

1                   BEFORE THE WASHINGTON UTILITIES AND  
2                   TRANSPORTATION COMMISSION

3   In the Matter of the                    )  
4   Investigation into                    )  
5   U S WEST COMMUNICATIONS, INC.'s   ) Docket No. UT-003022  
6                                            ) Volume XLVII  
7   Compliance with Section 271 of   ) Pages 6688 to 6949  
8   the Telecommunications Act of    )  
9   1996                                    )  
10  -----)  
11  In the Matter of                    )  
12  U S WEST COMMUNICATIONS, INC.'s   ) Docket No. UT-003040  
13                                            ) Volume XLVII  
14  Statement of Generally                ) Pages 6688 to 6949  
15  Available Terms Pursuant to        )  
16  Section 252(f) of the                )  
17  Telecommunications Act of 1996    )  
18  \_\_\_\_\_)

13                   A hearing in the above matters was held on  
14   April 22, 2002, at 9:30 a.m., at 1300 South Evergreen  
15   Park Drive Southwest, Room 206, Olympia, Washington,  
16   before Administrative Law Judge ANN RENDAHL and  
17   Chairwoman MARILYN SHOWALTER and Commissioner RICHARD  
18   HEMSTAD and Commissioner PATRICK J. OSHIE.

19                   The parties were present as follows:  
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24   E-mail csteese@steeselaw.com; and by LISA ANDERL and  
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Joan E. Kinn, CCR, RPR  
Court Reporter

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10                  INC., by GREGORY J. KOPTA, Attorney at Law, Davis,  
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14                  COVAD COMMUNICATIONS COMPANY, by MEGAN  
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17                  (720) 208-3256, E-mail mdoberne@covad.com.

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1                                   P R O C E E D I N G S

2                   JUDGE RENDAHL: Good morning, we're here  
3 before the Washington Utilities and Transportation  
4 Commission this morning, Monday, April the 22nd, 2002,  
5 to begin a hearing, a week of hearings, in Dockets  
6 UT-003022 and 003040, captioned in the Matter of the  
7 Investigation into U S West's, now Qwest's, Compliance  
8 with Section 271 of the Telecommunications Act of 1996  
9 and U S West's, now Qwest's, Statement of Generally  
10 Available Terms or SGAT Pursuant to Section 252(f) of  
11 the Telecommunications Act of 1996. I'm Ann Rendahl, an  
12 Administrative Law Judge, presiding over this hearing  
13 with Chairwoman Marilyn Showalter and Commissioners  
14 Richard Hemstad and Patrick Oshie.

15                   The focus of our hearings today and tomorrow  
16 will be Qwest's performance data and the reconciliation  
17 of Qwest's data with CLEC data. After we take  
18 appearances of parties and address any preliminary  
19 issues, we will begin with opening statements and the  
20 testimony and cross-examination of Mr. Stright. So  
21 first let's take appearances from the parties. I  
22 believe everyone here has already made an appearance  
23 before the Commission, so please just state your full  
24 name and the party you represent. Let's begin with  
25 Qwest.

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1                   MR. STEESE:  Chuck Steese on behalf of Qwest.  
2   In addition Lisa Anderl and Adam Sherr on behalf of  
3   Qwest here today.

4                   JUDGE RENDAHL:  Thank you, Mr. Steese.  
5                   Mr. Kopta.

6                   MR. KOPTA:  Gregory Kopta of the law firm  
7   Davis Wright Tremaine on behalf of ELI and Time Warner  
8   Telecom.

9                   JUDGE RENDAHL:  Thank you.  
10                  Ms. Tribby.

11                  MS. TRIBBY:  Good morning, Your Honor, Mary  
12   Tribby on behalf of AT&T.

13                  JUDGE RENDAHL:  Ms. Singer Nelson.

14                  MS. NELSON:  Michel Singer Nelson on behalf  
15   of WorldCom.

16                  JUDGE RENDAHL:  And Ms. Doberneck.

17                  MS. DOBERNECK:  Good morning, Megan  
18   Doberneck, Covad Communications Company.

19                  JUDGE RENDAHL:  And is there anyone appearing  
20   on the bridge line?  I don't believe so, but please let  
21   us know now if you are.

22                  Okay, there's no one appearing on the bridge  
23   line.

24                  We met, counsel and myself, for about an hour  
25   before this hearing and went through some exhibits and

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1 other preliminary issues. I have given the court  
2 reporter a copy of the revised exhibit list with notes  
3 made in pen, and specifically Qwest added a few  
4 additional exhibits to the exhibit list, one being a  
5 final report from Liberty Consulting that came out late  
6 on Friday, that's Exhibit 1372. And we redesignated  
7 some of the alphabetical cross-examination exhibits as  
8 numerical, and they're reflected on the exhibit list  
9 following Mr. Stright and Mr. Finnegan and  
10 Ms. Doberneck's exhibits. In addition, Qwest provided  
11 three additional exhibits designated as 1384-C, 1385-C,  
12 and 1386-C, and those are training materials in response  
13 to observations or exceptions opened by Liberty  
14 Consulting. In addition, AT&T designated something that  
15 was provided as Qwest's cross Exhibit C for  
16 Mr. Finnegan, and that's marked as Exhibit 1439. I  
17 believe that covers the changes in the exhibits.

18           Mr. Steese mentioned this morning that they  
19 are withdrawing Exhibit 1356, which would be the most  
20 recent regional performance results, and that if  
21 Mr. Williams can make them available, the document  
22 listed in Exhibit 1355 will be provided this afternoon.  
23 Apparently they came on line on Friday, and Qwest is  
24 endeavoring to make copies as we speak.

25

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1                   (The following exhibits were identified in  
2 conjunction with the testimony of ROBERT STRIGHT.)

3                   Exhibit 1372 is Utah/Minnesota/Final Report,  
4 April 19, 2002. Exhibit 1373 is Liberty Observations &  
5 Exceptions. Exhibit 1374 is Qwest Responses to  
6 Liberty's Observations and Exceptions, and Supplement to  
7 Observation 1031. Exhibit 1375 is Closure of  
8 Observations. Exhibit 1376 is Liberty's Performance  
9 Reports. Exhibit 1377 is Qwest's Brief on Arizona  
10 Report. Exhibit 1378 is ROC Change Request No. 20.  
11 Exhibit 1379 is OSS Evaluation (Observation and  
12 Exception Process). Exhibit 1380 is Arizona IWO 2105,  
13 Qwest Response. Exhibit 1381-C is Qwest's Training  
14 Materials for Obs. 1031 (CONFIDENTIAL). Exhibit 1382-C  
15 is Qwest's Training Materials for Obs. 1036  
16 (CONFIDENTIAL). Exhibit 1383-C is Qwest's Training  
17 Materials for Obs. 1037 (CONFIDENTIAL). Exhibit 1384-C  
18 is Qwest's Training Materials for Obs. 1028  
19 (CONFIDENTIAL). Exhibit 1385-C is Qwest's Training  
20 Materials for Obs. 1032 (CONFIDENTIAL). Exhibit 1386-C  
21 is Qwest's Training Materials for Obs. 1033  
22 (CONFIDENTIAL).

23

24                   (The following exhibits were identified in  
25 conjunction with the testimony of JOHN F. FINNEGAN.)

1                   Exhibit 1419 is Reserved for Late Filed  
2 Exhibit - AT&T's Comments on Final Liberty Report.  
3 Exhibit 1430 is AT&T's Comments on Liberty Performance  
4 Measurement Audit. Exhibit 1431 is October 19, 2001  
5 e-mail response from MTG to AT&T. Exhibit 1432 is  
6 Exchange of e-mails re: supplemental orders. Exhibit  
7 1433-C is November 11, 2001 analysis by AT&T sent via  
8 e-mail (CONFIDENTIAL). Exhibit 1434-C is February 12,  
9 2002 Joint Analysis of WA OP Data (CONFIDENTIAL).  
10 Exhibit 1435-C is February 14, 2002 Joint Analysis re:  
11 PO-5 Data (CONFIDENTIAL). Exhibit 1436 is February 19,  
12 2002 e-mail re: PO-5 differences between Qwest and AT&T.  
13 Exhibit 1437-C is February 19, 2002 e-mail from AT&T re:  
14 PO-5 consensus (CONFIDENTIAL). Exhibit 1438 is March  
15 28, 2002 e-mail re: retermination measurement. Exhibit  
16 1439 is AT&T's Responses to Liberty's Observations and  
17 Exceptions.

18

19                   (The following exhibits were identified in  
20 conjunction with the testimony of K. MEGAN DOBERNECK.)

21                   Exhibit 1468 is November 9, 2001 e-mail from  
22 Chuck Steese re: 72 hour FOCs. Exhibit 1469 is November  
23 13, 2001 e-mail from Chuck Steese re: Maintenance and  
24 Repair Reconciliation. Exhibit 1470-C is Covad's  
25 Undated Analysis of Qwest's Performance under OP-3/OP-4

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1 for line sharing and 2-wire non-loaded loops  
2 (CONFIDENTIAL).

3

4 JUDGE RENDAHL: The parties indicated that  
5 they did not object to the admission of these exhibits,  
6 with the exception I think AT&T has some comments, but  
7 let's see if there are any objections to admitting the  
8 exhibits that were marked at the pre-hearing this  
9 morning.

10 MR. STEESE: No objection from Qwest.

11 MR. KOPTA: None, Your Honor.

12 MS. TRIBBY: None, Your Honor.

13 MS. NELSON: No objection.

14 MS. DOBERNECK: No objection, Your Honor.

15 JUDGE RENDAHL: Okay, but, Ms. Tribby, you  
16 may make comments about I think you stated you wanted to  
17 address the weight or the relevance of certain exhibits  
18 as we go on.

19 MS. TRIBBY: Yes, Your Honor, we didn't  
20 object to the admission of exhibits, but in particular  
21 some of the observations and exceptions or IWOs out of  
22 the Arizona test, since Washington data is not being  
23 looked at as part of that test, I think we will just  
24 make comments at that point in time about the weight  
25 that ought to be given to those exhibits.



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1 JUDGE RENDAHL: Thank you.

2 I don't believe there were any other  
3 preliminary issues other than the schedule. I mentioned  
4 to the parties we have distributed an agenda for the  
5 hearing, which indicates that if the parties' estimates  
6 of presentation time and cross-examination time are  
7 correct, we will continue the hearing this evening. And  
8 the agenda indicates general times for morning and  
9 afternoon breaks and lunch breaks, but the actual times  
10 of those breaks may vary depending on how the hearing is  
11 proceeding.

12 And as I mentioned during the pre-hearing  
13 last Thursday and again this morning, I'm going to hold  
14 counsel and witnesses to their time estimates.  
15 Ms. Tribby did advise me this morning she may have  
16 additional cross for Mr. Stright, which I did not  
17 clearly indicate from our pre-hearing, but we will  
18 endeavor to be as efficient as possible to get through  
19 our schedule. I will stop you if you are going over, so  
20 just a word of warning.

21 So is there anything else we need to address  
22 before we turn to the issue of performance and data  
23 reconciliation?

24 Okay, hearing nothing, I think the first item  
25 we have is Qwest, Mr. Steese, Ms. Tribby, and Ms. Singer

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1 Nelson have advised us they wanted to make brief opening  
2 statements. Mr. Steese, I believe you have ten minutes,  
3 and Ms. Tribby and Ms. Nelson, you were going to share  
4 ten minutes; is that my understanding?

5 Okay, let's proceed, Mr. Steese.

6 MR. STEESE: Thank you, Your Honor, and thank  
7 you, Madam Chairwoman and Commissioners for letting me  
8 come back here and speak to you today.

9 JUDGE RENDAHL: You will need to bring your  
10 microphone closer, and make sure it's on.

11 MR. STEESE: Qwest thought it important to  
12 actually give a brief opening statement given how many  
13 issues are involved in Section 271 to make sure we're  
14 all understanding at least from Qwest's perspective  
15 where the performance data fits into the overall 271  
16 analysis. And the FCC has given us some guidance here,  
17 and Qwest focuses all of its efforts on the FCC's tests,  
18 right or wrong.

19 And when you look, the FCC says, for each  
20 checklist item of the 14 point checklist, there are two  
21 things Qwest must prove. It must prove we have a  
22 binding legal obligation to provide that checklist item,  
23 and we're doing that through our statement of generally  
24 available terms that we have had a number of hearings on  
25 already here. But the second piece is we have to be

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1 able to provide each item on the checklist at an  
2 acceptable level of quality. And if you go back to the  
3 original decisions of the FCC on 271, there was some  
4 question as to what was meant by that. But in its New  
5 York decision and then following, so this was December  
6 of 1999 forward, the FCC has said they want Bell  
7 operating companies like Qwest to negotiate what they  
8 call performance measures or matrix with the CLEC  
9 community and then track performance under those matrix.  
10 And so the evidence Qwest is presenting on what I call  
11 prong two of the checklist test, that is the acceptable  
12 level of quality, is this performance data that we're  
13 going to be here presenting over the next two days.

