Contrary to Qwest's interpretation of this FCC order and the facts in that case, SWBT had a final draft of its CMP document and it had implemented that process, with the exception of "versioning." Moreover, SWBT provided evidence that it was adhering to the process since September of 1999. Neither can be said of Qwest and its CMP process.¹⁴ Similarly, the FCC held in the Bell Atlantic New York order that,

Bell Atlantic's basic change management process *is memorialized* and set forth in a single document, the Change Agreement. As a result, Bell Atlantic's change management process documentation is clearly organized and readily accessible to competing carriers. Competing carriers can readily access the Change Agreement on Bell Atlantic's Telecommunications Industry Services (TIS) web page. Modifications to this document are also available on the TIS web page.¹⁵

¹² *BANY 271 New York Order* at ¶ 104 (emphasis added).

¹³ *SWBT Texas 271 Order* at ¶ 114.

¹⁴ *SWBT Texas 271 Order* at ¶¶ 110 – 114.

¹⁵ *BANY 271 New York Order* at ¶ 107 (emphasis added); *see also, In the Matter of Application of Verizon New England Inc., Bell Atlantic Commun., Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Co. (d/b/a Verizon Enter. Solutions) and Verizon Global Networks Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Memorandum Opinion and Order, CC Docket No. 01-9, FCC 01-130 (Rel. Apr. 16, 2000) at ¶104 (finding that plan was memorialized and set forth in a single document)(hereinafter "*Verizon Mass. 271 Order*").

Here, while Qwest CMP document is now on its web site, that document is nothing more than a *draft* redesign document and not the final, basic process memorialized after completing the collaborative redesign.

All the CLECs are fully aware that the CMP process itself may change over time, but what distinguishes Qwest's CMP process from others is that Qwest never had a compliant basic document to begin with—it is just now putting the finishing touches on that document and the Commission should ensure that Qwest finishes that project and supplies the final draft before it determines that Qwest has collaboratively developed “a change management document that is clearly organized, readily accessible to CLECs.”¹⁶

A. Current Status of the CMP Redesign Demonstrates that the Draft CMP Document is Incomplete and, Therefore, Qwest's CMP is not Reflected in a Single Document.

As noted above, Qwest and CLECs have been working on the redesign of Qwest's CMP since mid-July 2001. Before it is complete, the CMP Redesign will continue for a few more months. Briefly reviewing the procedural history and ending on the current status provide evidence that Qwest's CMP document is, not only incomplete, but also not reflected in a single document.

As a result of workshops and hearings in Arizona and Colorado, two significant things happened in the month of February that have impacted the work that CLECs and Qwest have been doing in the CMP Redesign meetings. First, at the February 25, 2002 Colorado hearing, the Colorado Commission directed Qwest and CLECs to file, on April 8, 2002, briefs on CMP issues that require resolution by the that Commission.¹⁷ Second, at a workshop held in Arizona on February 25, 2002, the Arizona Staff requested that

¹⁶ *Id.* at ¶ 110.

¹⁷ Since that time, other states have adopted April 8, 2002 as the filing date for CMP issues.

CLECs submit a list of issues that needed to be closed prior to Qwest receiving § 271 approval. AT&T filed its issues with the Arizona Commission on March 6, 2002.¹⁸

Covad and WorldCom filed their additions to AT&T's list on March 8, 2002.

Because of the April 8, 2002, filing deadline, the CLECs and Qwest at CMP redesign assembled a priority list of issues to address before moving to other issues. This list was based on the priority issues identified in Arizona and was divided into two parts: (i) issues that could result in impasse¹⁹ requiring state commission resolution (referred to as "1s") and (ii) issues not likely to result in impasse (referred to as "0s").²⁰ These issues lists were developed at the redesign meeting held on March 5 – 7, 2002.²¹ The redesign team attempted to reach consensus on a "conceptual basis" for each issue, and if that was not possible, they agreed to identify impasse issues that required resolution by State Commissions for the April 8, 2002 filing. The parties worked on these issues at the CMP redesign meetings held on March 5 – 7, March 18 – 19 and April 2 – 4, 2002.

For purposes of this discussion, it is important to note that reaching "conceptual" agreement on issues involved discussion of issues at a very high level, attempting to identify only the major points of concern. This did not involve drafting language for the

¹⁸ "AT&T's List of Priority CMP Issues" included CMP Redesign issues that needed to be concluded, but also included other matters that need to be addressed, including the requirement that Qwest adhere with the redesigned CMP over time and that the OSS test issues relating to CMP must be resolved. These additional matters are addressed herein.

¹⁹ Note that the Joint CLECs and Qwest identified a CMP impasse issue in their comments filed in February 2002. That issue was whether CRs relating to Qwest Performance Indicator Definitions ("PIDs") and Performance Assurance Plans ("PAPs") should be treated as regulatory changes in CMP, giving them a preferred status. The Colorado Commission, in a decision meeting held March 13, 2002, decided the issue in favor of the CLEC position (e.g. PID and PAP changes are not regulatory changes subject to higher priority). Qwest has agreed to accept this resolution for all states. Thus, no further issue exists for Commission resolution in any other states.

²⁰ A third category was identified, but a separate list was not created. This category was labeled as "x" and indicates items that need not be discussed. There were only two such issues. One is the PID/PAP impasse that was previously identified by the parties and briefed in Arizona and Colorado. The other had to do with regulatory changes, a topic on which the parties had reach consensus on a conceptual level.

²¹ The list of priority CMP Redesign issues (1s and 0s) is provided as **Exhibit A**.

“Master Red-lined CLEC-Qwest CMP Re-Design Framework Interim Draft” document (“Draft CMP Document”). This drafting will take place at a later time, and it will require a more detailed discussion of the issues with the potential that when such detailed language is drafted, the parties may identify additional significant issues that require Commission resolution. Through these more detailed discussions the parties’ views become clearer to one another and they may uncover disagreement that they previously had not realized existed. Nevertheless, the Joint CLECs are hopeful that language for the Draft CMP Document will be drafted without encountering impasse issues.

The Joint CLECs are pleased to report that after the most recent CMP redesign session held on April 2 – 4, 2002, the parties reached “consensus” on a conceptual basis on all but two of the priority issues. Attached, as **Exhibit B**, is a summary of the conceptual agreements. In addition, the parties were able to draft language for the Draft CMP Document on a few of these issues. For most of the “consensus” issues, however, the parties still need to draft language. Once drafted, Qwest would add this language to the Draft CMP Document. At that point, Qwest should be in a position to implement the agreements on these issues.

Given the incomplete nature of the Draft CMP Document, Qwest cannot demonstrate that its CMP is reflected in a single document, as required by the FCC. Consequently, Qwest’s CMP does not yet meet the FCC’s requirement “that information relating to the change management process is clearly organized and readily accessible to competing carriers.” In addition, Qwest is not yet in a position to implement several aspects of the redesigned CMP, which makes it impossible at this point for Qwest to demonstrate a pattern of compliance with the redesigned CMP.

