

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**In the Matter of the Petition of Qwest
Corporation for Arbitration with Eschelon
Telecom, Inc. Pursuant to 47 U.S.C. Section
252 of the Federal Telecommunications Act of
1996**

Docket No. UT-063061

EXHIBIT BJJ-11

TO THE

DIRECT TESTIMONY OF BONNIE J. JOHNSON

ON BEHALF OF ESCHELON TELECOM, INC.

SEPTEMBER 29, 2006

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

From: Smith, Richard A.
Sent: Thursday, July 03, 2003 11:14 AM
To: 'Taylor, Teresa'
Subject: RE: DS1 Facility Response

Ms. Taylor/Teresa:

Thank you - will distribute to the Eschelon Team.

Will let you know if the charges are not complying with Tariffs/Agreements and if there continues to be compliance issues.

Rick Smith

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

From: Taylor, Teresa [\[SMTP:Teresa.Taylor\[CONTACT INFORMATION REDACTED\]\]](#)
Sent: Thursday, July 03, 2003 10:15 AM
To: 'rasmith[CONTACT INFORMATION REDACTED]'
Subject: DS1 Facility Response

Per our phone conversation;

for DS1 or above facilities we have the obligation to unbundle existing facilities; this would include the electronics and intermediate repeaters as required. If the span line does not exist, you have the option to request and pay for what you need. Qwest has in the past not fully enforced our contractual right to collect on the charges incurred when completing DS1 level unbundled services. Charging is the specific change that has occurred

When facilities are not available, you may contact your service managers for options including the CRUNEC process .

In order to make sure that all Qwest employees are consistent; this guidance is included in a revised MCC released to the service center yesterday July 2. In addition, the Network Engineering organization will be releasing a revised notice to clarify this issue with the appropriate engineering forces.

thanks for bringing this to my attention Rick - I believe moving forward you will hear a consistent message from our employees

have a wonderful 4th of July

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

From: Clauson, Karen L.
Sent: Monday, July 07, 2003 10:38 AM
To: 'Jnovak[CONTACT INFORMATION REDACTED] jtietz[CONTACT INFORMATION REDACTED]'; 'Scott Martin'; 'Richardson, Anne'; 'Austin, Coleen'
Cc: Korthour, Mary J.; Markert, William D.; Copley, Ellen M.; Johnson, Bonnie J.; Larson, Laurie A.
Subject: RE: DS1 capable loop held orders

It would also be useful if Qwest could provide the text of the MCCs sent to its employees on this issue (mentioned by Teresa Taylor in her note below), so that we know what information has been provided to the people we will be dealing with. (Sorry for the second email. Hit send before I added this.)

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

From: Clauson, Karen L.
Sent: Monday, July 07, 2003 10:32 AM
To: 'Jnovak[CONTACT INFORMATION REDACTED]'; 'jtietz[CONTACT INFORMATION REDACTED]'; 'Scott Martin'; Richardson, Anne; Austin, Coleen
Cc: Korthour, Mary J.; Markert, William D.; Copley, Ellen M.; Johnson, Bonnie J.; Larson, Laurie A.
Subject: FW: DS1 capable loop held orders

Below is a note from Teresa Taylor to Rick Smith regarding the DS1 capable loop issue. We understand that this note confirms the conversation between Rick and Teresa. Teresa indicated that there had been a miscommunication at Qwest, and orders would go back to being processed (including incremental facility work) rather than being placed in held order status (service inquiry). The only change would be a rate change, such that Qwest will begin charging rates -- when approved by a Commission -- in some situations in which it was not previously charging those rates.

We would appreciate it if you could identify for us more specifically (1) which rates Qwest will begin to charge (2) in which states (3) under what circumstances and (4) effective upon what date (per state). If a notice has been sent about this, please direct me to the appropriate notice. Thank you.

In addition, this leaves open the status of the orders for which Qwest sent jeps in the last weeks that should not have received jeps if the Qwest miscommunication had not occurred. We could not afford more delay and have been forced by Qwest's error to place orders for private lines for those orders. (We will need to do this until the problem has been corrected. Teresa told Rick that there could be a short delay while she gets the message out to the appropriate people.) Because these orders should not have been jep'd and placed in held status: (1) the lower DS1 capable loop rate should apply to these lines, (2) Qwest should promptly convert these lines to DS1 capable loops, and (3) there should be no charge for the conversion (which would not be needed, if Qwest had processed the DS1 capable loop orders instead of erroneously jep'ing them). Mary Korthour will provide Qwest with a list of the lines to date for which we had to order private lines when we should have been able to order DS1 capable loops as a result of this issue. Please let us know if Qwest does not agree/wil not adjust the bills and perform the conversion accordingly.