14           When you look at the data we're presenting,  
15 we have to even digress now one more step to say what  
16 data is it, because there's two sets. We have the data  
17 we actually provide to CLECs here in the state of  
18 Washington every single day, how are we performing, we  
19 track that. But in addition, we have this OSS test  
20 ongoing, and the OSS test tracks data under those exact  
21 same measures. And Qwest is not here today to present  
22 that data. We're only here to present our commercial  
23 performance data in the state of Washington.

24           Why is it important to differentiate? The  
25 FCC has told us two things. The FCC says, the most

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1 important and probative evidence of performance is how  
2 Qwest is actually performing in the marketplace in the  
3 state of Washington to CLECs. So the evidence we're  
4 going to present is what the FCC thinks is the most  
5 important. Is it all that's important? Absolutely not.  
6 In addition to that, the FCC says there are times you  
7 have low volume, there are times you have no volume for  
8 certain items in a state, and what we require is for  
9 Bell operating companies to go through an OSS test to  
10 make sure as volumes ramp up or as you get volumes for  
11 an item in a state that you can provide that item at an  
12 acceptable level of quality as well. Both are important  
13 ingredients to the 271 test. We're not ignoring either.  
14 We're here today saying here's how well we're performing  
15 to CLECs in the state of Washington. And what we're  
16 going to ask this Commission to do is say, Qwest, you're  
17 passing the checklist contingent on passage of the OSS  
18 test, and that's where the volume information is going  
19 to come into play.

20 Now when we look at this data, there are two  
21 questions, two principal questions, and both will be  
22 discussed here in the next two days. The first is the  
23 question of is the data accurate, can I count on it, is  
24 it reliable, is it accurate. And what Qwest has done  
25 through the ROC is retain Liberty Consulting, an

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1 independent party, to come and both audit its  
2 performance measures and reconcile its performance data  
3 with CLECs. And in the audit report of Liberty, which  
4 is 150 pages long, looking at each and every measure of  
5 Qwest, they find Qwest's performance measures generate  
6 "accurate and reliable data". As of last Friday,  
7 Liberty completed its data reconciliation and found that  
8 Qwest's performance data is accurate and reliable there  
9 as well. So you have an independent party that will be  
10 testifying before you today who will tell you they have  
11 been spending two years looking at these performance  
12 measures, every single aspect of them, the process for  
13 generating data as well as the input information that  
14 people put in information on a manual basis, that that  
15 information is accurate and reliable. So on the first  
16 piece, the accuracy piece, Qwest believes the inquiry is  
17 now over.

18 But the second piece is adequacy. So first  
19 accuracy, second adequacy. Is our performance good  
20 enough? And here the FCC has told us there's three  
21 things they look at. First, we have negotiated these  
22 measures at the ROC. Here's not only what we're  
23 supposed to measure, but how well we're supposed to  
24 perform. And there are generally two kinds of measures.  
25 Parity measures you must do as well for CLEC's as you do

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1 for yourself. Second is benchmark, Qwest, if you don't  
2 do something for yourself, we don't have anything to  
3 compare it to, we set an absolute standard of  
4 performance, 90%, 95%, ten days, whatever it might be,  
5 you have to meet that standard to pass.

6           And the FCC says if you meet the standard,  
7 inquiry over, we don't need to look any farther. But  
8 what if we don't meet the standard, we have 750, 800  
9 performance measures, what if you don't meet the  
10 standard on 1. The FCC says that the next question you  
11 ask is, is that performance missed competitively  
12 significant. So this is where this Commission's  
13 analysis starts. If we meet the standard, inquiry over.  
14 If we don't, Commission, analyze, is this harming the  
15 CLECs' ability to compete in the marketplace. But then  
16 the FCC says that isn't even the end of the question,  
17 now we have to take a step back and look at this  
18 checklist item in totality. Resale has about 200  
19 performance measures for one checklist item. What the  
20 FCC says is take a step back, look at this checklist  
21 item in totality, and determine whether or not as a  
22 practical matter that checklist item is available to the  
23 CLECs in the state of Washington.

24           What Qwest has done, if you look at our  
25 performance data, it's 300 pages long, and our witness

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1 here will be Mr. Michael Williams, and he will tell you  
2 how we're performing, and he will give you a  
3 demonstrative exhibit rather than the 300 pages of  
4 detail that follow the FCC's test for analyzing data.  
5 And what you will see is not only is our data accurate,  
6 but today in the state of Washington the data is more  
7 than adequate, the data is really outstanding. The  
8 CLECs are getting a tremendous opportunity to compete,  
9 and the data bears that out. And over the next two  
10 days, we're going to be presenting that information to  
11 you and giving you an opportunity to evaluate that for  
12 yourselves.

13 Thank you.

14 JUDGE RENDAHL: Thank you.

15 Ms. Tribby.

16 MS. TRIBBY: Thank you, just a couple of  
17 responsive comments, Your Honor, Commissioners. There's  
18 two questions, I think Mr. Steese is right about that.  
19 First of all, what does the data show, and secondly, can  
20 you rely on the data. I think if you look at what the  
21 data shows in Washington, Qwest performance has improved  
22 significantly from a year ago or even six months ago.  
23 There are still some problems, and Qwest will tell you,  
24 and you will hear Mr. Williams say it, and you will hear  
25 Mr. Steese say it over the next couple of days, that if

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1 their results show that they make their standards, then  
2 that's the end of the inquiry. Even if the volumes are  
3 so low or so nonexistent that there really isn't  
4 sufficient data upon which to make conclusions, they  
5 will tell you should stop your inquiry there. If they  
6 don't make their performance standards, they will say to  
7 you, well, we missed it, but it's not competitively  
8 significant, it doesn't matter to CLECs. You have heard  
9 Mr. Steese start to take you down that path already  
10 today. I think that you do need to look at what the FCC  
11 thinks is important. I think even though the blue  
12 charts that Mr. Williams will present are a guide, it is  
13 important that you look behind the charts into the data  
14 itself. That's painful, I realize that. My witness,  
15 Mr. Finnegan, will take you through some of that to look  
16 at what the actual performance is and what the, more  
17 importantly I think, what the effect on competitors and  
18 consumers in Washington is.

19           The second question is, even if the data  
20 looks good, can you rely on that data? Now Mr. Steese  
21 has told you that Liberty Consulting and Mr. Stright are  
22 independent auditors that have concluded that the data  
23 is accurate and reliable. You will be able to judge the  
24 credibility and the thoroughness of what Liberty has  
25 done for yourself here. I think you should do that. I



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1 think you should look at Mr. Stright as he testifies,  
2 look at his reports, determine for yourself whether  
3 Mr. Stright is acting as an independent auditor at this  
4 point or an advocate of Qwest for their data.

5 I think that one thing, and whether this has  
6 to do with the scope of the reconciliation or what  
7 Liberty saw as their role, Liberty has closed we believe  
8 prematurely many significant observations and exceptions  
9 that deal with the reliability of Qwest data. I think  
10 an indication of that is the fact that KPMG, who is  
11 doing also a very thorough analysis and reconciliation  
12 in the ROC test, is coming up even now, many, many, many  
13 months and years after Liberty has been reviewing data,  
14 with some very significant observations and exceptions  
15 and saying that they believe that Qwest data is  
16 unreliable for a number of PIDs and a number of  
17 products. So even though I think hopefully leaving this  
18 proceeding you can make some preliminary determinations  
19 about what Qwest data shows, I think you do need to be  
20 cognizant of the KPMG findings and let those findings  
21 play out in the ROC test before you make a final  
22 determination about the accuracy and reliability of  
23 Qwest data.

24 Thank you.

25 JUDGE RENDAHL: Thank you.

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1 Ms. Singer Nelson.

2 MS. NELSON: I would just join in the  
3 comments of AT&T, and in the interests of time, I have  
4 nothing to add at this time.

5 JUDGE RENDAHL: Thank you.

6 Okay, I think we're ready for Mr. Stright.

7 Would you please state your full name and who  
8 you are here with and your address for the record.

9 MR. STRIGHT: My name is Robert Stright with  
10 the Liberty Consulting Group. Business address is 65  
11 Main Street, Quentin, Pennsylvania. And I'm here as an  
12 independent auditor hired by the Regional Oversight  
13 Committee.

14 JUDGE RENDAHL: Thank you, would you please  
15 raise your right hand.

16

17 Whereupon,

18 ROBERT STRIGHT,  
19 having been first duly sworn, was called as a witness  
20 herein and was examined and testified as follows:

21

22 JUDGE RENDAHL: Thank you.

23 Okay, I believe our agenda indicates that you  
24 would have a brief opening statement, and then AT&T will  
25 begin with cross-examination. And to the extent that

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1 you're not represented by counsel, I indicated at the  
2 pre-hearing that I will look out for any problems in  
3 cross that I can observe.

4 MR. STRIGHT: I appreciate that, and I was  
5 just going to say a couple of words, and then when  
6 Mr. Steese gave his opening remarks, I decided I needed  
7 to say something else, and that was reinforced by  
8 Ms. Tribby's comments. I want to make it clear that we  
9 were not hired by Qwest, which you could imply from  
10 Mr. Steese's comments. We were hired by the Regional  
11 Oversight Committee. I view my client as the 13 state  
12 commissions that hired us to do that, and certainly not  
13 an advocate of Qwest, and let me now proceed with a  
14 quick summary.

15 As you know, Liberty was hired some almost  
16 two years ago to perform an audit of Qwest performance  
17 measures, and we did so and issued a final report. And  
18 then we were asked to do another task, which had been  
19 referred to as data reconciliation, on a few selected  
20 measures and a few states, including Washington. In  
21 that, in the course of that work, we found some  
22 problems, some problems with Qwest's systems and  
23 processes and with human errors, and those problems have  
24 now been resolved.

25 Another, just comment if you will, there have

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1 been some remarks and objections made at this point in  
2 time primarily by CLECs that Liberty did not have the  
3 correct objective in this study and that we placed the  
4 burden of proof on the CLECs, and that could be nothing  
5 further from the truth. The fact of the matter is, in  
6 this data reconciliation, the CLECs didn't prove  
7 anything. They didn't prove Qwest wrong at all. What  
8 the CLECs did do was give us some data that pointed to  
9 possible errors by Qwest, and then we investigated those  
10 matters and in some cases found some problems with  
11 Qwest's processes. But the CLECs didn't prove anything.  
12 We did not place the burden of proof on CLECs.

13           And I guess one other thing that I like to  
14 say, and I think this has some value, although it's more  
15 for my own benefit, is that you have to understand this  
16 was somewhat of a thankless job. I appreciate the work,  
17 believe me. But while the data reconciliation was going  
18 on, Qwest I'm sure was thinking, and I have some  
19 inklings of that, that we were going into too much  
20 detail, that it was taking too long, that we were  
21 getting off topic and exploring problems that really  
22 weren't problems. All during that time we didn't hear  
23 anything from the CLECs. Although they were getting all  
24 the data requests, had all the information, didn't hear  
25 a word from them.

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1                   The nature of the work not only with  
2 Liberty's work but with KPMG's OSS test, it's been  
3 referred to as a military style testing. In other  
4 words, you don't just identify a problem and then walk  
5 away like we have done in some of our other audit kind  
6 of work. You identify a problem, and then you explore  
7 what the solutions were and the fixes, and you  
8 eventually reach a resolution on those problems. So we  
9 end up with a report that says the problems have been  
10 fixed or the issues have been resolved in one way or  
11 another. Then you hear the CLECs complain that we  
12 finished too quickly. Qwest was saying we took too  
13 long, now the CLECs say we finished too quickly. Qwest  
14 was saying that we explored areas that were off topic,  
15 the CLECs now say we should have gone more -- should  
16 have done more, we should have gone into more details.  
17 The kinds of comments that we get are ones that CLECs  
18 can sit back and you can always ask for more, did you do  
19 this, did you do that. That's a pretty easy job. The  
20 tough job is to make the calls and make the judgments  
21 like we did.

22                   That concludes my remarks.

23                   JUDGE RENDAHL: Okay, thank you.

24                   Ms. Tribby, I believe you are going first in  
25 terms of cross-examination of Mr. Stright.

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1 MS. TRIBBY: Thank you, Your Honor.

2

3 C R O S S - E X A M I N A T I O N

4 BY MS. TRIBBY:

5 Q. Good morning, Mr. Stright.

6 A. Good morning, Ms. Tribby.

7 Q. Let me start out with your opening comments  
8 this morning. You say that all along the process CLECs  
9 weren't saying anything, you didn't hear anything from  
10 CLECs. I'm a little confused by that statement. AT&T  
11 and the other CLECs were providing you with information,  
12 answering your data responses, giving you their opinion  
13 about what they believed Qwest data showed all along;  
14 isn't that true?

15 A. CLECs did give us information that allowed us  
16 to begin the data reconciliation and in the case of AT&T  
17 provided some help and clarification during the process  
18 when we asked for it. What I was referring to is that  
19 we did not get any objections, complaints about the  
20 adequacy of our data requests, the thoroughness of which  
21 we were doing the job. None of the things that came out  
22 later when we were finished were said. All of a sudden  
23 when we finished and the problems are resolved, which  
24 they have to be, then we get the complaints.