II. Qwest Must Provide Evidence that it has Actually Implemented and Adhered to the Redesigned Process.

“After determining whether the [RBOC’s] change management plan is adequate, [the FCC] evaluate[s] whether the [RBOC] has demonstrated a pattern of compliance with this plan.”²² Because Qwest’s newly redesigned plan has hardly, if at all, been fully implemented, Qwest cannot develop a pattern of compliance over time. At a minimum, it must, nonetheless, show adherence where it has implemented the plan.

While proof of complete compliance with every detail of the redesigned process is preferable, the Joint CLECs are not asking that Qwest provide such proof. Rather, the Joint CLECs are asking that the Commission ensure that Qwest is complying with at least the fundamental procedural safeguards contained in the redesigned CMP. Anything less would be unfair to the CLEC community that has, not only given Qwest innumerable hours on an expedited basis working on this process, but also deserves some Commission support in demanding that Qwest actually does what it has promised to do, before it obtains any § 271 rewards.

To date, the Joint CLECs can only offer evidence of Qwest’s non-compliance with its redesigned CMP process. For example, in the following opportunities to comply, Qwest has failed.

A. Qwest has Failed to Observe the CMP Production Support Process.

Attached, as **Exhibit C**, are two Incident Work Orders (“IWOs”) issued by Cap Gemini Ernst & Young (“CGE&Y”)—the third party tester—in Arizona²³ as part of the OSS test. One has to do with Qwest not sending access records to CLECs on the daily

²² *SWBT Texas 271 Order* at ¶ 108 (judging adherence over time); *BANY 271 New York Order* at ¶ 112 (judging adherence over time); *Verizon Mass. 271 Order* at ¶ 105 (judging adherence over time).

²³ IWOs 2127 and 2128, respectively.

usage feed (“DUF”). The other has to do with Qwest dropping WATS call records. Both IWOs identified that Qwest was not sending billing records to CLECs, which impacted a CLEC's ability to bill for certain services, thereby adversely affecting CLEC revenues. Qwest responded to these IWOs, stating that it made certain systems “fixes.” AT&T asked whether Qwest notified the CLECs about the systems “fixes.” Qwest responded as follows:

In accordance with CMP, Qwest did not provide CLEC notification of these fixes because the fixes did not require CLECs to change their system or processes.²⁴

Not only is this statement incorrect, but it indicates that Qwest did not adhere to the production support process found in the Draft CMP Document, which Qwest purportedly implemented on February 1, 2002.²⁵ The systems fixes, identified in the IWOs, took place on February 7 and 18, 2002 after the alleged implementation.

When a CLEC or Qwest identifies a systems trouble, the correct path for resolution is by opening a trouble ticket with the Qwest IT Wholesale Systems Help Desk. The production support process contains four severity levels of systems troubles²⁶ and, once the trouble is reported, a severity level is assigned. The trouble identified by IWOs 2127 and 2128 should have been assigned a severity level of 1 or 2 (*e.g.*, moderate to large number of CLECs affected, moderate to major impact on revenue, files lost). If the trouble impacts multiple CLECs, Qwest is required to send an Event Notification to

²⁴ IWO 2128.

²⁵ Attached as **Exhibit D** is the Draft CMP Document dated April, 2002. Section 11 contains the Production Support process.

²⁶ Draft CMP Document, Section 11.5.

the CLECs.²⁷ Event Notifications provide several pieces of information, including the resolution of the trouble once determined.

AT&T raised this issue with Qwest at the CMP redesign meeting held on March 19, 2002. Jeff Thompson of Qwest acknowledged that the production support process should have been followed (e.g., Qwest should have opened an IT Help Desk trouble ticket and sent an Event Notification).

- B. Qwest is Unable to Address the Adverse Impacts of its Preferred Local Carrier Freeze (“PLOC”), and CLEC Attempts to Resolve the Issue in CMP Demonstrates that Qwest’s CMP is still an Ineffective Process Upon Which Qwest Seeks Premature Recommendations from this Commission.

Recently, Qwest made available to retail customers a preferred carrier local service freeze.²⁸ Qwest’s product catalog or PCAT describes the local service freeze as follows:

Local Service Freeze prohibits an unauthorized change of an end-user's local service from one local service provider to another. The customer of record places the Local Service Freeze on the end-user account. The customer of record may be a Competitive Local Exchange Carrier (CLEC), a Reseller, or a Qwest retail end-user. *The Local Service Freeze indicator must be removed from the account before processing a request to change local service providers. The end-user must request their existing local service provider to remove the Local Service Freeze from their account.* Local Service Freeze is offered at no charge. This option is available to prevent local service slamming. (emphasis added)

Local Service Freeze is available on all voice services (dial tone) at the working telephone number line level. The customer may freeze one line or all lines on their account.²⁹

²⁷ Draft CMP Document, Section 11.6.

²⁸ The local service freeze is referred to as LEFV in some of the correspondence attached to this brief.

²⁹ Qwest’s PCAT documentation on Local Service Freeze is located on the web at <http://www.qwest.com/wholesale/clecs/lsfreeze.html>

As the language above indicates, if a local service freeze is in place, it must be lifted from an account before Qwest will honor a competitor's order or a local service request ("LSR") to switch the retail customer's service over to the competitor.

During the week of February 18, 2002, Qwest rejected AT&T LSRs because of its PLOC Freeze placed on retail customer accounts. Despite following the appropriate process for removal of the PLOC Freeze, AT&T and the customers desiring its service have experienced repeated difficulty with having Qwest remove the PLOC Freeze such that the customers who have chosen AT&T may switch their local service provider.

Because the inability to switch customers desiring service from a competitor is an absolute barrier to competition, AT&T has been in constant correspondence and discussions with Qwest attempting to resolve the difficulties it has getting Qwest to lift the freezes efficiently and timely. To date Qwest has offered nothing more than a band-aid "work-around" on frozen accounts. This work-around is required on the vast majority of accounts that have a freeze, and it always requires that AT&T delay the due date of service on its orders.