Please let me know who will provide the rate information and when. Thank you.

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
730 2nd Ave. South, Suite 1200
Minneapolis, MN 55402
Phone: [CONTACT INFORMATION REDACTED]
Fax: [CONTACT INFORMATION REDACTED]

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

From: Joan Masztaler [SMTP:[CONTACT INFORMATION REDACTED]]
Sent: Tuesday, July 08, 2003 7:47 PM
To: klclauson[CONTACT INFORMATION REDACTED]
Cc: Teresa.Taylor[CONTACT INFORMATION REDACTED] Jean Novak; Toni Dubuque; Anne Richardson; bjjohnson[CONTACT INFORMATION REDACTED]
Subject: FW: DS1 capable loop held orders

Karen,

I believe that you misunderstood Teresa Taylor's email on the provisioning of DS1-capable loops. Let me provide this information as clarification

1. As Teresa reiterated, Qwest's unbundling obligations extend only to existing DS1 facilities. Therefore, CLECs may have unbundled access to Qwest's DS1-capable loops if Qwest has existing facilities (meaning, a DS1-capable loop already in place that goes from a DSX panel to the field and is currently capable of meeting the service specifications associated with a DS1). Qwest will do incremental facility work (e.g., cross-connects etc.) to provision an existing DS1 facility for a CLEC. (As these are DS1-capable loops, there is no need for conditioning to remove load coils and bridged tap.)
2. When an existing DS1 facility is not available, the CLEC can still pursue the end user, but Qwest will have to construct the facility. The order will go into held status and the CLEC is notified via a jeopardy notice. At this point the CLEC is advised that they can contact their service manager for additional options including CRUNEC. Teresa did not intend for her message to be construed as a change in this process. CRUNEC is not part of the normal provisioning process; and it was not an "error" that Eschelon's DS1-capable loop orders were held. Qwest cannot resume processing the orders. Eschelon may contact the service manager for additional options.
3. When there is no existing DS1-capable loop facility available for unbundling, one of the options for the CLEC is to request and pay for construction charges under CRUNEC. It is the CRUNEC charges that Teresa is referring to when she states a charge will apply.

I hope this has provided clarification to the provisioning of DS1 capable loops. Please discuss this matter with Mr. Smith, and if you still believe that there is confusion over this process, please contact me and I will see if we cannot get it cleared up.

Joan Masztaler
Qwest
Director-Customer Service Operations
[CONTACT INFORMATION REDACTED]

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

From: Clauson, Karen L.
Sent: Wednesday, July 09, 2003 10:18 AM
To: 'Joan Masztaler'
Cc: Teresa.Taylor[CONTACT INFORMATION REDACTED] Jean Novak; Toni Dubuque; Anne Richardson; 'Judith Schultz'; Johnson, Bonnie J.
Subject: RE: DS1 capable loop held orders

The statement in Teresa's email is very specific. It states: "Qwest has in the past not fully enforced our contractual right to collect on the charges incurred when completing DS1 level unbundled services. Charging is the specific change that has occurred." Teresa very clearly states that (1) a change has occurred; and (2) the change specifically is to start "charging" rates that were not previously charged because Qwest states that it has "not fully enforced our contractual right to collect on the charges." Eschelon's questions relate to these charges, and Qwest needs to answer them so that we can plan for these charges. Teresa Taylor recognized in her conversation with Rick that Eschelon may even object to these charges. We can't review whether to object, however, unless we know what they are and when they apply. Therefore, we asked:

We would appreciate it if you could identify for us more specifically (1) which rates Qwest will begin to charge (2) in which states (3) under what circumstances and (4) effective upon what date (per state). If a notice has been sent about this, please direct me to the appropriate notice.

These questions relate directly to Teresa's statement that "Charging is the specific change that has occurred." Qwest has made a change, so Qwest must know what the change is. We simply want you to share that information with us, as we are affected by the change.