25 Q. Isn't it, in fact, the case, Mr. Stright,

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1 that AT&T and the other CLECs have filed written  
2 comments on every single report that you have done since  
3 you started this process, and many times those comments  
4 take the form of asking questions and disagreeing with  
5 some of the conclusions you have reached, or even where  
6 you haven't reached conclusions, raising their concerns  
7 about your findings?

8 A. That's exactly right, and that's what I was  
9 referring to, that it's rather easy to sit back and say,  
10 did you do more, did you consider this, did you consider  
11 that, and after the fact giving us those comments. Yes,  
12 that's exactly what I was referring to.

13 Q. So you don't mean to suggest that now, for  
14 example, since you have issued your final report is the  
15 first time that CLECs are coming in and being concerned  
16 about the adequacy of what Liberty is doing, correct?

17 A. No, I didn't mean that. We, as my report  
18 says, we issued reports after we completed each state,  
19 and we did get comments after we issued each of those  
20 reports from some parties. From AT&T we got comments.

21 Q. In fact, even up to your last report, your  
22 Oregon report, isn't it the fact that most of the new  
23 findings in your Oregon report occurred because Mr. Kail  
24 from AT&T continued to push Liberty, to say we think  
25 there's a problem here, would you look at this again,

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1 would you investigate this?

2 A. No.

3 Q. You wouldn't agree with that?

4 A. No, I would not.

5 Q. You said CLECs didn't prove Qwest wrong was  
6 your comment here. Isn't it the fact that most, if not  
7 all, of the problems that you found during your  
8 reconciliation process were found because CLECs came in  
9 and presented you with data that was different from what  
10 Qwest had presented you, indicating that a problem  
11 existed, and then Liberty took it from there?

12 A. CLECs gave us information that in some cases  
13 was different than the data that Qwest had, and that  
14 pointed to the areas that we needed to explore. What I  
15 was referring to was the comments that we have received  
16 about Liberty has placed the burden of proof on CLECs,  
17 and that's just simply not true.

18 Q. And, of course, you understand that where  
19 those comments come from is Liberty's findings that if a  
20 CLEC came in with disparate data and could prove to you  
21 exactly why that data was disparate, then you would  
22 decide who was right and who was wrong. But at least in  
23 your earlier reports, if the CLECs couldn't prove  
24 exactly to you through their documentation that Qwest  
25 data was wrong, then you presumed Qwest data to be



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1 accurate; isn't that true?

2 A. No, that's not true, and we have -- we beat  
3 this one around for several hours in Arizona. I hope we  
4 don't do it again today. But let me try to explain.  
5 You are correct, the CLECs provided us data. And when  
6 that data made sense, which was not always the case, it  
7 did point to areas that we had to explore. And to some  
8 degree, we were able to go back to CLECs and get some  
9 additional backup information or a better understanding  
10 of how they came up with their information. But for the  
11 most part, what we did was we took those issues and  
12 delved into Qwest's processes and backup information.  
13 And I think that, I didn't make a count of it, but I'm  
14 sure that someone could look at the hundreds of requests  
15 that we made of Qwest and the numerous, I'm not sure how  
16 many, interviews we did with Qwest people. That's where  
17 we went to find out if there were problems, and we found  
18 some. There's no question about that, and those were  
19 documented, and we put the -- we wrote them up in our  
20 reports.

21 Q. And, in fact, the CLECs would bring you  
22 information, and Qwest would bring you information, and  
23 if that information was different, one was different  
24 from the other, but you couldn't determine who was right  
25 and who was wrong, then you determined that Qwest must

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1 have been accurate, or at least the findings were  
2 inconclusive, correct?

3 A. There were some cases where we ultimately  
4 said the results were inconclusive. We tried the best  
5 we could to limit the number of those, but that was, in  
6 fact, the case. I don't believe that we generally  
7 defaulted in favor of Qwest. There were times when our  
8 confidence in the Qwest information was more so than  
9 confidence that we could put in the CLECs' information.  
10 We had to make a judgment often on a case-by-case basis  
11 as to where we -- whether we -- the key question was  
12 whether we thought there was a problem with what Qwest  
13 had done. It didn't matter so much as to whether the  
14 CLEC was right or Qwest was right or something. It's is  
15 there a problem with what Qwest has done.

16 Because here all along I thought the purpose  
17 in this was to detect problems and correct them so that  
18 Qwest's performance reporting would be accurate. I  
19 thought that's what we were all here for. I sometimes  
20 got the idea that others were not so much interested in  
21 that, but rather they just wanted it to take longer.

22 CHAIRWOMAN SHOWALTER: Counsel, I'm very  
23 unclear about your question and the witness's answer as  
24 to whether we're talking about events in Washington or  
25 not or where or what time period. Because we're, I

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1 think in general, we're talking about events over a long  
2 time frame in several states. Can you in your questions  
3 or the witness in your answers be specific enough that  
4 we know how to interpret the answer.

5 MS. TRIBBY: Thank you, Your Honor.

6 Actually, Liberty has stated throughout their reports,  
7 and Mr. Stright can correct me if I'm wrong, that the  
8 results of their data reconciliation are cumulative, so  
9 that he has advised commissions that they should wait  
10 until the process is concluded and look at the reports  
11 for each state because it's an ongoing process. That  
12 process has now been concluded. I do have some  
13 questions specifically about his Washington report and  
14 some of his other reports, but my questions at this  
15 point go more to the process that Liberty has undertaken  
16 as a whole, which I think is what he was describing in  
17 his opening statements.

18 CHAIRWOMAN SHOWALTER: All right.

19 THE WITNESS: And I would -- I would agree  
20 with that, with Ms. Tribby's characterization with just  
21 one or two exceptions. The, not only the problems that  
22 we found, which is what this kind of an audit focuses  
23 on, but obviously the things that we found to be correct  
24 apply to all the states, including Arizona by the way.

25 BY MS. TRIBBY:

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1 Q. You talked about CLEC problems or CLEC data,  
2 and you have mentioned that a few times, and you have  
3 mentioned that in some of your reports. Just to be  
4 clear, this data reconciliation process as a whole, your  
5 goal was not to determine the accuracy or reliability of  
6 CLEC data; is that correct?

7 A. That's correct.

8 Q. And, in fact, you understand that CLECs do  
9 not have PID compliant data reporting requirements,  
10 correct?

11 A. That's correct.

12 Q. In fact, what the CLECs tried to do for  
13 purposes of this reconciliation was to put their data  
14 into as close to PID compliant form as they could so  
15 that you could compare something close to apples to  
16 apples with Qwest's data; is that correct?

17 A. Insofar as AT&T is concerned, that's correct.

18 Q. One other thing from your opening comments,  
19 you wanted to clarify that you were hired by ROC, and  
20 certainly I wouldn't disagree with that in that they're  
21 your client. Qwest is paying Liberty's bills for your  
22 reconciliation process, correct?

23 A. Yes, they are.

24 Q. And, in fact, within the last few months, the  
25 last month and a half, Qwest has started to ask you to

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1 appear at these data hearings to discuss your findings.  
2 Is that part of your initial reconciliation contract, or  
3 are you being paid separately by Qwest to appear at  
4 these hearings?

5 A. There is no separate contract with Qwest.  
6 And if I was not concerned about our honesty and our  
7 integrity in this work, which I am, and that's our  
8 highest priority, if I was only concerned about making  
9 money, this would still be going.

10 Q. I guess I'm not sure I understood your  
11 answer. Are you being paid by Qwest to attend these  
12 hearings and testify about your reconciliation process?

13 A. We will submit our invoices, and my time for  
14 today is going to be no differently indicated than when  
15 I was reading WAFC logs for the data reconciliation.

16 Q. In fact --

17 JUDGE RENDAHL: Ms. Tribby, before you go on,  
18 could you spell WAFC logs or indicate for the court  
19 reporter how that should be spelled.

20 THE WITNESS: W-A-F-C, it's a Qwest system  
21 that's used to record information about orders.

22 BY MS. TRIBBY:

23 Q. Mr. Stright, you issued what I guess you're  
24 characterizing as your final report on Friday evening;  
25 is that correct?

6725

1 A. Yes.

2 Q. And is it your opinion now that Liberty's  
3 data reconciliation process has been concluded?

4 A. Yes.

5 Q. And have you now closed all observations and  
6 exceptions which were opened as part of your  
7 reconciliation process?

8 A. Yes.

9 Q. Were you asked to complete that final report  
10 prior to this hearing today?

11 A. No.

12 Q. You issued your report for the state of  
13 Washington on March 1st, I believe; is that correct?

14 A. Subject to check. I don't have it in front  
15 of me, but yes.

16 Q. And your report for Oregon on March 28th of  
17 2002?

18 A. Yes, I recall that date.

19 Q. And there were, I believe, three new problems  
20 identified in the Washington report and two or three new  
21 problems identified in the Oregon report; is that  
22 accurate?

23 A. I would have to check on that. There were a  
24 couple of new problems identified. I'm not sure if your  
25 numbers are correct.

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1 Q. And even those new problems that have been  
2 identified in the last month to month and a half have  
3 now been closed by Liberty, correct?

4 A. That's correct.

5 Q. I would like to take a look at your  
6 Washington and Oregon report. The Washington report has  
7 been previously marked as Exhibit 1330 and the Oregon  
8 report as Exhibit 1344.

9 JUDGE RENDAHL: Let's be off the record for a  
10 moment.

11 (Discussion off the record.)

12 BY MS. TRIBBY:

13 Q. Mr. Stright, Oregon and Washington are in the  
14 same sub region for Qwest for their OSS systems; is that  
15 correct?

16 A. Yes.

17 Q. And if you would look with me at Exhibit  
18 1330, which is the Washington report that was issued a  
19 month and a half ago essentially, on page 2 in your  
20 overall summary of findings, what you have found there  
21 is that, and I'm quoting:

22 For Covad orders in Washington, Liberty  
23 found a significant number of problems  
24 with Qwest's performance measure  
25 reporting.

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1                   And then at the beginning of the third  
2 paragraph:

3                   For AT&T, Liberty also found significant  
4 problems with some of Qwest's  
5 performance reporting.

6                   Do you see those quotes?

7           A.     Yes.

8           Q.     And those were your findings specifically  
9 looking at data for the state of Washington, correct?

10          A.     That's correct, I mean you read those  
11 correctly. I think it would be appropriate to read the  
12 whole paragraph if you really want to get the context of  
13 them.

14          Q.     Certainly the Commission is free to do that,  
15 but those were your findings as of March 1st of this  
16 year, correct?

17          A.     Yes.

18          Q.     And in Oregon then, the report that you  
19 issued on March 28th found and opened observations on a  
20 couple of new problems, correct?

21          A.     Correct.

22          Q.     Now I have not seen disposition reports for  
23 the observations that were opened as a result of the  
24 Oregon report, but I understand in looking at your final  
25 report that came out on Friday that those observations



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1 also have been closed; is that correct?

2 A. That's correct.

3 Q. Why have there not been any disposition  
4 reports yet issued for those observations?

5 A. I was fairly certain that we had issued  
6 disposition reports on observations 1037 and 1038. If  
7 we didn't, it was an oversight. I'm surprised because  
8 I'm pretty sure that we did. The only observation that  
9 was open up through last week was 1031. In fact, a week  
10 ago today, I think, we were all in Santa Fe, and I made  
11 that clear, that there was only one observation open.

12 Q. Has there been a disposition report on 1031?

13 A. The disposition report on 1031 is in our  
14 final report, our writeup in our final report that was  
15 issued Friday night.

16 Q. And you and I had a fairly extensive  
17 discussion a couple of weeks ago at the North Dakota  
18 hearing about what Liberty has actually done or not done  
19 in closing observations and exceptions; do you recall  
20 that?

21 A. I'm not sure that I do, Mary. I mean I know  
22 we have had those discussions, but I don't remember  
23 being in North Dakota recently.

24 Q. Okay, well, I know you have been on the road  
25 a lot, Mr. Stright.

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1 A. I had to think about it for a minute.

2 Q. I will attempt to refresh your recollection.

3 I'm just trying to move things along without repeating

4 all of those questions. But the conversation was about

5 whether Qwest actually verified, I'm sorry, I mean

6 whether Liberty Consulting actually verifies the fixes

7 that Qwest says have been put in place for problems that

8 have been found. Do you recall that?

9 A. I remember having those kinds of discussions,  
10 yes. I think particularly I happen to remember

11 Nebraska.

12 Q. And what we agreed, at least at the North  
13 Dakota hearing I was at, was that for six out of the ten

14 observations that were opened at that point in time,

15 Liberty had reviewed documentation and conducted

16 interviews but not actually done any kind of a

17 verification of the fix that Qwest had proposed. Is

18 that a fair characterization?