AT&T submitted a change request ("CR") in CMP asking Qwest to develop an effective process for lifting the freezes on residential accounts.³⁰ Qwest responded that because it was litigating this issue, it should not be addressed in CMP and its team would not be prepared to discuss any PLOC freeze policy issues. This decision had an adverse impact on AT&T's business, so AT&T requested that its CR be expedited, using the newly redesigned expedite process, in CMP. Although Qwest discussed AT&T's request

³⁰ For a more detailed chronology of the events regarding the freeze issue, please see **Exhibit E**.

during several CMP meetings, Qwest has not resolved the problem and the CMP process has proven to be less than effective.³¹

The rule in CMP should be that all changes, especially Qwest initiated changes such as the PLOC freeze, are implemented seamlessly with all impacts to CLECs anticipated and addressed in advance in a process that promptly and effectively addressed. That said, the Joint CLECs recognize that, for various reasons, this will not always happen. Should the implementation of a change take place and CLECs are adversely impacted in a way that could not be anticipated, Qwest must have a way to address those problems promptly whether it be through withdrawing the change for some period of time or through the establishment of a “swat team” type of approach to quickly fix the problems. AT&T has experienced neither with respect to the impacts caused by the freeze, a situation where Qwest *should* have anticipated that its inability to lift the freezes would cause significant adverse impacts on CLECs.³²

C. Qwest Fails to Adhere to its Notification of Retail Changes/Retail Parity Process.

As part of the redesign discussion regarding Qwest’s notification of product and process changes that are CLEC-impacting, CLECs questioned how Qwest ensured that notice of product and process changes on the retail side (*e.g.*, new products, etc.), which also impacted wholesale customers, would be communicated to those wholesale customers. Qwest responded that it had in place a “checklist” (which it subsequently posted on its CMP redesign website on October 15, 2001) that was always reviewed and

³¹ *Id.*

³² In the CMP Redesign session conducted on March 18 – 19, 2002, CLECs and Qwest discussed a process for more immediate reaction from Qwest and resolution of systems and product/process problems. This process still requires a good deal of work and then implementation. In the CMP Redesign session conducted on April 2 – 4, 2002, the CLECs discussed the CMP exception process and conceptually identified improvements to it. This process requires further work as well, particularly with regard to timeframes for resolution and the availability of Qwest operations SMEs to resolve issues quickly.

adhered to whenever product and process changes were made on the retail side to ensure that, where necessary, notice was provided to wholesale customers. Further, Qwest stated, in response to written questions posed by AT&T, that retail changes were reviewed prior to implementation on the retail side to determine whether any changes, modifications or delay were required in order to ensure retail and wholesale parity.³³ Based on Qwest's commitment to utilize and adhere to the "checklist" for purposes of CLEC notification of retail changes, CLECs believed that Qwest had in place adequate processes to ensure timely and adequate notification to wholesale customers of retail changes that impacted them as well as to ensure parity between Qwest's retail and wholesale customers.

Unfortunately, Qwest has not adhered to its supposed process for notification of retail changes to its wholesale customers. By way of background, in approximately March of 2000, Qwest informed at least some of its CLEC customers that it could not provision ISDN loops where there was integrated pair gain ("IPG") on that loop.³⁴ As a consequence, certain CLECs determined that they would not place orders for ISDN loops where IPG was present since that ordering activity was fruitless and would never result in a provisioned loop. By pure happenstance, CLECs learned just a few weeks ago, in March 2002, that Qwest is now able to and, in fact, has been, provisioning ISDN loops where IPG is present for some unspecified period of time for its retail customers. Significantly, Qwest *never* notified its wholesale customers of this change in retail product and process (to CLECs' significant competitive and economic detriment), as it explicitly was required to do by its own written policies and procedures, and oral

³³ See **Exhibit F**.

³⁴ See Affidavit of Sheila Hoffman, attached as **Exhibit G**.

statements during the redesign meetings.³⁵ It is clear, therefore, that while Qwest may have some purported process in place to ensure notification through CMP of CLEC-impacting retail changes, it has not complied with that policy. This failure of compliance is fatal to Qwest's attempt to prove it has a Section 271 sufficient CMP, particularly to the extent that Qwest's failure to provide notice goes to the heart of the non-discrimination requirements of the Act.

D. Qwest Fails to Adhere to its Timing of Notification of CLEC-Impacting Changes Process.

A key issue upon which the parties reached conceptual agreement in the CMP redesign is the timing of the advance notice provided by Qwest for Qwest-initiated product and process changes. Each type or category of Qwest-initiated product or process change is designated as a specific level of change, with Level 1 product and process changes requiring the least amount of notice, going up through Level 4 changes, which require the most advance notice as well as the submission of a change request. Depending upon the level of impact on the CLEC's business and operating procedures, a Qwest-initiated product or process change is placed at a higher level and more notice is given to ensure that adequate time is provided for the CLEC to prepare for and implement (or challenge) the noticed change. Further, the parties agreed that the category of changes included within each level would be exhaustive. Finally, Qwest agreed and subsequently confirmed that the parties' initial categorization of types of changes by level would be implemented on or before April 1, 2002.

During the parties' discussion regarding the categorization of types of changes, all parties agreed that NC/NCI code changes were a "Level 3" type change that required at

³⁵ *Id.*

least thirty-one (31) calendar days notice prior to implementation of any code changes.³⁶

Despite implementation of the product and process notice requirements on April 1, a mere three days later, on April 4, Qwest notified CLECs that it was changing certain NC/NCI codes *effective that same day*.³⁷ Thus, despite the supposed implementation of the notice requirements, Qwest already disregarded them, thereby failing to demonstrate that it can and will comply with the agreed-upon process for notification of Qwest-initiated product and process changes. Here again is another example of Qwest's failure and refusal to comply with the unambiguous and agreed-upon processes for change management.

Through these examples, Qwest cannot be found in § 271 compliance until it demonstrates a pattern of adherence to the processes to which it agreed in its redesigned CMP.

III. Qwest Must Address and Adequately Resolve all Outstanding Exceptions and Observations of the Third Party Tester Before Commissions can Find Compliance.

Throughout their review to the CMP process, the third party testers from Arizona and the Regional Oversight Committee ("ROC") have issued what are called "Exceptions" and "Observations." The exceptions and observations serve as notice to Qwest of the various deficiencies and concerns the testers have in regard to Qwest's CMP. In general, Qwest was to address each observation and exception and resolve any issues detected. Attached, as **Exhibit J**, is a matrix showing the current status of the various exceptions and observations.

³⁶ See **Exhibit H**.

³⁷ See **Exhibit I**. Notably, Qwest acknowledged that such changes would result in "CLECs unable to submit orders"

As further evidence of Qwest's premature request to have Commissions review its CMP process, Qwest has cut-short resolution of all the outstanding Exceptions and Observations. The Commissions, State and FCC alike, should not accept Qwest's proposal. Rather, Qwest should be ordered to complete the process it put in place so as to ensure that CMP becomes the effective tool it is supposed to be under the law.

Three Exceptions in the ROC test merit discussion here because—given Qwest's rush to seek premature approval—the third party tester has been forced to close the Exceptions either “unresolved” or “inconclusive.” The three Exceptions are 3094, 3110 and 3111, which are discussed in detail below.