The rest of our questions are equally on point. Teresa recognized that jeps were being sent when they should not be (because the change that "has occurred" relates to charges and not whether an order will be processed). Qwest jep'd orders that should not have been jep'd, and Qwest needs to remedy this situation. So, Qwest needs to address these questions from my previous email:

this leaves open the status of the orders for which Qwest sent jeps in the last weeks that should not have received jeps if the Qwest miscommunication had not occurred. We could not afford more delay and have been forced by Qwest's error to place orders for private lines for those orders. (We will need to do this until the problem has been corrected. Teresa told Rick that there could be a short delay while she gets the message out to the appropriate people.) Because these orders should not have been jep'd and placed in held status: (1) the lower DS1 capable loop rate should apply to these lines, (2) Qwest should promptly convert these lines to DS1 capable loops, and (3) there should be no charge for the conversion (which would not be needed, if Qwest had processed the DS1 capable loop orders instead of erroneously jep'ing them). Mary Korthour will provide Qwest with a list of the lines to date for which we had to order private lines when we should have been able to order DS1 capable loops as a result of this issue. Please let us know if Qwest does not agree/wil not adjust the bills and perform the conversion accordingly. [Mary has since provided that information.]

We would like a prompt response to these questions, which stem directly from the information that Teresa Taylor provided to Eschelon. Your restatement of the issue does not change the information provided to us directly by Teresa Taylor. Her information raised follow up questions, and we would appreciate responses.

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

From: Joan Masztaler [SMTP:[CONTACT INFORMATION REDACTED]]
Sent: Thursday, July 10, 2003 12:14 PM
To: klclauson[CONTACT INFORMATION REDACTED]
Cc: Teresa.Taylor[CONTACT INFORMATION REDACTED] Jean Novak; Toni Dubuque; Anne Richardson; 'Judith Schultz'; Johnson, Bonnie J.
Subject: RE: DS1 capable loop held orders

Karen,

Jeopardy notices are not being sent out by mistake. If a DS1 facility is not available Qwest will issue a jeopardy notice to the CLEC. I believe I answered this question in my previous email. When the CLEC receives the jeopardy notice they have several choices: they may contact the service manager to discuss the CRUNEC process, elect to provision a private line DS1, cancel the order, leave the order in held status for 30 days, elect at a future time to resubmit the order to determine if facilities are available. The cost will depend upon the choice the CLEC makes. If a private line DS1 is requested the appropriate tariff rate would apply. If the CLEC is interested in the CRUNEC process, they must have language in their ICA that is in the SGAT under 9.19 and the associated rates that are in Exhibit A by state. The change that Teresa is referring to is a recent change in the CRUNEC process that removed the word "conditioning" to eliminate confusion on unbundled DS1-capable loops. In addition Teresa indicated that our internal processes have been reviewed and reinforced to meet compliance with our existing PCAT and SGAT provisioning of DS1 capable loops.

Joan Masztaler
Qwest
Director-Customer Service
[CONTACT INFORMATION REDACTED]

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

From: Clauson, Karen L.
Sent: Thursday, July 10, 2003 1:10 PM
To: 'Joan Masztaler'
Cc: Teresa.Taylor[CONTACT INFORMATION REDACTED]; Jean Novak; Toni Dubuque; Anne Richardson; 'Judith Schultz'; Johnson, Bonnie J.
Subject: RE: DS1 capable loop held orders

Teresa:

This is different from Eschelon's understanding of your conversations with Rick Smith, particularly with respect to (1) whether order processing over the last few weeks was affected by the miscommunication at Qwest and (2) the change at Qwest that will result in charges when Qwest did not previously charge. Rick recalls you saying that we may disagree on the charges, but at least we will get the orders flowing while we debate that issue. Do you recall something like that? Can you explain how it fits with what Joan says below?

Is there anything that you could add to what Joan has said to help clear up what appears to be quite different information? We would like you to have an opportunity to address this personally if you would like, as we decide on next steps.