19 MR. STEESE: Objection, misstates testimony.

20 A. The best of my recollection, you asked me a  
21 similar question before, and I said that no, that wasn't

22 quite correct. What I did say was that there were cases

23 where we identified, we had identified problems, we had

24 examined Qwest's corrective actions, but because of the

25 nature of the problems, we were not able to test the

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1 effectiveness of those actions, and that's different  
2 than what you just said.

3 Q. And let me try to use your words to try to  
4 move this along. We went through each of the  
5 observations that were opened or closed at that point in  
6 time and tried to determine whether Liberty had been  
7 able to verify the fix, or to use your words I believe,  
8 verify the effectiveness of the fix. And there were, I  
9 believe, four where we agreed that you had done some  
10 additional testing and six where we agreed that you had  
11 not.

12 A. I don't recall the numbers, but I would agree  
13 that there were some problems that we found and resolved  
14 without specifically having information available to  
15 test the effectiveness of those, of that resolution, and  
16 that was because of the nature of the problems as  
17 opposed to what we chose to do.

18 JUDGE RENDAHL: Ms. Tribby, are you going to  
19 identify, I assume these go to certain exceptions or  
20 observations, are you going to identify which of these  
21 you believe are not appropriately closed?

22 MS. TRIBBY: I will, Your Honor, and I was  
23 hoping to sort of do it in a summary fashion. I think  
24 what we will end up doing is actually going through each  
25 of these to some extent, and I will identify them by

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1 number at that point in time.

2 JUDGE RENDAHL: Okay, thank you.

3 BY MS. TRIBBY:

4 Q. Mr. Stright, let me start back --

5 JUDGE RENDAHL: Commissioner Hemstad has a  
6 question.

7 COMMISSIONER HEMSTAD: Could I have a  
8 clarification, are you still talking about North Dakota  
9 now; is that the context of these questions?

10 MS. TRIBBY: Your Honor, again, I'm sorry,  
11 Commissioner Hemstad, again, we're talking about the  
12 data reconciliation process as a whole. I was trying to  
13 move along questioning by agreeing on something I  
14 thought we had agreed on in North Dakota about the  
15 entire reconciliation, but I think we will go through  
16 these one by one.

17 BY MS. TRIBBY:

18 Q. Mr. Stright, let me step back for a minute.  
19 Out of the 13 or 14 problems that you found in your data  
20 or opened observations and exceptions for, only one of  
21 those was opened as an exception, the rest were opened  
22 as observations, correct?

23 A. That's correct.

24 Q. Why was that the case?

25 A. Well, I think if you ask three different

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1 people involved with this OSS test, you would get  
2 different definitions of what an observation is as  
3 opposed to an exception. In our Arizona work, we came  
4 across a problem that when we went to Qwest and asked  
5 them about it, they said yes right away, that was a  
6 problem, they recognized it, it had an effect on the  
7 performance results, and we wrote up an exception  
8 because there was no doubt about that, the existence of  
9 that problem, and the effect, impact of it.

10 In the remaining data reconciliation work,  
11 when we came across an issue or a problem, because we  
12 were dealing with a specific state and a limited amount  
13 of data, we chose to identify the remainder of the  
14 problems as observations because of the uncertainty as  
15 to the extent of that problem. In other words, if we  
16 were looking at a few orders for unbundled loops in  
17 Nebraska and saw something that was a file, we wrote it  
18 up as an observation, because we didn't know at the  
19 time, we weren't certain how extensive the problem was.

20 In effect, I don't think that whether  
21 something is an observation or exception really would  
22 not have had any change in the way we dealt with it in  
23 terms of seeking a resolution and closing it out. So I  
24 think that in some regards the distinction between the  
25 two types of reports is not all that meaningful.

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1           Q.     So just so I understand what your answer was,  
2     the distinction in your mind between whether you called  
3     it an observation or an exception had to do with, (a)  
4     whether Qwest admitted there was a problem, and (b)  
5     whether at the time you opened it you believed you could  
6     verify the problem?

7           A.     I would say that the most significant thing  
8     was our certainty as to the nature and extent of that  
9     problem, because we were dealing with a limited amount  
10    of data.  And when the problem was first identified, we  
11    generally did not know if it had a significant effect on  
12    wholesale, retail, certain products, all products.  
13    There was some uncertainty involved in the initial  
14    identification of the problem, so they were dealt with  
15    as observations.  Like I said, in terms of our work,  
16    what we would have done to resolve it, I don't see a  
17    difference.

18          Q.     So would it be fair to say that in Liberty  
19    Consulting's mind, it wasn't the significance of the  
20    problem that determined whether it was an observation or  
21    an exception?

22          A.     No, it had more to do with the certainty with  
23    which we knew the extent of the problem.  If what you're  
24    getting at is could any of the problems that we wrote up  
25    in observations have been significant or important, yes,

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1 they were.

2 Q. Let's go ahead and just take some examples.

3 Let's look at the Washington report, which is Exhibit  
4 1330. And as you have alluded to, I think AT&T at least  
5 believes that some of the observations may have been  
6 prematurely closed, and I want to go through with you  
7 some of the reasons why we believe that's the case and  
8 get your opinion about that. First of all, observation  
9 1028 that's discussed on pages 5 and 6, do you have that  
10 in front of you?

11 A. Yes, I do.

12 Q. And this has to do with error rates with  
13 respect to maintenance and repair times, correct?

14 A. Yes.

15 Q. I want to look at your final paragraph there  
16 on page 6. Your conclusion appears to be that:

17 While Liberty expects that the renewed  
18 focus on methods and procedures should  
19 work to reduce the error rate in MTTR,  
20 it can not substantiate those effects at  
21 this time.

22 And you then recommend that this be the  
23 subject of future monitoring, and you state that Liberty  
24 is satisfied that Qwest has taken positive steps to  
25 reduce the level of errors. Do you see that?

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1 A. Yes, I do.

2 Q. In determining that you would close an  
3 observation, you often, as set forth in your reports,  
4 would review training materials that Qwest had prepared  
5 to train the people that were committing the errors, you  
6 might do interviews with Qwest personnel, those are the  
7 kinds of things you did at least on some of these  
8 problems when Qwest said, that was a problem and we have  
9 now fixed it, correct?

10 A. Yes.

11 Q. On a number of occasions, you were not able  
12 to, and we will go through these, but you were not able  
13 to actually go and look at the fix or observe to see  
14 that the fix had actually been put into place. Instead,  
15 you were able to review the materials that Qwest said it  
16 had prepared in order to implement the fix; is that  
17 correct?

18 A. Yes.

19 Q. In fact, this is one of those problems where  
20 you were able to see the methods and procedures that  
21 Qwest had put in place, and your conclusion was that  
22 while those should work to solve the problem, you  
23 weren't able to verify that that actually had happened,  
24 correct?

25 A. Yes, we were not able to verify the



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1 effectiveness of the fixes, nor did we think it was  
2 necessary.

3 Q. And similarly on observation 1030, which is  
4 discussed on pages 6 and 7, this is another one where  
5 you looked at records that Qwest produced and looked at  
6 materials but weren't able to actually verify the fix,  
7 or verify the effectiveness of the fix if you prefer,  
8 correct?

9 A. No, I don't believe that's true on 1030. I  
10 believe that we were able to verify this. There was --  
11 let me just refresh my memory here a second. There was  
12 one relatively minor aspect to this issue in which after  
13 Qwest had made the changes and put in the new version of  
14 the EDI, they admitted that there was still the  
15 possibility of some orders not given a state code. So  
16 even -- so to take care of that possibility, Qwest  
17 implemented a system to test to see if there were any of  
18 those. So the -- that was just one what I would  
19 consider relatively minor aspect to this problem that  
20 was just put into place, and there was no way we could  
21 test it. But primarily, excuse me, the primary solution  
22 to this problem was checked, and we were able to  
23 determine that it was effective, so this is not a good  
24 example, Mary.

25 Q. Okay, Bob, well, this is one we had agreed on

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1 in North Dakota, so let's go through it.

2 MR. STEESE: Objection to that comment. I'm  
3 going to object because this is exactly the issue we  
4 talked about last Thursday where it's important to  
5 differentiate between the roles of advocate and witness.  
6 And I have heard Ms. Tribby on a number of occasions  
7 testifying and summarizing what happened in another  
8 state rather than asking questions of a witness, and I  
9 would object to those kinds of characterizations as  
10 inappropriate.

11 JUDGE RENDAHL: Well, to the extent I  
12 understood earlier Ms. Tribby was trying to in a sense  
13 condense her questions, I don't believe that was  
14 inappropriate. But to the extent that you can do so,  
15 that would be helpful.

16 MS. TRIBBY: Thank you, Your Honor, that's  
17 exactly what I'm trying to do.

18 BY MS. TRIBBY:

19 Q. Mr. Stright, as I look at your discussion  
20 here, the third paragraph from the bottom discussing  
21 observation 1030, you say Liberty conducted interviews  
22 and issued a number of data requests. When you go down  
23 to the last, the second to the last paragraph, you talk  
24 about Qwest stating that its solution would address the  
25 problems. And in the final paragraph, you say, Qwest's

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1 proposed solution to identifying records, having  
2 reviewed that, Liberty considers this observation to be  
3 closed. Is it now your testimony that in addition to  
4 the interviews and reviewing the data responses, that  
5 you were able to actually look at the code itself in  
6 practice and look at later months of data that used that  
7 new code to determine that the problem had been fixed?

8 A. Yes, and I will admit this, the way this one  
9 was written up is not totally clear. We seemed to put  
10 more emphasis on this one aspect where a state code may  
11 not be showed up, and I think we probably overemphasized  
12 that. But so for that one aspect, we did not. But, in  
13 fact, we did confirm that the change to the new EDI  
14 basically solved this problem.

15 Q. Solved the state code problem?

16 A. Yes.

17 Q. Or solved some other problem?

18 A. Solved the state code problem.

19 Q. And again then, your testimony is that once  
20 you moved to EDI 7.0, the problem was fixed?

21 A. To a very great extent, yes.

22 Q. Did you do a review and analysis of EDI 7.0  
23 or any data that was being produced from the EDI 7.0  
24 version to assure yourselves that the problem had been  
25 fixed in the new version?

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1           A.     No, we did not review the actual, you know,  
2     the actual code or anything that's used for that. We  
3     did look at the results produced by that interface.

4           Q.     You looked at some results that were produced  
5     from the EDI 7.0 for subsequent months?

6           A.     Yes.

7           Q.     Did you compare that to CLEC results to see  
8     if CLECs and Qwest were now getting the same result?

9           A.     No.

10          Q.     Let's look at observation 1031, which is  
11     discussed on pages 7 and 8. I'm looking at the first  
12     full paragraph on page 8, and this has to do with a  
13     problem with coding as to whether it's a customer caused  
14     miss or a Qwest caused miss, correct?

15          A.     Yes.

16          Q.     This is one case, as discussed in the first  
17     full paragraph on page 8, where something that Qwest  
18     told Liberty when Liberty identified a problem was found  
19     by later -- found by Liberty through further analysis to  
20     be incorrect; isn't that accurate?

21          A.     That's accurate at the time this report was  
22     written. It's not now.

23          Q.     Well, the fact that time has passed doesn't  
24     change, does it, the fact that when you first identified  
25     the problem, Qwest told you that they had done their own

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1 analysis and found that no problem existed. You then  
2 did your own analysis and found that that was not the  
3 case, correct?

4 A. At the time this report was written, that's  
5 exactly right. If you read our final report, we had --  
6 we explained that, in fact, Qwest was correct and  
7 Liberty was incorrect.

8 Q. Well, as I read your final report, you talk  
9 about the magnitude of the problem, not the issue of  
10 whether the problem existed or not.

11 A. Well, I'm testifying --

12 Q. Is that correct?

13 A. I'm testifying here today that there were  
14 orders in Arizona that our analysis showed different  
15 results than what Qwest had been telling us. We kept  
16 pursuing those matters, and all of a sudden one day it  
17 became clear because of some additional information that  
18 Qwest gave us and some misunderstandings on our part  
19 about whether miscodes were always located in WAFC or  
20 whether they may also be entered in TIRKS, T-I-R-K-S.  
21 And once that was clarified, we agreed with Qwest that,  
22 in fact, those orders from Arizona did not have this  
23 problem.

24 Q. That none of those orders had this problem?

25 A. Yes, that is correct.

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1                   JUDGE RENDAHL:  And just for clarification,  
2   that final report has been designated as Exhibit 1372.

3           Q.     In fact, what you stated at the time with  
4   respect to your disagreement with what Qwest had told  
5   you, that wasn't the first time or the only time where  
6   Qwest gave Liberty information that later turned out  
7   once Liberty had done its analysis to be inaccurate,  
8   correct?