A. Exception 3094 Describing Lack of Adherence to CMP Remains Unresolved.³⁸

Exception 3094 was opened on December 12, 2001 and stated that Qwest did not adhere to its established change management process for notifying CLECs about a proposed change. It allowed input from all interested parties. On April 4, 2002, KPMG recommended that this exception be closed unresolved and stated:

KPMG Consulting recognizes that Qwest and CLECs have yet to agree on key components of a comprehensive Product/Process CMP. Qwest implemented an *ad hoc* process to manage Qwest-initiated Product/Process changes as of April 1, 2002. Although CLECs and Qwest have reached an “agreement in principle” for this interim process, it is KPMG Consulting's understanding that the referenced process remains subject to further development, modifications, and negotiations in CMP Redesign. KPMG Consulting is not able to conduct a thorough evaluation until the prescribed process is formalized, the Redesign sessions are complete, and the process is fully implemented and confirmed. However, the current schedule is for Redesign meetings to continue until June, 2002.

Qwest has requested that KPMG Consulting conduct no further testing. Since the ad hoc process is not final and third party testing is concluding, KPMG was unable to conduct retesting to ensure that a complete and functioning Product/Process CMP was in place.

³⁸ See **Exhibit K** (Exception 3094).

B. Exception 3110 Describes Qwest's Further Lack of Adherence to CMP.³⁹

Exception 3110 was opened on January 24, 2002, and stated that Qwest did not adhere to its Change Management Process document management standards and tracking of CLEC notifications through the Mailout Notification System.

On April 2, 2002, KPMG recommended that this Exception be closed as “inconclusive,” stating:

Summary of KPMG Consulting's Retest Activities:

Exception 3110 identified six issues with the notifications that Qwest distributes to the CLEC community. KPMG Consulting conducted retesting of Qwest notifications with respect to issues (1) and (4). KPMG Consulting reviewed Qwest's responses along with substantiating material, and confirmed that Qwest had taken steps to address issue (2) and (5). Issue (3) relates to advance intervals for notifying CLECs about unanticipated system fixes, patches, or unplanned outages. KPMG Consulting determined that this issue falls within the scope of another report, Exception 3112, and will address it accordingly. KPMG Consulting was unable to fully test for resolution of issue (6) since established intervals and milestones will occur outside of the scope of the Change Management Process test execution phase.

Summary of KPMG Consulting's Retest Results:

KPMG Consulting reviewed a total of 278 notifications that Qwest distributed between February 1, 2002 and March 22, 2002 and identified one incident in which Qwest experienced a delay of two days between the time the document was prepared and actual distribution. Among the reviewed notifications, KPMG Consulting identified three planned outage notices, all of which met the advanced notice interval requirement. KPMG Consulting was satisfied with retest results and considered issues (1) and (4) resolved.

KPMG Consulting received a corrected notification shortly after Qwest had distributed the inaccurately titled notification in issue (2). KPMG Consulting recognizes that Qwest employed an ad hoc process to address such anticipated errors, and considers issue (2) resolved.

³⁹ See **Exhibit L** (Exception 3110).

KPMG Consulting observed that Qwest notified CLECs on March 1, 2002 about restructured rates for Washington State. It appeared that Qwest had implemented a notification process to inform CLECs at least 15 days in advance of the implementation of cost docket rate changes. KPMG Consulting subsequently closed issue (5).

Issue #6 Lack of Adequate Tracking and Verification

During the O/E Focus Call on March 21, 2002, Qwest confirmed that CMP managers do not employ a centralized mechanism to track and ensure that documentation release intervals are being followed for all upcoming software releases. KPMG Consulting reviewed Qwest internal process documents and verified that software and product/process documentation teams have procedures to prepare documents and distribute them in accordance with the intervals specified in the *Master Redlined CLEC-Qwest CMP Redesign Framework*. Due to the recent implementation of these process changes, KPMG Consulting has not been able to observe adherence to the documented process for notification interval management. Since Qwest has requested that KPMG Consulting conduct no further testing, KPMG Consulting will not be able to determine if Qwest's documented processes provide the ability to perform adequate tracking or verification for adherence to the documentation release intervals.

C. Exception 3111 Describing Lack of Clarity for Prioritization of CLEC Requested Changes.⁴⁰

Exception 3111 was opened on January 30, 2002, after Observation 3067 was converted to an exception, and stated that Qwest Systems Change Management Process (CMP) lacks guidelines for prioritizing and implementing CLEC-initiated systems Change Requests (CRs); criteria are not defined for developing the scope of an OSS Interface Release Package.

On April 4, 2002, KPMG recommended that this Exception be closed "inconclusive" stating:

Summary of KPMG Consulting's Retest Activities:

KPMG Consulting identified five issues in Exception 3111 that related to inadequate processes and a pattern of information-sharing that prevented

⁴⁰ See **Exhibit M** (Exception 3111).

CLECs from making informed decisions during the CR Prioritization Process for Change Management. KPMG Consulting conducted a retest by reviewing Qwest-provided documentation and by observing Change Management activity and meetings up through April 4, 2002. Due to the current schedule of this test, KPMG Consulting will be unable to observe the complete prioritization and packaging processes, as now documented, for IMA Release 11.0 or SATE 11.0.

Summary of KPMG Consulting's Retest Results:

KPMG Consulting reviewed various internal documents, verifying that Qwest had adequately addressed each of the five issues raised in this Exception through documentation modifications and enhancements to the process. However, KPMG Consulting observed that Qwest and CLECs had not finalized the prioritization and packaging processes before prioritization for IMA Release 10.0 took place. Therefore, adherence to the new process was unable to be confirmed for at least two of the original issues raised in Exception 3111 - issue reference numbers (2) and (5).

Exception 3111 was the subject of the Focus Call on March 21, 2002. Qwest requested that KPMG Consulting review IMA Release 10.0 to test its applicability to the current processes since packaging for IMA Release 11.0 is not scheduled to occur until after the conclusion of OSS 271 Third Party Testing. KPMG Consulting stated in its March 27, 2002 response that there are several areas where the new prioritization and packaging process was either not established, or not followed, for IMA 10.0. Since the process was not completely established and followed for IMA Release 10.0, and packaging and prioritization for Release 11.0 is scheduled to occur beyond the completion of this Test, KPMG Consulting was unable to test adherence to the complete prioritization and packaging process for a new IMA Release.

Given the significance of prioritization and packaging processes in allocating IT resources and managing overall changes applied to Qwest Wholesale OSS interfaces, KPMG Consulting cannot reach a definitive conclusion regarding current processes without verifying the participants' adherence. Qwest requested on April 3, 2002, that KPMG Consulting conduct no further testing related to this Exception. Qwest recognized that this will not allow KPMG to observe Qwest's adherence to the complete end-to-end prioritization and packaging processes for a single major system release.