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
730 2nd Ave. South, Suite 1200
Minneapolis, MN 55402
Phone:[CONTACT INFORMATION REDACTED]

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

From: Clauson, Karen L.
Sent: Thursday, July 10, 2003 1:43 PM
To: 'adubuqu[CONTACT INFORMATION REDACTED]'
Subject: FW: SERVICE INQUIRIES - facilities for DS1 capable loops

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

From: Clauson, Karen L.
Sent: Tuesday, July 01, 2003 11:57 AM
To: 'jlnovak[CONTACT INFORMATION REDACTED]'
Cc: Larson, Laurie A.; Miller, Todd R.; Johnson, Bonnie J.
Subject: RE: SERVICE INQUIRIES - facilities for DS1 capable loops

To be sure the issue you are reviewing and responding to is clear, I'll point out that "line conditioning" itself is only part of the issue. We are talking about the various ways (only one of which is called "line conditioning") that Qwest may provide facilities. In paragraph 164 of the FCC's 9-state Qwest 271 Order (12/20/02), the FCC said: "The record shows that Qwest attempts to locate compatible facilities for competing LECs" and "performs incremental facility work to make UNEs available." In footnote 617, the FCC quotes section 9.1.2.1.2 of Qwest's SGAT, which states:

9.1.2.1.2 If cable capacity is available, Qwest will complete incremental facility work (i.e., conditioning, place a drop, add a network interface device, card existing subscriber Loop carrier systems at the Central Office and Remote Terminal, add Central Office tie pairs, add field cross jumpers) in order to complete facilities to the Customer premises

Qwest has represented to the FCC that it is Qwest's existing policy and practice to make attempts to locate compatible facilities and to perform incremental facility work to make UNEs available. DS1 capable loops are UNEs. We are asking Qwest to ensure that it is enforcing this policy and practice and completing the necessary incremental facility work to provide facilities.

The fact that the number of jeopardy notices for service inquiry/held orders has jumped suggests that Qwest is not doing so or has made some other change leading to this increase.

--Please explain the basis for the increase in these notices.

--Please let us know what Qwest is doing to remedy this situation and decrease the number of such notices.

--Please treat this as a high priority request. If you need to escalate or involve your attorneys, please do so. We need relief from the jep notice problem ASAP.

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

From: Clauson, Karen L.
Sent: Thursday, July 10, 2003 4:44 PM
To: 'adubuqu[CONTACT INFORMATION REDACTED]
Subject: FW: construction charges/DS1 capable loops

I am back at my desk and found this SGAT provision (that I mentioned on the phone). You have probably found this one too by now, but here it is just in case. Appreciate your looking into these issues and look forward to hearing from you.

9.19 Construction Charges (emphasis added)

Qwest will assess whether to build for CLEC in the same manner that it assesses whether to build for itself. Qwest will conduct an individual financial assessment of any request that requires construction of network capacity, facilities, or space for access to or use of UNEs. When Qwest constructs to fulfill CLEC's request for UNEs, Qwest will bid this construction on a case-by-case basis. Qwest will charge for the construction through nonrecurring charges and a term agreement for the remaining recurring charge, as described in the Construction Charges Section. **When CLEC orders the same or substantially similar service available to Qwest End User Customers, nothing in this Section shall be interpreted to authorize Qwest to charge CLEC for special construction where such charges are not provided for in a Tariff or where such charges would not be applied to a Qwest End User Customer.** If Qwest agrees to construct a network element that satisfies the description of a UNE contained in this agreement, that network element shall be deemed a UNE.

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

From: Dubuque, Toni [SMTP:Toni.Dubuque[CONTACT INFORMATION REDACTED]]
Sent: Friday, July 11, 2003 12:29 PM
To: 'klclauson[CONTACT INFORMATION REDACTED]'
Cc: Masztaler, Joan; Taylor, Teresa
Subject: DS1 Capable loop discussion

Karen,

Here is some additional information to help clarify our discussion yesterday on DS1 capable loops.....

First of all, you asked what are the steps taken in the field when an order is received for a DS1 capable loop...the assignment process or 11 step process (as referenced by you in our call) is used for these loops. You can reference this documented process by looking in the PCAT under <<http://www.qwest.com/wholesale/clecs/provisioning.html>> . There is a word doc for copper facilities listing out the entire 11 step process. I know you are familiar with that process and it does apply to this product. So, that really spells out the steps we take when an order comes through. If we determine there are no facilities after going through these steps, then the last sentence in the SGAT 9.1.2.1 applies and we would offer CRUNEC process as one alternative.

9.1.2.1 If facilities are not available, Qwest will build facilities dedicated to an End User Customer if Qwest would be legally obligated to build such facilities to meet its Provider of Last Resort (POLR) obligation to provide basic Local Exchange Service or its Eligible Telecommunications Carrier (ETC) obligation to provide primary basic Local Exchange Service. CLEC will be responsible for any construction charges for which an End User Customer would be responsible. In other situations, Qwest does not agree that it is obligated to build UNEs, but it will consider requests to build UNEs pursuant to Section 9.19 of this Agreement.