9           A.     This whole process was very complicated and  
10   complex, and there were times when we did not get the  
11   right information from Qwest.  This occurred even up  
12   until last Friday in that there was some  
13   miscommunication on some training materials that had  
14   been given to us, and it turned out Qwest had in at  
15   least in one case given us the wrong information.  So  
16   the -- sure, there were cases where there was  
17   miscommunications, and I think Qwest made mistakes along  
18   the way in terms of what they -- what they told us.  
19   Certainly Liberty made some mistakes in what our  
20   analyses were, and we had to work through all of those  
21   things.  AT&T did as well.  And your Mr. Kail was very  
22   helpful and willing to admit and change his mind and  
23   promptly respond to our questions.  So it was a  
24   cooperative effort to try to get to the bottom line, get  
25   to the truth on these things.

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1           Q.     And, Mr. Stright, I appreciate that, I'm not  
2     trying to suggest that Qwest had particular motives when  
3     they gave you information that turned out to be  
4     incorrect later. My concern here is that in closing out  
5     many of your observations, you have relied on what Qwest  
6     has told you in interviews and what they have put into  
7     training materials that they are telling you will be  
8     implemented and followed in the future. And that's my  
9     concern about relying on some of the information that  
10    Qwest has given you, and that is, in fact, the case,  
11    isn't it?

12          A.     Yes, it is, and that is why I believe we were  
13    hired to do this job is that it's not -- this is not all  
14    black and white. There are judgments have to be made.  
15    And, for example, in some cases, we felt that the  
16    evidence of the training and the training materials was  
17    sufficient. In some cases, we said we want to talk to  
18    the people who conducted this training, we want to hear  
19    them say exactly what was done. And in some cases, when  
20    we got that kind of information as well, then we felt  
21    comfortable in making the conclusions. So yes, we did  
22    rely on what Qwest told us, we relied on what your  
23    Mr. Kail told us, and we relied on other information  
24    that we got, and we tried to do our best to put all of  
25    that together to see where we came out on these things.

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1                   JUDGE RENDAHL: Ms. Tribby, before you go on,  
2 I think it's appropriate for us to take our mid morning  
3 break, so we will be off the record until 11:00.

4                   (Recess taken.)

5                   JUDGE RENDAHL: We're continuing with AT&T's  
6 cross-examination of Mr. Stright.

7                   MS. TRIBBY: Thank you.

8 BY MS. TRIBBY:

9           Q.       Mr. Stright, I'm still referring to Exhibit  
10 1330, your data reconciliation report for Washington.  
11 Do you still have that in front of you?

12           A.       Yes, I do.

13           Q.       And I'm now wanting to turn to pages 9 and 10  
14 where observation 1033 is discussed. This has to do  
15 with whether Qwest is calculating the correct day for  
16 purposes of completing orders, correct?

17           A.       Correct.

18           Q.       And this is an observation where Liberty was  
19 concerned about Qwest's internal controls, as I  
20 understand it. And as you have set forth here, you  
21 asked Qwest to see some quality control reviews that  
22 would deal with this issue; is that accurate?

23           A.       That's correct.

24           Q.       And as set forth in the third paragraph  
25 there, Qwest was not able to provide you with any of



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1 those quality control review reports, correct?

2 A. That's correct.

3 Q. In fact, what Qwest said, as you set forth in  
4 the third paragraph, is that they didn't even begin to  
5 do those reviews until July of last year; and that even  
6 then, they only kept those reports for 30 days; and that  
7 at the time that you asked, no quality control reviews  
8 were available; is that correct?

9 A. That's correct, they did not keep them unless  
10 a problem was identified.

11 Q. And as you go on to say, even though you  
12 would have liked to have seen those in order to feel  
13 comfortable that Qwest was working on this problem,  
14 those were not made available to you, correct?

15 A. Correct.

16 Q. Nevertheless, you did go ahead and close this  
17 observation at that point in time, correct?

18 A. That is correct.

19 Q. Now did you ever see any quality control  
20 reports from Qwest?

21 A. Not on this issue, no.

22 Q. Do you know whether they existed even for  
23 post July of 2001?

24 A. I have not seen any of them.

25 Q. And with respect to this problem, when you

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1 asked Qwest whether they would go back or whether they  
2 were planning to go back and restate their results, what  
3 Qwest said, and this is set forth in the fourth  
4 paragraph there, is that:

5           They do not plan to correct historical  
6           results, because the errors were  
7           minimal. It is a Qwest policy not to  
8           alter closed records. And altering  
9           records in PANS but not the original  
10          records would create inconsistencies.

11          Do you see that?

12          A.    Yes.

13          Q.    In fact, Qwest has modified some of its  
14          historical results based on problems that Liberty has  
15          found, have they not?

16          A.    Yes, in different circumstances.

17          Q.    But there have been times, as set forth in  
18          this observation and others, where you did not see new  
19          data that came out or corrected data that showed what  
20          the actual fix was, correct?

21          A.    Could you please repeat that.

22          Q.    Yes, I'm sorry, that wasn't a very good  
23          question.

24                It is the fact that in this observation and  
25          others, data was not fixed to -- in other words,

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1 historical data that you had determined to be incorrect  
2 because of a data problem was not fixed; Qwest did not  
3 go back and fix that data, correct?

4 A. That's correct, but I think you need to  
5 understand the nature of these problems. In some cases  
6 we found where Qwest's computer programming or something  
7 like that may have had an error, and they were able in  
8 some cases, well, they were able to fix the computer  
9 programming and in some cases were able to use the new  
10 programming to go back and process old information and  
11 restate results. That's one situation. Another  
12 situation is a case like this where we identified a few  
13 orders where a date may have been misrecorded. No  
14 guarantee that we saw them all. I'm sure we didn't see  
15 them all.

16 And what Qwest is saying is that they don't  
17 go back and change the base data, and I can understand  
18 that, they would not want to do that, and it would  
19 create inconsistencies. But there is a difference  
20 between changing base data and using, in other cases we  
21 have here, using a new computer program to operate on  
22 that same -- on the base data to produce different  
23 results. And I think that distinction needs to be made  
24 clear to understand why in some cases a situation is  
25 handled in one way and in other situations a different

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1 way.

2 Q. And in order for the Commission to be clear,  
3 the scope of the reconciliation that Liberty performed  
4 for both the state of Washington and all of the other  
5 states primarily looked at data from January to June of  
6 2001, correct?

7 A. That's correct.

8 Q. And yet you were finding problems that in  
9 many cases did still exist in the data that Qwest was  
10 reporting currently, correct?

11 A. There were some of those cases, yes.

12 Q. And you were not able in every case to go  
13 back and make sure that all of the current data that the  
14 Commission is now looking at to determine whether Qwest  
15 performs its 271 obligations, in other words the data  
16 from the last year, had actually been corrected for each  
17 of the problems found; isn't that true?

18 A. Well, that's true. But again, if you give me  
19 just a moment, I think some context needs to be provided  
20 here. First, we were given a certain scope of only a  
21 few of the performance measures and certain months in  
22 certain states. So when Ms. Tribby is referring to all  
23 of the data and all of the results that Qwest has now  
24 put or may be putting forth to you, we're not talking  
25 apples and oranges.

1                   Second, and admittedly one of the weaknesses  
2 of the data reconciliation effort, was that the scope  
3 that we were handed to do did occur from January through  
4 June of 2001. There have been changes, in some cases  
5 significant changes, made since then in the way the  
6 performance measures are processed. That's not to say  
7 that the data reconciliation did not provide value and  
8 did not correct existing problems, but I think all of  
9 that needs to be considered, and it's not a simple  
10 matter of drawing of conclusions that Ms. Tribby would  
11 like me to say, give a simple yes or no to, I think, so.

12           Q.       Well, let's be very clear, Mr. Stright, my  
13 point simply is that you identified some problems that  
14 Qwest didn't realize were problems until you found them  
15 as part of your reconciliation; is that fair?

16           A.       That is correct in some cases, yes.

17           Q.       And you would have found those problems  
18 existing in January to June 2001 data as part of the  
19 scope of your reconciliation process?

20           A.       Yes.

21           Q.       Correct?

22           A.       Yes.

23           Q.       But if Qwest didn't know the problem existed  
24 up until the time you found that problem either at the  
25 end of last year or the beginning of this year, that

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1 problem could be carried through up through the current  
2 data or at least until the fix was put in place,  
3 correct?

4 A. Could be, but that's why I mentioned the fact  
5 that there have been some changes made, and so there's  
6 no guarantee that, in fact, that same situation still  
7 exists.

8 Q. And the Commission can look at your reports  
9 for themselves, for some of these problems that you  
10 found, you attempted to look at some later months of  
11 data. But for a number of the problems that you found,  
12 you did not ask for or look at data beyond June of 2001  
13 to see if you could assure yourselves that the data was  
14 accurate, correct?

15 A. I think that's true. But again, I think that  
16 you really need to get into each specific problem and  
17 what the circumstances were and what the nature and  
18 extent of the problem was to decide what the appropriate  
19 actions and verification either was or possibly could  
20 be. In some cases, I think we did all that was  
21 reasonable to do, and there were admittedly in some  
22 cases, as I discussed earlier, situations where we did  
23 not have the benefit of going and looking at results  
24 that are just being produced now to see if a particular  
25 piece of training or new training aid or whatever has

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1 been effective.

2 Q. And let's talk a little bit about what could  
3 have been done, and I recognize your argument that this  
4 data reconciliation process couldn't go on forever. But  
5 for the observations that you opened and closed where  
6 Liberty has been unable to verify the fix or verify the  
7 effectiveness of the fix and instead has simply talked  
8 with Qwest and looked at their materials to draw a  
9 conclusion that whatever Qwest is putting in place  
10 should fix the problem, in those situations, if it had  
11 been part of the scope of your reconciliation or if  
12 allowed to do so, you could have asked for, for example,  
13 new months of data and attempted to verify that what  
14 Qwest was saying was now occurring was actually  
15 occurring, correct?

16 A. I think that certainly is possible, and I  
17 know that if there were any of these problems that we  
18 felt still had the possibility of significantly  
19 affecting their performance results, we would have done  
20 so. In other words, as one of the examples you talked  
21 about earlier was observation 1028 that had to do with  
22 trouble reports and recording of times, and let's  
23 compare that with another one that is a programming  
24 error that may have created error rates that were very  
25 significant. On the one hand, we had to make sure that

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1 Qwest was not counting orders twice, for example, which  
2 they were in some cases. And we did, we verified that,  
3 in fact, was not happening.

4           But in the case of recording times on trouble  
5 tickets, first of all, what we found was that the number  
6 of tickets that had an error that we saw was about 6  
7 1/2%. The errors cut both ways. So already we're down  
8 -- we're not dealing with the big trees here, we're  
9 talking about dealing with the grass and cutting the  
10 grass. And we felt that in that case that the actions  
11 taken, the training conducted, and the measures that  
12 were put into place were sufficient given the nature and  
13 extent of the problem. Had that problem been such that  
14 it was causing, you know, 27% error in the performance  
15 measure, I think we would have certainly not closed that  
16 out on the basis of some training that had been done. I  
17 think we would have probably wanted to look for more.

18           But I also remember I was not in North  
19 Dakota. It was a telephone hearing.

20           Q.     Okay, thank you.

21           JUDGE RENDAHL: Thank you, I have a question,  
22 your comments about the trouble tickets, are those to  
23 observation 1033, or were you discussing a different  
24 observation?

25           THE WITNESS: Those related to, I'm sorry,



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1 they related to number 1028 that Ms. Tribby brought up  
2 earlier. It just happened to come to my mind.

3 JUDGE RENDAHL: Okay.

4 BY MS. TRIBBY:

5 Q. Mr. Stright, you talk about assuring  
6 yourselves that training has been conducted to fix the  
7 problem. About at least half of the observations that  
8 you opened have to do with human error on behalf -- on  
9 Qwest's part as opposed to what you characterized as a  
10 programming error or a computer code error, correct?

11 A. Yes.

12 Q. And, in fact, when you say assuring yourself  
13 about training, again, what you have done in most of  
14 these circumstances is to look at the training  
15 materials, maybe do interviews, but not to look back at  
16 future data or to look to be sure that the people that  
17 have been trained with the new training materials are  
18 actually complying with those training materials,  
19 correct?

20 A. That's certainly true in some cases. I know  
21 that in certain of the cases, there was -- there were  
22 data available for us to look at to give us additional  
23 confidence that, in fact, the measures taken have been  
24 effective.

25 More specifically, there was an item that had

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1 to do with human errors on recording the times for  
2 coordinated hot cuts. In that particular case, it was a  
3 matter of that where the timing was such of making this  
4 correction and doing the change that we had data  
5 available to us to look to see if those kinds of  
6 problems existed later, and we could do that, and we  
7 could verify that, in fact, it appeared that those  
8 problems did not now exist.

9           Now if training had just been done, you know,  
10 last month or in February, it would have -- it would  
11 have required us to wait and get more data and get more  
12 data from CLECs and then make a test to see if that  
13 training had been effective. And that's certainly  
14 possible, and I think that we would have done so had the  
15 nature of the problems been so significant that it was  
16 warranted.