In short, these examples clearly reveal a problem with Qwest's current CMP and neither this Commission nor the FCC can find other than Qwest fails to adhere to its

CMP process and that the process is, as yet, not adequate to meet the FCC's five criteria required for approval.

IV. Qwest Must Prove it Has a Stable Testing Environment that Mirrors Production.

The stand alone test environment ("SATE") is a software test bed that CLECs may use to test their OSS interfaces with Qwest's IMA without risking customer impacts on a live production system. SATE can be used to test new releases of IMA or for testing old IMA releases with new CLEC software. SATE uses the same IMA business rules as the production system, but mimics the back end legacy systems. CLECs enter local service orders into SATE as they would enter them in the production environment. Order flow is simulated by SATE, giving the CLEC the appropriate firm order confirmation ("FOC") or error code, as appropriate.

Recent testing of SATE in Arizona by 3rd party tester Hewlett Packard ("HP") has shown that Qwest fails to meet the minimum acceptable standard of 95%, currently adopted by ROC. Results for this testing are as follows:

Phase I – Expected Results Verification	92.21%
Phase II – Business Rules Testing	86.07%
Phase III – Expected Results Verification for Stability	94.62%

Thus, Qwest fails each phase by not complying with the ROC standard.

In addition, continuing investigation by AT&T indicates that HP failed to record all the errors that it uncovered during its testing to obtain the results listed above.

Consequently, the conclusion of AT&T's investigation may show that the results are overstated and the actual performance is even lower. Because Qwest continues to have difficulty providing SATE software that meets minimum criteria of acceptability, the

result is software that will give erroneous results to CLECs who use it; hardly a stable test environment that mirrors production.

In fact, the SATE test environment is so unstable that eight releases had to be made in the first month that SATE 9.0 was available to fix problems. At least eight known problems, identified by HP, are still unresolved.

As with HP, where the ROC is concerned, KPMG—as of April 3, 2002—indicated that there remained numerous unresolved problems with SATE. These problems include:

- A. Exception 3077 Describing that SATE Does Not Offer CLECs Sufficient Testing Capabilities.⁴¹

Exception 3077 was opened on November 7, 2001, and stated that Qwest’s Interconnect Mediated Access (“IMA”) Electronic Data Interchange (“EDI”) Stand Alone Test Environment did not offer CLECs sufficient testing capabilities.

This Exception remains open. On April 3, 2002, KPMG stated:

Since KPMG Consulting’s January 24, 2002 response, Qwest has implemented the Virtual Interconnect Center Knowledge Initiator (VICKI) and flow through capabilities for POTS and UNE-P POTS for Western region LSRs in SATE 9.0. Based on these SATE enhancements, KPMG Consulting has readdressed the issues outlined in its January 8, 2002 response and the current status of SATE in relation to this Exception.

Other problems with SATE include:

- 1. SATE does not generate post-order responses in the same manner in which they are created in the production environment.**

In its response dated November 20, 2001, Qwest stated:

“Qwest will provide automated post-order responses in SATE by January 28, 2002. With the launch of automated post-order transactions in SATE, new test scenarios will provide the CLEC with the ability to experience the behavior of IMA consistent with production timing of post-order

⁴¹ See **Exhibit N** (Exception 3077).

transactions. It will also ensure that CLECs receive automated responses consistent with those received in production, negating any risk from manual handling.”

Qwest implemented the Virtual Interconnect Center Knowledge Initiator (VICKI) with the deployment of SATE 9.0 on January 28, 2002. As of the date of this response, KPMG Consulting has not been able to assess commercial activity associated with VICKI. Therefore, KPMG Consulting’s evaluation is strictly limited to process documentation regarding the functionality of VICKI.

KPMG Consulting reviewed the following sources of information:

1. *A White Paper on The Stand Alone Test Environment (SATE) Virtual Interconnect Center Knowledge Initiator, Version 1.00, December 7, 2001*
2. *IMA EDI SATE VICKI Paths for the Stand Alone Test Environment (SATE), Version 9.05, March 22, 2002*
3. *EDI Implementation Guidelines for Interconnect Mediated Access (IMA), Version 9.1, February 18, 2002*

Based on the documentation, it appears that VICKI provides CLECs the following:

- Ability to receive specific, expected responses to LSRs, based on the Product, Activity, and Supplemental Type for that LSR (known as “paths”)
- Predetermined time delays between responses, based on the Product, Activity, Supplemental Type, and Remarks field combination for the LSR
- Ability to request additional paths for new combinations that CLECs wish to test

CLECs employ VICKI by populating the “Remarks” field of the submitted LSR with the prescribed VICKI path. The Remarks field must also reflect whether the CLEC wants to receive responses with production-like intervals or with shorter time delays specifically designed for interface testing. The VICKI paths currently available in SATE are documented in the *IMA EDI SATE VICKI Paths* document. Post order transaction responses that are handled manually in production by an ISC representative will continue to be manually processed in SATE.

Although VICKI appears to have enhanced some aspects of EDI interface testing, KPMG Consulting noted certain limitations of the application, as noted described below:

- (1) VICKI response times may not match production response times**

Qwest states, that “responses and timeframes may not exactly match a similar LSR submitted to production.”⁴² KPMG Consulting would expect that the automated post order response times would accurately reflect the response times obtained in the production environment. The fact that VICKI response times do not necessarily mimic production response times is an indication that the testing environment does not provide CLECs with an accurate depiction of production capabilities.

(2) VICKI response detail may not match production response detail

Qwest states, “due to the complexities of certain responses, the detail on these transactions may not match the detail received on a production response for a similar transaction. FOCs are provided with varying quantities of service orders. Also, with respect to the Service and Equipment detail of a Completion notice, VICKI is built to allow a CLEC to understand the EDI Map structure and content of a Completion. It does not return a Service and Equipment section specific to the CLEC’s test LSR. If a CLEC desires a specific Service and Equipment section be returned, they can request it be added to VICKI via the Data Request Process.”⁴³ KPMG Consulting would expect that the detail on the post order responses would be the same as the detail found in the production responses. The fact that VICKI response detail does not match the production response detail is another indication that the testing environment does not provide CLECs with an accurate depiction of production capabilities.

(3) VICKI does not support “real world scenario testing”

Although VICKI provides CLECs the opportunity to receive certain post order responses without manual intervention, it does not allow CLECs to experience “real world scenario testing”. As stated in the document, “*A White Paper on The Stand Alone Test Environment (SATE) Virtual Interconnect Center Knowledge Initiator*”::

“Qwest has also recently made plans to move ahead with Real World Scenario Testing for post-order transactions. With real world scenario testing, when a CLEC sends an LSR request to Qwest they are asking “what” would happen to this specific LSR if the telephone numbers, circuits, and facilities in SATE existed in Qwest’s Production Network and this specific LSR was sent to Production. Plans for Real World Scenario post-order testing will be addressed in the Flow-Through White Paper to be reviewed on January 8, 2002. These plans were also discussed

⁴² *IMA EDI SATE VICKI Paths for the Stand Alone Test Environment (SATE)*, Version 9.05, March 22, 2002 at 4.