9.19 Construction Charges

Qwest will assess whether to build for CLEC in the same manner that it assesses whether to build for itself. Qwest will conduct an individual financial assessment of any request that requires construction of network capacity, facilities, or space for access to or use of UNEs. When Qwest constructs to fulfill CLEC's request for UNEs, Qwest will bid this construction on a case-by-case basis. Qwest will charge for the construction through nonrecurring charges and a term agreement for the remaining recurring charge, as described in the Construction Charges Section. When CLEC orders the same or substantially similar service available to Qwest End User Customers, nothing in this Section shall be interpreted to authorize Qwest to charge CLEC for special construction where such charges are not provided for in a Tariff or where such charges would not be applied to a Qwest End User Customer. If Qwest agrees to construct a network element that satisfies the description of a UNE contained in this agreement, that network element shall be deemed a UNE.

If you go to Appendix A in the SGAT under CRUNEC, you will see that in CO the quote charge is ICB as it is in many states. A quote of actual charges will then be provided including all of the time and materials that the job will require. Charging of course will depend on the magnitude of the job involved. I know that you wanted a definitive cost but since each situation is so different that is not possible and it is the reason why Qwest has set it up as a quote process.

The other question that came up in our discussion is one on incremental facilities as stated below in 9.1.2.1.2. If the facility (DS1 capable loop) is available, we would do the incremental facility work per the SGAT at no additional cost.

9.1.2.1.2 *If cable capacity is available, Qwest will complete incremental facility work (i.e., conditioning, place a drop, add a network interface device, card existing subscriber Loop carrier systems at the Central Office and Remote Terminal, add Central Office tie pairs, add field cross jumpers) in order to complete facilities to the Customer premises.*

I believe this information is consistent with what Joan has already given you and I did add the reference to the 11 step process which is applicable for DS1 capable loops. I hope that this helps give you a better picture. I told Teresa that we were working on this and she has been in the loop on all our correspondence so far. She believes this is consistent with what she discussed with Rick. Let me know if you need anything else. I am on vacation this afternoon so let's talk Monday if necessary.

Toni Dubuque

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

From: Clauson, Karen L.
Sent: Friday, July 11, 2003 2:58 PM
To: 'Dubuque, Toni'
Cc: Masztaler, Joan; Taylor, Teresa
Subject: RE: DS1 Capable loop discussion

Thank you for the information, Toni. I appreciate your assistance. Your statement on incremental facility work is more clear, and we appreciate the clarification.

I still need to review with others internally, but a couple of things that I would like to discuss with you on Monday:

The first piece that does not seem to be addressed yet are Joan's statements that "it was not an error that Eschelon's DS-1 capable loop orders were held" and that "jeopardy notices are not being sent out by mistake." We do believe that the spike in jeps did reflect an error that led to erroneous jeps, and we have confirmed again with Rick that he had understood Teresa to say that she agreed and needed a short time to get that problem fixed. We still want Qwest to re-look at those jep orders and see whether, if cost was the only issue and the process followed, the orders would have been jep'd. (You mentioned on the call that perhaps we had not authorized charges. As Jean and Bonnie have been discussing for a long time, the Qwest system does not allow the CLEC to authorize charges in this situation. Also, Teresa referred to a change in "charging." We couldn't address new charges before we even knew that such a change had occurred.

The other piece that still seems outstanding is what was the "change" referred to in Teresa's email. Teresa said: "Qwest has in the past not fully enforced our contractual right to collect on the charges incurred when completing DS1 level unbundled services. Charging is the specific change that has occurred"

I appreciate your reference to ICB language, so I know that it what Qwest views as the rate. Equally important, however, is when Qwest will apply that rate/ICB process (and how that has changed). What steps is Qwest charging for now that Qwest did not charge for when "not fully" enforcing its rights? If I missed this in your email, I apologize. It seems to be a statement of the Qwest SGAT/policy but not a discussion of the change. To start looking for these charges resulting from a "fully enforced" policy so we can analyze whether we agree with them, we need to understand what they are and how we will recognize them. (If the answer is that we need to "authorize" them as a result of increased jeps, see note above regarding authorization.) We just really need to understand what the change was. We have asked for a copy of the text of the MCCs sent out at Qwest and still hope to receive that information. Perhaps it will help in this regard.