17           The one observation that I was most concerned  
18 about in this whole matter was number 1031, which you  
19 haven't gotten to yet but you may, and I was concerned  
20 about it because it had the possibility of Qwest  
21 inappropriately applying fault, if you will, to the  
22 customer as opposed to themselves. It turns out that  
23 the -- there was a problem there, but it was almost  
24 minuscule in terms of its effect. That didn't mean I  
25 wasn't concerned about it. I was concerned because it

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1 could have affected reported performance results pretty  
2 much all in one direction, in other words, in the  
3 direction of in favor of Qwest, so I was concerned about  
4 it. But the fact of the matter is it really had very  
5 small results, effects on the results. And so I'm, in  
6 that particular case, there was training involved, but  
7 there was also some computer programming made, changes  
8 made, and some job aids given that in our judgment was  
9 sufficient given the nature and extent of the problem.

10 Q. You're not testifying, are you, Mr. Stright,  
11 that if you found a problem that existed in only a small  
12 percentage of the orders in a particular state for a  
13 particular CLEC that that's the way that problem would  
14 necessarily present itself in terms of magnitude in all  
15 future situations, are you?

16 A. I don't believe so. I'm not absolutely sure  
17 I understand your question, but.

18 Q. Well, in other words, you seem to be saying  
19 that how much you did was directly parallel in some  
20 cases with the magnitude of the problem. And, of  
21 course, the magnitude of the problem could change if you  
22 were looking at a different state or a different CLEC's  
23 data or a different volume of orders, correct?

24 A. I suppose that's possible, but the way that  
25 Qwest's processes work for the most part, and as we have

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1 proved throughout going state by state in this data  
2 reconciliation process, with some very limited  
3 exceptions, it's not state dependent. And mostly what  
4 we're talking about here is human errors, and so we're  
5 not finding -- identifying situations where there are a  
6 huge magnitude of problems. We never came across a case  
7 where Qwest was -- Qwest personnel were routinely  
8 getting something wrong.

9 I think that the closest we came to that was  
10 a situation where Qwest testers were not recording a  
11 time exactly consistent with the PID, but the way they  
12 did it ended up with the correct result. And we pointed  
13 that out and had them fix it even though it had no  
14 effect on the performance results.

15 But these are situations where we're not  
16 talking about systemic problems or Qwest routinely  
17 making the same error over and over again. We found  
18 some examples of errors, and were we to do it over  
19 again, would we still find some, yep. And, in fact,  
20 Liberty makes mistakes, and I read -- I was looking at  
21 our report this morning, and I found a couple of typos,  
22 so that's going to continue to happen.

23 MS. TRIBBY: Your Honor, I'm certainly not  
24 inclined to cut Mr. Stright off. I mean he seems to be  
25 wanting to give you a fair amount of information. But

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1 his answers are going well beyond my questions, I  
2 believe, and I'm concerned that that is taking a great  
3 deal more time than what you had allocated for this  
4 cross-examination, so I just wanted to note that.

5 JUDGE RENDAHL: Thank you, I was actually  
6 just going to ask Mr. Stright if he could keep his  
7 answers in response to the questions to the extent that  
8 you can so that we can keep on track.

9 THE WITNESS: I apologize. Usually I don't  
10 talk very much, but.

11 JUDGE RENDAHL: Okay, and that goes to a  
12 question I also had for you, Ms. Tribby, about how much  
13 more cross do you estimate? I know I had not indicated  
14 the full amount that you had proposed, but I just wanted  
15 to know, are you likely to be done by noon?

16 MS. TRIBBY: Yes, absolutely.

17 JUDGE RENDAHL: Okay.

18 BY MS. TRIBBY:

19 Q. With respect to observation 1031 that you  
20 were just commenting on, and I'm now looking at Exhibit  
21 1372, which is your final report, and as you indicated,  
22 this is potentially a very serious problem. This has to  
23 do with whose fault a miss is, whether it's a CLEC's  
24 fault or Qwest's fault, correct?

25 A. Yes.

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1 Q. And this is a situation where Qwest --

2 JUDGE RENDAHL: I'm sorry, Ms. Tribby, can  
3 you point, are you looking at a particular page?

4 MS. TRIBBY: I'm sorry, page 13.

5 JUDGE RENDAHL: Of Exhibit 1372?

6 MS. TRIBBY: In the final report, yes,  
7 Exhibit 1372.

8 JUDGE RENDAHL: Thank you.

9 BY MS. TRIBBY:

10 Q. I'm looking down at the final paragraph on  
11 page 13. Here Qwest tells you that it retrained its  
12 affected employees on February 12th, 2002, correct?

13 A. Correct.

14 Q. And is that one of those situations where the  
15 training occurred so late in the process that you were  
16 not able to look at more recent data to determine  
17 whether that training had been effectively concluded?  
18 In other words, you weren't able to look at data after  
19 February of 2002 to determine whether the training was  
20 effective; isn't that correct?

21 A. That's correct.

22 Q. And, in fact, in the last paragraph  
23 discussing that observation on page 15, when you went to  
24 look at Oregon, one of the last states that you  
25 reconciled, you found yet another problem with human

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1 error with respect to Qwest and this issue, correct?

2 A. Correct.

3 Q. And this had to do with entering incorrect  
4 completion dates, correct?

5 A. Yes.

6 Q. And again, what you did in order to close  
7 this observation, which had some significant problems,  
8 as you state in the last sentence of the full paragraph,  
9 is to look at Qwest's training and job aid materials to  
10 see what they indicated the fix would be, correct?

11 A. Yes.

12 Q. Let's move on in that document and look at  
13 observation 1036 and 1037, and these are on pages 17 and  
14 18. Now observation 1036 has to do with retermination  
15 of orders, correct?

16 A. Yes.

17 Q. And you have some language in your final  
18 report to indicate that AT&T ultimately agreed with  
19 Liberty or ultimately agreed with Qwest that Qwest could  
20 properly exclude these retermination orders, correct?

21 A. Yes.

22 Q. Actually, what you found though is that Qwest  
23 was inconsistently treating these retermination orders.  
24 In some states they would include them, and in some  
25 states they would exclude them, correct?

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1 A. Yes, that's correct.

2 Q. So it wasn't the case that Qwest had a  
3 process that they were consistently applying which AT&T  
4 disagreed with, correct?

5 A. No, clearly that's -- they did have a  
6 problem, and if the words imply otherwise, then that's a  
7 mistake with the words.

8 Q. Have you gone back and looked at all of the  
9 states' data to determine whether Qwest is now  
10 consistently applying the exclusion or the inclusion?

11 A. With respect to reterminations?

12 Q. Yes.

13 A. No.

14 Q. Observation 1037 is a new one that was found  
15 during the Oregon reconciliation, correct?

16 A. Yes.

17 Q. And this has to do with the hot cuts that you  
18 were discussing earlier?

19 A. Yes.

20 Q. Now in the second paragraph on page 18, you  
21 say that according to Qwest, errors of this type were  
22 eliminated by June. Do you see that?

23 A. Yes.

24 Q. And --

25 JUDGE RENDAHL: I'm sorry, which paragraph



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1 did you --

2 MS. TRIBBY: The second full paragraph under  
3 observation 1037.

4 BY MS. TRIBBY:

5 Q. And just for some context, what this has to  
6 do with is Qwest incorrectly reporting when an order has  
7 been concluded or completed, correct?

8 A. Yes.

9 Q. Then you discuss in your third paragraph that  
10 Liberty discovers during the month of June that testers  
11 were actually excluding delay time. Do you see that?

12 A. They were -- well, the paragraph speaks for  
13 itself. I don't think you have said it quite right,  
14 but.

15 Q. Well, what they were finding is that if they  
16 had inappropriately counted delay time, in other words,  
17 time that they were waiting for a call back from the  
18 CLEC, they excluded that time from the measure, and  
19 therefore the resulting performance measure was  
20 accurate?

21 A. Oh, yes, that's correct.

22 Q. If they were still miscounting the start and  
23 stop times in such a way that they had to exclude from  
24 the measure, the inappropriately counted time, then  
25 isn't it the case that this problem was not fixed by

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1 June?

2 A. No.

3 Q. In other words, it looks to me like  
4 paragraphs 2 and 3 are inconsistent.

5 A. Well, let me try to explain.

6 Q. Okay.

7 A. If they had done this exactly in accordance  
8 with the PID, when Qwest called and said the hot cut was  
9 complete, they would have recorded that time, and that  
10 would have been the end of it. What happens in actual  
11 process is that at some later time they get a  
12 confirmation back from the CLEC, and that time is also  
13 recorded. What some of the Qwest testers were doing was  
14 recording this later time of the call back as the  
15 completion and then subtracting the delay time from the  
16 total time, and so they ended up with the correct  
17 result. The reason they did that is because if there is  
18 a CLEC delay during the process, it's recorded and  
19 subtracted, so you can see how someone would fall into  
20 that mistake. If the times are recorded accurately,  
21 then subtracting that time at the end and waiting until  
22 the CLEC calls back, you end up with the correct result.  
23 So what -- the result was correct. However, the  
24 definition of completion in the PID was inconsistent  
25 with that practice, and that's why we pointed it out,

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1 and that's what they changed.

2 Q. I don't think you answered my question. Let  
3 me try again, Mr. Stright.

4 In the second paragraph, you say, according  
5 to Qwest, errors of this type were eliminated by June.  
6 Do you see that?

7 A. Yes.

8 Q. And aren't you referring there to errors  
9 being incorrectly recording start and stop times?

10 A. Yes.

11 Q. And then in the third paragraph, you say, in  
12 June, testers were subtracting delay time. So if they  
13 were incorrectly counting the start and stop times, they  
14 were subtracting from that interval any time that should  
15 have been excluded, correct?

16 A. What we discovered in June is a separate  
17 issue. Incorrect times that we found in earlier months  
18 was one problem. A secondary problem -- and I almost  
19 hesitated to even put this in the writeup, because I was  
20 afraid it might add confusion, it's a separate issue  
21 about did they record completion as the time when Qwest  
22 completed it, or did they record the time as when they  
23 got the call back from the CLEC and then subtracted that  
24 difference. So it's a separate issue, and we pointed it  
25 out because the actual time they recorded it was not

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1 that it was an error, but the completion time was not  
2 consistent with the definition in the PID.

3 Q. And, in fact, what you're discussing in  
4 paragraph 3 is they're still inappropriately calculating  
5 the start and stop times, but they're subtracting some  
6 time out of that interval?

7 A. No.

8 Q. They're really related problems, aren't they,  
9 Mr. Stright?

10 A. No.

11 Q. You will have to try again for me then.

12 A. All right, I will try to make it real simple.  
13 In April and May, they were making mistakes in recording  
14 times. They fixed that problem. In June, they were not  
15 making mistakes recording the times except that the  
16 completion time was recorded as the time when the CLEC  
17 called back, and the difference between when Qwest  
18 completed it and when the CLEC called back was  
19 subtracted from the total time to get the correct time  
20 for the hot cut.

21 Q. Right, so the results are correct because  
22 they subtract the delay time?

23 A. Appropriately.

24 Q. But the process is still wrong in June. It's  
25 still not PID compliant in June. That's accurate, isn't

6764

1 it?

2 A. The actual results in June are correct. What  
3 is incorrect in June is whether the completion time is  
4 13:12 or 13:24 on the clock.

5 Q. And the way they're getting to the correct  
6 results is not PID compliant, correct?

7 A. That's not exactly true, because you are  
8 supposed to subtract CLEC delay time.

9 Q. But they were not accurately recording the  
10 conclusion of the process, they were still counting the  
11 conclusion of the process as when they got the CLEC call  
12 back; isn't that true?

13 A. Yes.

14 Q. So that was still not PID compliant in terms  
15 of the process they were using, correct?

16 A. I will just agree with you, Mary, that's  
17 correct.

18 Q. This is a PID problem, isn't it? It's a not  
19 following the definition in the PID?

20 A. It's a problem that I think implies that  
21 sometimes Qwest personnel out in the field are not --  
22 their processes aren't always -- weren't always aligned  
23 exactly with the definitions in the PID. And we saw  
24 this in some other cases during our performance measures  
25 audit. And the one that comes to my mind particularly

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1 are the collocation measures, whereas --

2 THE WITNESS: Am I rambling?

3 JUDGE RENDAHL: Just explain very briefly.

4 THE WITNESS: I will try to make it quick.

5 A. But we saw this in some other cases where the  
6 definitions of the PID were not properly transferred to  
7 the processes that took place in the field, and that was  
8 a problem. And hopefully we have found them and  
9 identified them, and Qwest has fixed them.

10 BY MS. TRIBBY:

11 Q. I'm glad you raised that, Mr. Stright.

12 Because this has to do with a start and a stop time as  
13 defined by the PID, why wouldn't you have found this  
14 particular problem as part of your audit?

15 A. Well, I have asked myself that question on  
16 every problem that we have come across here, should we  
17 have found that during the audit. And in most cases, I  
18 have concluded I understood why we didn't. It's because  
19 of the nature of the problem or the information that was  
20 available to us. We did find and, in fact, recorded I  
21 think there was four observations and exceptions about  
22 the hot cut process and about data integrity of the hot  
23 cut process and recording of times, and we ultimately  
24 closed those. So I was concerned when we found an  
25 additional -- some additional problems here. These were

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1 some isolated cases. We didn't see it across the board.