⁴³ *IMA EDI SATE VICKI Paths for the Stand Alone Test Environment (SATE)*, Version 9.05, March 22, 2002 at 5.

in the SATE User Group Meeting on November 27, 2001. For post-order processing today, only the above interface testing scenario is supported. Real World Scenario Testing will allow CLECs to test the exact message they would receive in production for the LSR they sent. VICKI allows them to test message formats, messages, and maps for specific pre-determined test scenarios.”⁴⁴

KPMG Consulting would expect that a fully functioning and robust test environment would support real world testing as described above.

Although VICKI helps CLECs to understand the EDI mapping structure and to determine if their systems can accept certain types of responses for the orders submitted, by design, it does not appear to adequately support complete interface testing capabilities. The limitations described above prevent CLECs from experiencing transaction responses as they would be received in the production environment. By having to select predetermined paths in order to receive responses automatically, VICKI is inherently dissimilar to the way in which orders are processed in the production environment.

KPMG Consulting acknowledges that Qwest intends to implement a flow through component to SATE, as discussed in Issue #2 below. While the implementation of this component should alleviate the third identified limitation of VICKI, it will not completely overcome the deficiencies noted. Therefore, KPMG Consulting recommends that this issue remain open until the identified issues are addressed.

2. Flow through orders are not supported in SATE.

In its response dated November 20, 2001, Qwest stated, “Qwest will enhance the SATE environment to add a test flow through system and test Service Order Processors (SOPs). Qwest will implement the test flow through capability for Western region POTS flow LSRs during the first quarter of 2002. Qwest will implement the remainder of test flow through capabilities by May 20, 2002. Once flow through is implemented in SATE, CLECs will have the option to choose when they want their SATE transaction to be sent to the test flow through systems, or receive a specific test scenario response. If the CLEC chooses to have their transaction sent through the test flow through systems, only flow through eligible LSRs will successfully flow. LSRs, which are not eligible for flow through, will be sent to the queue for manual handling. The option to send the test LSR to the flow through systems will allow the CLEC to experience an immediate response once the flow through order is successfully processed and a manual response if flow through is not successful.”

⁴⁴ A White Paper on The Stand Alone Test Environment (SATE) Virtual Interconnect Center Knowledge Initiator, Version 1.00, December 7, 2001 at 3.

Qwest further clarified the anticipated SATE flow through enhancements in its December 21, 2001 response by stating, “Qwest will implement the addition of flowthru capability to SATE in two phases. The first phase is scheduled to be available on February 20, 2001. This phase will include POTS and UNE-P POTS flowthru for Western region LSRs. The second phase will include implementation of all other flowthru eligible products and POTS and UNE-P POTS in the central and eastern regions. This phase is scheduled to be completed prior to May 20, 2002. Qwest will issue a Release Notice announcing the deployment of each release.”

Qwest implemented the flow through capabilities for POTS and UNE-P POTS transactions in the Western region with the deployment of SATE 9.1 on February 25, 2002. As of the date of this response, KPMG Consulting has not been able to assess commercial activity for flow through orders. Also, KPMG Consulting does not have any SATE transaction testing results from the ROC 3rd Party Test to evaluate flow through capabilities. As with VICKI, KPMG Consulting’s evaluation is strictly limited to documentation and a process review regarding SATE’s flow through functionality.

KPMG Consulting reviewed the following documentation:

1. *A White Paper on Flow Through in The Stand Alone Test Environment (SATE), Version 1.00, January 3, 2002*
2. *EDI Implementation Guidelines for Interconnect Mediated Access (IMA), Version 9.1, February 18, 2002*
3. *Master Red-Lined CLEC-Qwest CMP Re-design Framework Interim Draft – Revised 03-27-02*

Based on the documentation, it appears that CLECs will be able to choose to have orders either sent to VICKI or to a flow through component of SATE. If a CLEC populates the remarks field with a path, then the order will employ the VICKI component; otherwise, the order will automatically be tested against the flow through system. Each order will either receive a FOC, an “Errored” status update if the order failed to flow through, or no response if flow through was not attempted. CLECs must have the Status Updates feature enabled to receive and “Errored” status update.

KPMG Consulting noted that flow through capabilities will not apply to all possible post order responses. The flow through documentation states, “Transactions not mentioned above, specifically those beyond service order creation such as Completions and Service Order Holds, will not be automated with this enhancement.” It also states, “Note that no other

automated responses will be sent to CLECs beyond the automated FOCs or “Errored” Status Updates mentioned above.”⁴⁵

The functionality enhancement does not appear to provide CLECs with a full understanding of how an order could flow through to a “Completed” end state in the production systems. Without complete flow through functionality, CLECs may not be able to gain a complete understanding of how an LSR will react to a given set of conditions within the production environment. KPMG Consulting does not believe that this fundamental objective of interface testing can be fulfilled if CLECs can not perform end-to-end, real world testing.

As of the date of this response, the new flow through capabilities have only been rolled out to one region for two products. KPMG also noted in CMP documentation that certain components of the test environment have yet to be implemented. The CMP document states, “The CTE contains the appropriate applications for pre-ordering and Local Service Request (LSR) ordering up to but not including the service order processor. Qwest intends to include the service order processor as part of the SATE component of the CTE by the end of 2002.”⁴⁶ Until the flow through enhancements, including the service order processor, are completely implemented in SATE, the current test environment does not provide a CLEC with an accurate representation of the production environment’s flow through capabilities.

Based on the lack of end-to-end flow through functionality and the current implementation time frame, KPMG Consulting recommends that this issue remain open.

3. The volume of order responses supported in SATE is restricted due to manual response handling.

In its November 20, 2001 and December 21, 2001 responses, Qwest stated that it did not limit, but rather negotiated, the number of post order responses received by CLECs. However, KPMG Consulting noted several instances within the *EDI Implementation Guide* where it is explicitly stated that there are limitations to the number of FOCs that Qwest will provide to CLECs. The limitations appeared to stem from the manual response generation required for SATE. With the implementation of VICKI, the resource requirements necessary to support SATE transactions should have been diminished. KPMG Consulting would expect that with a production-like testing environment, Qwest would be able to support CLEC test order volumes without imposing limitations on the response

⁴⁵ *A White Paper on Flow Through in The Stand Alone Test Environment (SATE)*, Version 1.00, January 3, 2002 at 4.