We'll review it internally, and then we can talk on Monday.

Thanks,
Karen

Karen L. Clauson
Senior Director of Interconnection
Eschelon Telecom, Inc.
730 2nd Ave. South, Suite 1200
Minneapolis, MN 55402
Phone: [CONTACT INFORMATION REDACTED]
Fax: [CONTACT INFORMATION REDACTED]

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

From: Clauson, Karen L.
Sent: Monday, July 14, 2003 11:42 AM
To: 'Dubuque, Toni'
Cc: Johnson, Bonnie J.
Subject: RE: DS1 Capable loop discussion (with enclosure)

I suppose it would help if I include the enclosure. . . Here it is.



FW: Product
pdate: UNE: GN: C.

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

From: Clauson, Karen L.
Sent: Monday, July 14, 2003 11:41 AM
To: 'Dubuque, Toni'
Cc: Johnson, Bonnie J.
Subject: RE: DS1 Capable loop discussion

Toni, we would like to know how the enclosed document relates to the discussions below, if at all. In particular, how is "rearrangement of facilities" defined, and how is this different from "incremental facility work"? We don't see the difference. Also, where in the tariff does Qwest change Retail end users for these costs? (If you need to forward this email to someone else at Qwest for a response, please do so, and let me know whom I should be dealing with. We just need to be able to fit it into the discussions we have had so far, so we know if/how it relates.)

I didn't realize that I have a seminar out of the office today, so I won't be able to call you today. If you can either email me with info on these questions (and those below), or call me when you want to discuss this week, that would be great. Thanks.

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

From: Dubuque, Toni [SMTP:[CONTACT INFORMATION REDACTED]]
Sent: Wednesday, July 16, 2003 10:45 AM
To: 'klclauson[CONTACT INFORMATION REDACTED]'
Subject: DS1

Karen,

I am doing an Operations review in Duluth today so here is what I have to share. We can set up time on Friday to visit but hopefully, this is about all I have on this subject.

I'm not sure what additional clarification I can provide on the jeopardy notice process. When a facility is not available Qwest will issue a jeopardy notice to inform the CLEC of the status. It is that process that Joan was explaining in her emails.

In terms of the discussion between Rick and Teresa, I was not at that meeting but believe the emails you have received from Joan and I fully explain what has taken place; the modification of the CRUNEC, and the associated costs for CRUNEC. The charges that apply to a DS1 when facilities are not available are the charges under CRUNEC if a CLEC elects this option.

Rearrangement of facilities is typically a section throw, cable throw, or a pair change. It is not incremental work and therefore is defined differently. Incremental work applies when a DS1 capable loop exists and there is no redirection of the network.

Qwest's Wholesale policies are in parity with our Retail business. The tariffs are public information and are available to you. In looking at your delayed orders, I do not see any significant change. From January to June your delayed orders for DS1 capable loops including EEL range from the mid 70's to mid 80's with a low of 59 in May. June appears to fit in the range of other months. In looking at the specific LSRs you provided each of these were delayed due to no existing DS1 capable facility.

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

From: Clauson, Karen L.
Sent: Wednesday, July 16, 2003 6:45 PM
To: 'Dubuque, Toni'
Cc: Johnson, Bonnie J.; Masztaler, Joan
Subject: DS1

Toni:

You may get this message twice. I hit send before quite finishing it and recalled it to complete it. Here is the complete note (with the last couple of sentences added).

I am free on Friday if you would like to discuss. I have a meeting at 10am but otherwise look pretty free. Let me know what works for you, if you think a discussion would be helpful.

We do not believe that our questions have been answered. You and Joan have summarized current policy, but you have not addressed our questions about the "the specific change that has occurred" (past tense) described by Teresa. Teresa's email was sent on July 3rd and referred to a change that had already occurred. Eschelon (as well as CBeyond and others) felt the impact of that change with the increase in jep notices. We brought the issue to Qwest, because it was clear something had changed. The CRUNEC change that you are referring to wasn't even noticed until after COB this Friday (7/11), and the comment period hasn't even expired yet. Are you saying that Qwest had already implemented that change?