2 But, in fact, on this particular one, because  
3 of that, we did -- we did some more work, and this was  
4 one of those things I was -- mentioned earlier, I'm sure  
5 Qwest was wondering what in the world we are doing now,  
6 because we were starting to ask them questions about the  
7 July and August data, and we were asking about what  
8 happened in this situation and this case and that case,  
9 because we were concerned that there may be some data  
10 problems with the hot cut that had not been fixed. So  
11 every time we saw an order that the times didn't look  
12 right or they were way out of whack with the norm, we  
13 did some more investigation looking into it, not related  
14 to these problems, but we wanted to see if there was  
15 still a problem there with the hot cuts. And in the  
16 end, we decided that there was not.

17 Q. So again, back to observation 1037 and in  
18 that second to the last paragraph on page 18, in the  
19 last sentence, you admit, as I was discussing with you  
20 previously, that even through June of 2001, the actual  
21 stop time recorded was not consistent with the PID  
22 definition, correct?

23 A. Correct.

24 Q. You then say in the last paragraph that Qwest  
25 reported to you that it had updated its job aids and

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1 retrained its testers as of April of this year, correct?

2 A. Yes.

3 Q. Do you know whether between June of 2001 and  
4 April of 2002 the correct processes were in place or  
5 not, or is it your testimony that they were not in place  
6 until April of 2002?

7 A. I'm not absolutely certain, but if I had to  
8 -- based on what I know about this one, I would think  
9 that this particular inconsistency probably did exist.  
10 It was not across the board and was not, you know, every  
11 order, but there were some cases where particular Qwest  
12 testers were doing it one way, and some others were  
13 doing it another way, and they were getting the same  
14 answer, but they were getting there through slightly  
15 different routes.

16 Q. And again, if the training to fix this  
17 problem occurred in April of this year, you have not  
18 been able to do anything to verify that that training  
19 actually fixed the problem, have you?

20 A. No.

21 Q. Because many of your findings have to do with  
22 human error and the fixes have to do with purported  
23 training at Qwest, have you looked at the KPMG  
24 observation in the ROC OSS test that registers concern  
25 that very often when a problem is found as part of the



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1 test, Qwest comes back and says this is simply a human  
2 error problem, we have trained and retrained the people  
3 responsible?

4 A. Yes.

5 Q. Would you agree with KPMG's assessment on  
6 that point?

7 JUDGE RENDAHL: Ms. Tribby, can you identify  
8 the observation that we're talking about, the KPMG  
9 observation?

10 MS. TRIBBY: 3086.

11 JUDGE RENDAHL: Thank you.

12 A. I would agree insofar as that we saw the same  
13 kinds of things, yes.

14 BY MS. TRIBBY:

15 Q. And unlike the scope of your work, what KPMG  
16 is able to do as part of its vendor testing process is  
17 when it finds data problems with Qwest, it goes back and  
18 actually does a retest and a reaudit of the data,  
19 correct?

20 A. I know that's being done in certain cases.

21 Q. And you're aware, aren't you, that KPMG has  
22 very recently issued some observations and exceptions  
23 having to do with the reliability of Qwest data?

24 A. Yes, I'm very familiar with that.

25 Q. In one of KPMG's observations, number 3120,

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1 they comment that Liberty, I'm sorry, exception 3120,  
2 they comment that Liberty will actually be reauditing  
3 the results of PO-4. Has Liberty done that?

4 A. I think it's OP-4, and we are in the process.

5 Q. But you have concluded your data  
6 reconciliation reporting process even though you are  
7 still doing some reauditing work; is that correct?

8 A. That's correct.

9 Q. Will your results then be produced in a KPMG  
10 report, or will you have a subsequent report discussing  
11 that reaudit?

12 A. I'm not sure, Ms. Tribby, exactly how we're  
13 going to make this known, but we will make it known.  
14 And just as we do with all of our findings and so forth,  
15 we will just -- we will let the ROC TAG know. Whether  
16 KPMG incorporates that into their final report or not,  
17 I'm not sure.

18 Q. And some of the problems that KPMG is finding  
19 as part of their data reconciliation were not found by  
20 Liberty as part of its reconciliation; isn't that  
21 correct?

22 A. That's correct.

23 MS. TRIBBY: Thank you, that's all I have.

24 JUDGE RENDAHL: Okay, thank you.

25 Let's be off the record for our lunch break.

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1 (Luncheon recess taken at 11:50 a.m.)

2

3 A F T E R N O O N S E S S I O N

4 (1:20 p.m.)

5

6 JUDGE RENDAHL: We're back with Mr. Stright's  
7 cross-examination by Ms. Nelson, and I guess you had  
8 estimated about half an hour.

9 MS. NELSON: It will be a lot shorter than  
10 that.

11 JUDGE RENDAHL: Great.

12

13 C R O S S - E X A M I N A T I O N

14 BY MS. NELSON:

15 Q. I'm Michel Singer Nelson, Mr. Stright, I  
16 don't think we have met before.

17 A. No, we haven't.

18 Q. I represent WorldCom, and I just have one  
19 question for you. Did you talk with Qwest over the  
20 lunch hour about your testimony this morning?

21 A. No.

22 MS. NELSON: Thank you, that's all I have.

23 JUDGE RENDAHL: Okay.

24 And then, Ms. Doberneck, you had estimated  
25 about a half an hour.

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1 MS. DOBERNECK: I believe I have half an  
2 hour.

3 JUDGE RENDAHL: Okay, well, let's go.

4 MS. DOBERNECK: Thank you.

5

6 C R O S S - E X A M I N A T I O N

7 BY MS. DOBERNECK:

8 Q. Mr. Stright, can you tell me how many  
9 proceedings you have pre-filed or filed written  
10 testimony in connection with the data reconciliation?

11 A. Give me just a moment. I'm not sure,  
12 Ms. Doberneck, I think it's three or four.

13 Q. Okay. And can you describe for me the  
14 circumstances under which it came to be that you filed  
15 written testimony?

16 A. I think most -- in most of the cases,  
17 Mr. Steese indicated that we needed some testimony to  
18 get the reports that had been issued to that point in  
19 time into the record. And so I prepared testimony,  
20 which really was generally pretty brief, saying who I  
21 was and what we had done and then gave attachments as  
22 the -- as reports had been issued up to that point in  
23 time.

24 Q. And when you say we needed to get these  
25 reports into the record, who are you referring to when

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1 you use the word we?

2 A. Well, like I said, my recollection is that  
3 Mr. Steese is the one that, you know, informed me that  
4 -- and I assume Qwest wanted to get these reports into  
5 the record. I have always been a little bit sensitive  
6 to that, and since I knew Ms. Tribby was going to be  
7 involved, I generally tried to send her an E-mail or  
8 somehow let her know so that some other party would know  
9 what was asked of me and what I was planning on doing.

10 Q. Can you tell me why you didn't inform the ROC  
11 TAG that you would be submitting written testimony with  
12 regard to the reconciliation project?

13 A. Well, the substance of that testimony was the  
14 reports, and when each report was issued, it was sent to  
15 the ROC TAG. I guess I didn't really think that  
16 informing them that I was providing shell testimony that  
17 attached those reports was of much significance to them,  
18 to the entire ROC. And I assumed, maybe incorrectly,  
19 that the only people that would be interested would be  
20 the state involved, and they certainly were going to  
21 receive it, so.

22 Q. With respect specifically to the testimony  
23 you have filed in this state, the state of Washington,  
24 did you draft and prepare this testimony?

25 A. I drafted and prepared all the testimony,

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1 this state and other states.

2 Q. Okay. And did you provide a draft of that  
3 testimony to Qwest before you filed it?

4 A. No.

5 Q. How did you know what testimony you should  
6 include in your pre-filed written testimony then?

7 A. Well, I think the first time, and I don't  
8 remember whether I had testimony in Arizona or not, that  
9 was the first state that I participated in a hearing or  
10 workshop, but whichever the first one was, it was made  
11 -- Mr. Steese told me that the purpose was simply to get  
12 the reports into the record, and I have done that in  
13 other assignments, and so I was pretty familiar with  
14 simply, you know, stating my name and my qualifications,  
15 what the purpose of the testimony was, and then  
16 providing exhibits, which were the reports.

17 Q. And is it your testimony today that this  
18 pre-filed written testimony that you filed in this state  
19 was solely for the purpose of just stating your  
20 qualifications and then getting the Washington report --

21 A. That was --

22 Q. -- into the record here?

23 A. That was my understanding of the purpose of  
24 that, of all that it was aimed to do, yes.

25 Q. Did Mr. Steese suggest any specific questions

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1 that you should include in your testimony for purposes  
2 of providing the necessary information in order to get  
3 the report into the record before this Commission?

4 A. No. Like I said, I was -- I have done this  
5 before, and I knew sort of the routine that one had to  
6 go through, to state your name and the purpose of the  
7 testimony and so forth.

8 Q. Would you agree with me, Mr. Stright, that  
9 the testimony you have filed here goes far beyond  
10 stating the purpose of your testimony for purposes of  
11 getting the report into the record?

12 A. I would ask if somebody could give me a copy  
13 of that testimony.

14 JUDGE RENDAHL: Let's be off the record for a  
15 moment.

16 (Discussion off the record.)

17 JUDGE RENDAHL: I have just handed  
18 Mr. Stright a copy of Exhibit 1370 and Exhibit 1371,  
19 which are Mr. Stright's pre-filed testimony and  
20 qualifications.

21 Ms. Doberneck.

22 BY MS. DOBERNECK:

23 Q. Whenever you have had a moment to review your  
24 testimony, Mr. Stright, just let me know.

25 A. This testimony does do what I said. It also

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1 has a question about whether we have reached, we  
2 Liberty, have reached any conclusions as a result of the  
3 data reconciliation work, and I have answered that  
4 question in the testimony. So I guess the answer to  
5 your question is yes, it did, it did do a little more  
6 than simply provide the reports.

7 Q. And can you tell me why you included that in  
8 the testimony when the report itself is before the  
9 Commission?

10 A. I thought this was an informative statement.  
11 We needed to make clear that we were doing this data  
12 reconciliation process state by state and that issues  
13 were being discovered and closed with each successive  
14 report, and I wanted to make sure that in this case the  
15 state of Washington knew what its report, if you will,  
16 in other words, the reconciliation of data from  
17 Washington, what that meant, and so I put the statement  
18 in here about it's premature to draw final conclusions.

19 Q. Well, I guess I'm -- again, what I'm driving  
20 at -- well, let me ask you this question, Mr. Stright.

21 Did the Commission request that you provide  
22 this testimony?

23 A. I do not recall having any communications  
24 directly with the Commission or the staff of the  
25 Commission.



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1 Q. Can you tell me why you believed it  
2 appropriate to provide this information in your  
3 pre-filed testimony since you were going to appear here  
4 as a witness?

5 A. Well, I guess I would have to ask, you know,  
6 I'm not an attorney on these things, but why would you  
7 file pre-filed testimony at all? I mean it has to serve  
8 some purpose. I hoped it was informative.

9 Q. And other than to inform the Commission about  
10 I guess the steps that preceded this Washington  
11 reconciliation report or sort of the reconciliation  
12 project as a whole, what other information did you hope  
13 to provide the Commission that you thought would be  
14 helpful to them?

15 A. I can go through my testimony. I gave them  
16 my qualifications. I told them what Liberty had done.  
17 Told them that Liberty was hired to do data  
18 reconciliation. I gave the status of completion of that  
19 work, and I answered the question about whether  
20 conclusions had been reached as a result of data  
21 reconciliation, and that concluded my testimony.

22 Q. At any time during preparation of your  
23 testimony or in preparing for appearing here today  
24 before the Commission and with parties present, did you  
25 discuss with Mr. Steese anything specific or anybody at

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1 Qwest, excuse me, anything specific as to the Washington  
2 report or issues found in Washington?

3 A. Well, I had many discussions with Qwest  
4 people about the data reconciliation effort in  
5 Washington and in all the other states.

6 Q. My question was poorly phrased, and I'm  
7 directing you specifically to think about in preparation  
8 for the testimony, the written testimony you were  
9 providing or oral testimony you are providing today, did  
10 you discuss with anyone at Qwest the Washington report  
11 or any issues specific to Washington as you were  
12 preparing?

13 A. No.

14 Q. Now you mentioned that you filed pre or filed  
15 testimony in I think you said maybe four states, we'll  
16 take three. Are there any differences between the  
17 testimony you filed in those states as opposed to the  
18 testimony you filed in this proceeding with this  
19 Commission?

20 A. I don't believe in the initial testimony that  
21 I filed, wherever that -- whichever state that was in, I  
22 may not have put in that final question and answer about  
23 what conclusions have you drawn from the data  
24 reconciliation. I think that the earlier ones may have  
25 been even more of a shell, saying who I was and what the

6778

1 purpose was. I'm sure we could -- we could get that  
2 testimony out and check me on that, but I think that's  
3 correct.