⁴⁶ *Master Red-Lined CLEC-Qwest CMP Re-design Framework Interim Draft – Revised 03-27-02* at 69.

activity. Limitations on the number of post order responses would not occur in the production environment under normal circumstances, and therefore, should not be imposed in the testing environment. Any such limitations are considered to be a deficiency of the test environment. Therefore, KPMG Consulting recommends that this issue remain open until Qwest can directly address the post order capacity restraint in SATE.

4. The data contained within the order responses is not consistent, and may not mirror the data that would be found in production responses.

Qwest stated in its December 21, 2001 response that it documents all known differences between IMA and SATE in the Overview section of the SATE Data Document. Additionally, Qwest stated that the proposed SATE PID (PO-19) will help ensure that Qwest has a complete and accurate data document.

KPMG Consulting's maintains its position that test environment transaction responses should mirror those from the corresponding production environment. Accordingly, CLECs can gain a reasonable level of assurance that they will receive the same results for the transactions they are testing, once they migrate into production. This should facilitate a smooth transition into production for CLECs, and minimize problems for both the CLEC and Qwest. Although the known differences between the behavior of SATE and the production environment are documented in the SATE Data Document, this does not negate the fact that SATE does not completely mirror the production environment.

While the proposed SATE PID, when implemented, will test the data in the data document by running transactions in SATE, it does not contain provisions to run the test deck in the production environment. Therefore, it provides no assurance that the same results will be achieved in the production environment.

Until Qwest can provide assurance that SATE produces results that are consistent with those that would be expected in the production environment, KPMG Consulting recommends that this issue remain open.

KPMG Consulting's expectation is that test environment transaction responses should mirror those from the related production environment. Although Qwest is continually enhancing the functionality of SATE, the test environment does not currently have sufficient end-to-end testing capabilities that would be expected of a robust and fully functional testing environment.

KPMG Consulting recommends that Exception 3077 remain open until Qwest can address the stated SATE deficiencies, and complete implementation of the proposed enhancements.

B. Exception 3095 Describes that SATE Does Not Offer CLECs Testing Capabilities for all Products.⁴⁷

Finally, Exception 3095 was opened on December 11, 2001, and stated that Qwest's Interconnect Mediated Access (IMA) Electronic Data Interchange (EDI) Stand Alone Test Environment (SATE) does not offer CLECs testing capabilities for all Qwest products offered in production.

On April 2, 2002, KPMG recommended that this Exception remain open pending resolution of the identified issues, stating:

In its February 26, 2002 response, supplemented on March 26, 2002, Qwest focused on two issues regarding the current functionality of SATE, and the process for adding new functionality to SATE. Those issues are restated below with KPMG Consulting's respective responses.

1. "KPMG Consulting has found no concrete evidence to support that CLECs have specifically agreed that it is acceptable for SATE to support less than 100% of the products available in the production environment."

KPMG Consulting reviewed the "CMP Change Requests -- Systems Interactive Report", noting the addition of the 30 SATE "production equivalent functionality" CRs (SCR021902-01 to SCR021902-30) that Qwest referenced in its February 26, 2002 response. Qwest stated that these CRs would be voted upon in the CMP meeting held on March 21, 2002. KPMG Consulting observed the prioritization and voting process for the SATE functionality CRs at the CMP meeting.

KPMG Consulting also received a copy of the SATE Prioritization Form and Instructions on March 25, 2002. KPMG reviewed the form, noting that it included 49 IMA CRs, including 22 of the 30 originally Qwest proposed SATE functionality additions. However, KPMG Consulting noted that the following CRs were removed from the list that Qwest originally proposed:

- SCR021902-9
- SCR021902-10

⁴⁷ See **Exhibit O** (Exception 3095).

- SCR021902-11
- SCR021902-12
- SCR021902-15
- SCR021902-20
- SCR021902-23
- SCR021902-25
- SCR021902-28
- SCR021902-30

KPMG Consulting is not sure why certain CRs were removed from the voting and prioritization form. Based on this omission, it does not appear that CLECs were offered the opportunity to vote on all products that could be added to SATE. With the exception of the removed CRs, KPMG Consulting noted that the voting form allowed CLECs to indicate whether or not they want to have the stated product functionality added to SATE for each CR.

Qwest stated in its March 26, 2002 response that it would provide a supplemental response to this Exception once the results of the CLEC vote for SATE CRs are available by April 3, 2002. Once Qwest clarifies the reasons for removing the ten SATE CRs listed above, and provides the results of the prioritization activity, KPMG Consulting will be able to assess CLECs desire to have the same products supported in SATE as what is available in IMA.

2. “Qwest should be able to accommodate testing for any product that a CLEC decides it needs to test for its implementation of EDI. As stated previously, under the current process, CLECs that want to add new products to SATE must create a CR, which must then be prioritized through CMP. As such, the potential exists for requested products to not be available for testing for at least two major releases of SATE.”

In its February 26, 2002 response, Qwest stated the following:

Qwest is investigating the general level of effort necessary for adding existing IMA products to SATE (depending upon product complexity) in order to address KPMG’s concern regarding the timing of product availability. However, as Qwest has stated in its January 30, 2002 response Qwest believes that the CLECs have clearly expressed their interest during the CMP Redesign meetings in prioritizing all additions of functionality and products to SATE independently of IMA CRs. This separate prioritization provides the CLEC community with the flexibility to implement SATE specific changes ahead of other IMA functionality (for example, implementing flow through before a new product that no CLEC is planning to use in production). Qwest supports this CLEC desired process and believes the process should be adhered to.

In its March 26, 2002 response, Qwest further stated its position by stating:

The attached meeting minutes from the SATE Users Group on February 26, 2002 clearly indicates the CLECs desire to prioritize SATE CRs independently from IMA CRs. Additionally, the CLEC community has adopted this position, incorporating it into the CMP Master Redline document (see section 9.0 PRIORITIZATION). This process will be followed going forward.

KPMG Consulting observed the SATE User Group meeting on February 26, 2002, and reviewed the meeting minutes that were attached with Qwest's March 26, 2002 response. KPMG Consulting recognized through its observation and review of the meeting minutes that SATE users had many questions regarding the separate prioritization of SATE CRs. Participants needed clarification about the process that would be employed to prioritize SATE and SATE impacting CRs. However, it is not clear from the minutes that CLECs have expressed the desire to have the SATE CRs prioritized separately but rather that this was how Qwest presented the SATE enhancement decision-making process. Additionally, since only two CLECs and one service provider have actively participated in the SATE User Group meetings, it is misleading to extrapolate the conclusions drawn in those meetings to the entire CLEC community.