Regarding the CRUNEC process proposed in the 7/11 notice, the notice provides insufficient detail for us to understand why orders are jep'd and for which activities Qwest will charge. We asked for a definition of "facilities reassignment" and you provided a few examples. Is there documentation of the facilities reassignment activities for which you plan to charge? If not, will you provide a list of activities (like the level of detail in the description of activities in the 11-step process, only this would be the activities that you consider to be facilities reassignment steps for which Qwest plans to charge).

We do not agree with your statement that Qwest can charge for a pair change, for example, because this is somehow a "build." Qwest does not charge its retail customers when it changes pairs to free facilities; so it cannot charge us. See, e.g., AZ ICA, Att. 1, paragraph 3.1. When we asked you to show us that you do charge retail customers, you responded that we should read the tariff. We don't find any evidence in the tariff that you charge retail customers these charges.

We still want Qwest to take another look at the list of orders we provided to you. For each, please state the facilities problem that lead to the jep notice, such as whether in that particular case it was a pair change, etc., that was needed. (Some notices say but others do not.) Please state what steps would have been taken by Qwest in the past with respect to facilities (in the situations that you said in our conversation that Qwest's employees were acting out of process) and whether those steps, if taken now, would have resulted in the processing of the orders (and whether they would result in a charge). This exercise would be helpful in understanding the change Qwest has made.

We have also asked Qwest to provide the text of the MCCs sent to its employees on this issue. If you have responded to that request, I missed it.

You state that you have looked at our "delayed orders." Qwest sends jep notices on a very wide variety of issues. As you know, we are talking here specifically about the service inquiry notices. Within this category, the number jumped.

We have comments due in AZ 271 on Friday, and we'll raise this issue there. The PUC may deal with it in that case or the next phase of the cost case. We will have to get the information in discovery if Qwest does not want to provide it informally. We hope that there is more we can do informally, however. Let me know if you believe there is and would like to discuss.

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

From: Dubuque, Toni [SMTP:[CONTACT INFORMATION REDACTED]]
Sent: Friday, July 18, 2003 10:47 AM
To: 'klclauson[CONTACT INFORMATION REDACTED]
Cc: Masztaler, Joan
Subject: Reply

Karen,

I am sorry to reply to this so late but I just converted to Outlook and lost some email messages. Yours was one of those. I am not sure that a meeting will be of any benefit to us as I believe we have answered to the best of our ability all of the questions that you have asked. Let me clarify a couple of points that you addressed in your last email.

The CRUNEC change that I referenced is the one that went into eff on 6-16-03.

PROS.04.30.03.F.01071.CRUNEC

Local Exchange Carrier (CLEC) Requested Unbundled Network Elements (UNE) Construction (CRUNEC) provides a method where you may request Qwest to construct new facilities for utilizing Qwest's Unbundled Network Element (UNE) facilities. CRUNEC is not required for requests that can be resolved through facility work or assignments, such as:

- Line and Station Transfers (LSTs): Moving a end-user's line to a spare facility and reusing the pair made spare to provision a service request. An LST is not used in a "reverse cut" fashion; Qwest does not swap two working end-user lines to provision a service request.
- Cable Throws (also known as Section Throws or Plant Rearrangements): Moving existing end-users from their existing facilities to another set of facilities in order to free up the original facility for use in the provision of a Company Initiated Activity (CIA) (e.g., to place Digital Loop Carriers or modernize a terminal).
- Incremental Facility Work: Completing facilities to an end-user's premises (e.g., ~~Conditioning,~~ ~~place~~ Place a drop, add a Network Interface Device (NID), Central Office (CO) tie pairs, field cross connect jumpers, or card in existing Subscriber Loop Carrier systems at the CO and Remote Terminal).
- Outside Plant construction jobs in progress or Engineering Work Orders in progress.

There is another change in progress and that is different than this one.

As you know, our policy is not to share internal documentation with customers. The MCC would have included the information denoted above.

We believe the current list of orders that are in held status are the ones that would need further action by Eschelon to process. Again, it would be up to you to determine which option you would want to select, ie, cancel, order Private Line, use CRUNEC process.

I believe we have made every communication attempt to clarify this subject and have dealt with this informally.

Toni Dubuque
[CONTACT INFORMATION REDACTED]

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

From: Clauson, Karen L.
Sent: Friday, July 18, 2003 10:55 AM
To: 'Dubuque, Toni'
Cc: Masztaler, Joan
Subject: RE: Reply

Thanks for the message. As you know, we disagree. Appreciate the response.