In its review of Section 9.0 of the *Master Redlined CLEC-Qwest CMP Redesign Framework* document updated on March 27, 2002, KPMG Consulting noted that the first sentence states, "Each OSS Interface and Test Environment release is prioritized separately." Additionally, the document states in Section 9.2.1, "Prioritization Review", that the prioritization objectives are to:

- Introduce newly initiated CLEC and Qwest OSS interface and test environment change requests.
- Allow CLECs and Qwest to prioritize eligible OSS Interface or test environment change requests by providing specific input as to the relative importance that CLECs, as a group, and Qwest assign to each such change request.

Beyond these generic references, there is no explicit, detailed documentation describing the process for separately voting and prioritizing SATE and SATE impacting CRs. Furthermore, KPMG Consulting would expect that prioritization results for features of upcoming IMA releases could have an impact on prioritization of SATE. Therefore, it is not definitively clear that the CLEC community has

adopted this approach, and subsequently incorporated it into the CMP documentation.

KPMG Consulting believes that separate prioritization of SATE CRs does not address the fundamental issue that was raised in Point #2 of this Exception. If a product is not currently supported in SATE and a CLEC decides to offer the product to its customers, then the CLEC will not be able to test that product in SATE. Instead, the CLEC must submit a request to add the functionality to SATE through CMP. The proposed CR may not be implemented until several releases of SATE have been developed and deployed. Therefore, the CLEC is unable to test the product and offer it to its customers during its current EDI implementation. Without a process for rapidly including product functionality into SATE, Qwest is placing CLECs at a competitive disadvantage relative to EDI product testing capabilities.

Qwest has requested that this Exception be closed “unresolved.”

These Exceptions clearly reflect that Qwest has failed to comply with the FCC’s change management requirements and further demonstrate that Qwest has not established a demonstrated pattern of compliance with its developing change management plan. Of great concern is Qwest’s requests with respect to Exceptions 3110 and 3111 that KPMG Consulting conduct no further testing related to these Exceptions. Exceptions 3077 and 3095 establish that Qwest has not developed a SATE that mirrors its production environment as required by the FCC. Finally, Exception 3094 confirms what the Joint CLECs contend: that although the CLECs and Qwest have reached an “agreement in principle” for this interim process, the process remains subject to further development, modifications, and negotiations in CMP Redesign and that KPMG Consulting is not able to conduct a thorough evaluation until the prescribed process is formalized, the Redesign sessions are complete, and the process is fully implemented and confirmed.

V. Regardless of its Desire to Ignore Product and Process Issues, Qwest Must—At a Minimum—Address the § 271 Compliance Issues It Moved to CMP.

To be in compliance with § 271, the FCC has declared that an RBOC, such as Qwest, must “support its application with *actual evidence* demonstrating its *present* compliance with the statutory conditions for entry.”⁴⁸ That is, Qwest must show that “it has ‘fully implemented the competitive checklist [item]...’”⁴⁹ Thus, Qwest must plead, with appropriate supporting evidence, the facts necessary to demonstrate it has complied with the particular requirements of the checklist item under consideration.⁵⁰

For many, if not most of the revisions required to bring Qwest’s SGAT into compliance with its obligations under §§ 251 and 252, and hence § 271 there exist no PID measurements and no actual evidence demonstrating present compliance. In fact, much of the evidence of what Qwest actually does lies in its technical publications and its PCAT.⁵¹ The Joint CLECs and others pointed out during the workshops that Qwest’s SGAT was not consistent with its underlying documentation. Qwest’s response was that such documentation along with agreements reached through the workshop process would be fully addressed and implemented through the CMP process and it further acknowledged that any Commission order recommending that Qwest met a checklist item should be conditioned on Qwest’s compliance with this commitment.⁵²

At a minimum, the Commission should confirm for itself that Qwest has kept the commitment it made in relation to these document updates and it should further determine whether the CMP dispute resolution process is sufficiently set-up to address

⁴⁸ *BANY 271 New York Order* at ¶ 37.

⁴⁹ *Id.* at ¶ 44.

⁵⁰ *Id.* at ¶ 49.

⁵¹ The PCAT was formerly known and discussed during many workshops as the IRRG.

⁵² AZ Exhibit 4 Qwest 12; *see also*, CO Exhibit 4 Qwest 97.

disputes that may arise between the parties and Qwest when they cannot agree that Qwest has actually modified its technical publications and PCAT to conform to the SGAT.⁵³

In an effort to refine what is needed with respect to the universe of technical publications, the Joint CLECs offer the list of publications below. These publications were specifically selected because they are basic to Qwest’s fulfillment of its SGAT obligations, and they are the minimal number of internal Qwest documents that the Commission should ensure are consistent with the SGAT.

Publication Number	Technical Publication Subject
77350	Installation guidelines
77383	Dark Fiber
77384	UNE Loop
77386	Collocation and Interconnection
77389	UNE Transport
77391	UNE Switching
77398	LIS Interconnection
77403	EEL
77405	Sub-Loop
77406	Shared Loop
77408	Packet Switching

Because the FCC is looking to State Commissions to make determinations based upon evidence that Qwest is in actual present compliance, and not on some promised future compliance, merely inserting the catch-all a provision into the SGAT that states it will govern over any conflicting documents as SGAT § 2 does, does not fully address the issue. More to the point, field personnel from either the CLEC or Qwest do not refer to the 300+ page SGAT when executing their jobs; rather, they rely on the PCAT and the technical publications. If these documents are inconsistent with the SGAT, Qwest’s

⁵³ Qwest acknowledged that during the workshop process no “explicit” dispute resolution process was set up to hand the conflict between parties in relation to the PCAT and technical publications or any other issue in CMP. 3/27/01 Vol. I Multi-State Trans. at p. 86. It further acknowledged that dispute resolution would be addressed during the General Terms workshop. *Id.*

present actual conduct based upon such documents likewise is inconsistent. As a result, no finding of compliance is possible based upon such evidence.

CONCLUSION

For the foregoing reasons, the Joint CLECs request that the Commission withhold any findings of CMP compliance until Qwest provides actual, demonstrable and verifiable evidence showing:

- (1) that the final draft of the CMP redesign document is clearly organized and readily accessible to competing carriers (not merely an incomplete draft available on a web site);
- (2) that competing carriers had substantial input into the redesign by Qwest's actual incorporation of all the agreements into its final CMP document;
- (3) that the final CMP defines a procedure for timely resolution of disputes and that Qwest is actually adhering to that procedure;
- (4) that the SATE is, in fact, a stable testing environment that mirrors production; and
- (5) that the efficacy of Qwest's CMP documentation is demonstrated by Qwest actually following the process outlined therein and all third party observations and exceptions have been resolved.
- (6) that, consistent with its promises during the § 271 workshops, Qwest has adequately updated its technical publications and PCAT to be consistent with its SGAT.

Respectfully submitted this 8th day of April, 2002.

**AT&T COMMUNICATIONS
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AND AT&T LOCAL SERVICES ON
BEHALF OF TCG SEATTLE
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