4 JUDGE RENDAHL: Before this goes any further,  
5 who has joined us on the bridge line, please?

6 So another confidential person.

7 Okay, go ahead, Ms. Doberneck.

8 MS. DOBERNECK: Sure.

9 BY MS. DOBERNECK:

10 Q. To the extent that the last Q&A is new, can  
11 you explain for me why you decided to include that in  
12 this particular round of testimony?

13 A. Well, I have already proven my memory is not  
14 too good today because I couldn't remember the North  
15 Dakota proceeding. But when I wrote this testimony, I  
16 had been -- we already had some workshops and hearings  
17 and so forth, and for whatever reason, my feeling at the  
18 time was that we -- that that was an informative thing  
19 to add to the testimony to put it into context. I  
20 somehow had gotten the impression that some states may  
21 have thought that the reconciliation work in a  
22 particular state was only applicable to that state.  
23 Nebraska, it was a Nebraska data reconciliation or a  
24 Washington data reconciliation. And as I had testified  
25 and I wanted to make -- put a perspective on the fact

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1 that this was a cumulative effort and that most of the  
2 work and most of the findings applied to all the states.  
3 And should any particular state draw a conclusion on the  
4 basis of data from its state or from other states, I  
5 wanted to try to say where we were at the time. In  
6 other words, as the answer to that question says, some  
7 issues have been opened, some closed, but that it was  
8 premature to reach a final conclusion. And I believe,  
9 if you will give me just one second, I believe I had --  
10 I did mention in here my concern about observation 1031,  
11 which did concern me at the time.

12 Q. Now in any other proceeding in which you have  
13 provided oral testimony or pre-filed or written  
14 testimony, did you discuss any of that testimony or  
15 issues arising out of that testimony with anybody at  
16 Qwest?

17 A. I remember the North Dakota telephone  
18 meeting, that we took a break for lunch, and Mr. Steese  
19 called me and suggested that I get at my disposal the  
20 Liberty -- the initial audit report that Liberty  
21 prepared, and so I did. To the best of my remember,  
22 that's the only thing of substance that I have talked  
23 with Qwest about. When I say of substance, I will give  
24 you an example. I called Mr. Steese's cell phone this  
25 morning to ask him what time I should be over here.

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1 When we were in Nebraska, I met him at the airport and  
2 followed him from Omaha to Lincoln because I wasn't sure  
3 where the Commission was. But I have purposely tried to  
4 not even give the impression or the appearance of any  
5 impropriety, because it became clear to me that that was  
6 a sensitive issue.

7 Q. One final question on this, what prompted  
8 Mr. Steese's call to you to take a look at the  
9 performance measure audit report?

10 A. Well, as it turns out, all he wanted, my  
11 recollection, all he wanted me to do was be able to  
12 confirm the overall conclusion in that audit report, and  
13 actually I could have done that without having it in  
14 front of me, so.

15 Q. Meaning that the data that comes out of the  
16 Qwest performance measures is accurate and reliable; is  
17 that the overall conclusion you're referring to?

18 A. Of the audit report was that the performance  
19 measures were accurate and reliable, yes.

20 Q. Well, looking at that performance measure  
21 audit, as I understand it, and this is, you know,  
22 because I think it is one component of, you know, what's  
23 going on here and --

24 MS. DOBERNECK: Yes?

25 JUDGE RENDAHL: Can we just go off the record

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1 for a minute while we get a set of exhibits for  
2 Mr. Stright.

3 MS. DOBERNECK: Sure, I apologize.

4 JUDGE RENDAHL: That's okay, we'll be off the  
5 record.

6 (Discussion off the record.)

7 JUDGE RENDAHL: So you're looking at wanting  
8 Mr. Stright to take a look at what was designated as  
9 Exhibit G and is now Exhibit 1376 and is Liberty's  
10 performance audit.

11 MS. DOBERNECK: Yes.

12 JUDGE RENDAHL: Okay.

13 BY MS. DOBERNECK:

14 Q. Mr. Stright, could you very briefly tell the  
15 Commission the steps that Liberty engaged in in auditing  
16 Qwest's performance measures just to give the Commission  
17 an idea of what we're talking about when we say you  
18 performed the performance measure audit.

19 A. Well, not exactly the steps we went through  
20 in a sequential fashion, but there were three primary  
21 elements to the audit. First, we examined the business  
22 process that Qwest used to generate the data that  
23 ultimately went into the performance measures. That was  
24 probably the most significant part of the audit. There  
25 were two other main elements. One was what is called

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1 data tracking. In other words, we tried to see if the  
2 data that was used to generate the performance measure  
3 actually got into the totals that -- in the end of the  
4 process. And finally, there was a recalculation element  
5 in which we independently calculated at least portions  
6 of each performance measure to see if we got the same  
7 result that Qwest reported. So we didn't -- that wasn't  
8 -- those aren't exactly steps in the -- in terms of  
9 going through it sequentially, but that is the major  
10 elements of the audit.

11 Q. Sure. And once you completed those three  
12 steps, your conclusion was that the performance measures  
13 are accurate and reliable; is that correct?

14 A. Well, I think that we did complete those  
15 three for each of the performance measures, but we did  
16 not feel like we were limited to those steps.

17 JUDGE RENDAHL: I'm sorry, Mr. Stright, can  
18 you answer Ms. Doberneck's question with a -- if it asks  
19 for a yes or no, give a yes or no, and then to the  
20 extent you need to explain, give a brief explanation.

21 Maybe Ms. Doberneck needs to repeat her  
22 question.

23 THE WITNESS: Yes.

24 MS. DOBERNECK: Sure.

25 BY MS. DOBERNECK:

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1 Q. It may be slightly different, but hopefully  
2 trying to get to the same point.

3 Upon completing those three steps of the  
4 performance measure audit that you just identified,  
5 Liberty then concluded that the performance measures  
6 themselves are accurate and reliable; is that right?

7 A. That's correct, but the audit of each measure  
8 was not simply limited to three narrow steps. We didn't  
9 -- we don't -- and did use our judgment to explore  
10 whatever areas we thought might be relevant to the  
11 accuracy and reliability of the measures.

12 Q. Would you agree that in connection with the  
13 performance measure audit, Liberty assumed for the  
14 purposes of their audit that the data that was feeding  
15 the performance measures was correct and accurate?

16 A. For the most part, that is correct. There  
17 were some specific cases where we were able to go  
18 further upstream, if you will, into the basic ordering  
19 or requesting information from a CLEC or retail. But to  
20 a large degree, you're correct, the audit assumed that  
21 the information that Qwest collected was accurate.

22 Q. Now in the -- with the performance measure  
23 audit, would you also agree with me that while Liberty  
24 did render the opinion that the performance measures  
25 were accurate and reliable, that Liberty also did make



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1 some suggestions for changes that Qwest should make in  
2 handling information and data that was fed into the  
3 performance measures and business processes?

4 A. Yes, we did.

5 Q. Okay. And would you also agree that Liberty  
6 recommended that Qwest should improve its internal  
7 documentation surrounding the methods for collection and  
8 then manipulation of the data for purposes of reporting  
9 under the performance measures?

10 A. We may have made that recommendation for some  
11 specific measures. Right now I do not recall making a  
12 generic recommendation along those lines.

13 Q. Would you agree that Liberty did acknowledge  
14 that there was the possibility that there should be  
15 further testing and recalculation under the performance  
16 measures?

17 A. We made some recommendations for ongoing  
18 monitoring of the performance measures.

19 JUDGE RENDAHL: Ms. Doberneck, are there  
20 particular pages in the audit that you might be able to  
21 turn to?

22 MS. DOBERNECK: I will pull them. I'm  
23 looking at my notes right now, and I have my questions  
24 but not the page cites, but I can certainly pull those  
25 to add to the record.

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1 JUDGE RENDAHL: Because that might help.

2 MS. DOBERNECK: Sure, absolutely.

3 BY MS. DOBERNECK:

4 Q. Did Liberty recognize that there might be the  
5 need for future monitoring and auditing of Qwest's  
6 performance measures?

7 A. Yes.

8 Q. And can you explain why there might be a need  
9 for future auditing and monitoring?

10 A. Well, that was, first of all, that was part  
11 of our charge in doing the audit was we were asked to  
12 make any recommendations along those lines. So we knew  
13 from day one that we should be watching for and thinking  
14 about things that needed to -- needed to be done or  
15 would be helpful in the future. And then as we went  
16 through the audit, particular situations became apparent  
17 where we made recommendations for an ongoing program.  
18 And then when we put the final report together, actually  
19 a little bit before we put the final report together, we  
20 made some -- we wrote a specific section that's included  
21 in the final report about future monitoring.

22 Q. Okay. And would it be your expectation that,  
23 for example, this Commission should adopt those  
24 recommendations?

25 A. Well, I -- we certainly provided them to --

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1 for each commission to consider, and we think they were  
2 good recommendations or we wouldn't have made them.

3 Q. Thank you.

4 Turning to the actual data reconciliation  
5 project, in Exhibit 1330, which is the data  
6 reconciliation report for Washington, similar to both  
7 your pre-filed and then your oral testimony today, you  
8 point out that the process is cumulative and that  
9 Liberty doesn't necessarily repeat issues or problems  
10 that it detected in prior states, right?

11 A. That's correct, although I believe in each  
12 state report we at least made note of all the  
13 observations and the exception that had been discovered,  
14 but we may not have fully explained the details of each  
15 one.

16 Q. Sure. And with respect to the Covad data  
17 specifically, there were a number of problems Liberty  
18 detected during Colorado which then were repeated, or  
19 not repeated, found also in the Washington data; is that  
20 right?

21 A. That's correct.

22 Q. Okay. And those, just to briefly recap, I'm  
23 just going to list them out, let me know if they -- if  
24 you agree with me or not, it -- the problems that  
25 Liberty identified with respect to the Covad data are

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1 the inclusion of Qwest retail orders with Covad  
2 wholesale orders, double counting of orders in  
3 back-to-back months, excluding orders due to errors with  
4 software codes such as CLEC unknown or an unknown state  
5 code. And that's all I have written down, but that  
6 pretty fairly captured some of the problems that you  
7 found with respect to --

8 A. Yes.

9 Q. -- the Covad data?

10 A. Yes, it does.

11 Q. And it is Liberty's opinion, is it not, that  
12 those problems significantly affected Qwest's reported  
13 performance for Covad for the months and products at  
14 issue?

15 A. Yes, they did.

16 Q. Now in connection with your report,  
17 Liberty --

18 JUDGE RENDAHL: Is there someone who has  
19 called in on the bridge line?

20 They may have just dropped off.

21 MS. DOBERNECK: The secret person, they found  
22 my cross-examination too scintillating to handle.

23 BY MS. DOBERNECK:

24 Q. In evaluating the Covad orders, Liberty  
25 basically broke the orders down into five categories,

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1 orders in which both parties agreed, orders in which  
2 Liberty found that Qwest had correctly treated an order,  
3 orders in which Covad had failed to prove that Qwest  
4 incorrectly treated an order, orders that Qwest treated  
5 incorrectly, and then finally for the fifth category  
6 orders where the data was just simply in conflict or  
7 inconclusive; is that right?

8 A. Yes.

9 Q. Now I notice in your Colorado report, which  
10 is exhibit -- my apologies.

11 JUDGE RENDAHL: Which exhibit are you  
12 referring to?

13 MS. DOBERNECK: The Colorado report. We may  
14 actually not need the exhibit, and let me just see if I  
15 can ask the question and get an answer without the  
16 exhibit. Oh, 1327, and I'm hoping we don't need the  
17 exhibit.

18 BY MS. DOBERNECK:

19 Q. But in the Colorado report, Liberty broke out  
20 by percentage the number of orders that fell into those  
21 categories; is that right?

22 A. That's correct.

23 Q. You did not, however, do that in connection  
24 with the Washington report, which is Exhibit 1330. Can  
25 you explain why you didn't provide that kind of detailed

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1 information in the Washington report?

2 A. Yes, we provided very detailed information on  
3 an order-by-order basis to Qwest and to the CLEC  
4 involved, so there was no question about how we analyzed  
5 each record. But when it came to summarizing it for  
6 each state, when I went back and looked at the Colorado  
7 report, I thought that providing all of these  
8 percentages confused the story and didn't read very well  
9 and was not necessarily informative to a commission  
10 trying to look at what this all means, and so we were  
11 less verbose in the following reports.

12 Part of the problem that we had was we were  
13 trying not to use specific numbers in some cases,  
14 because we felt that it was -- it might be confidential  
15 as to the amount of business a particular CLEC may have  
16 been doing. So we got ourselves into this practice of  
17 reporting percentages, and it was my opinion that when  
18 you gave percentages of all of these different  
19 categories, the report just didn't read very well.

20 And so I tried to make it more readable and  
21 more summary level to the audience it was addressed to,  
22 knowing that the level of detail in our analysis and the  
23 level of detail that we provided for the CLEC and to  
24 Qwest was the same as it had been from the very first  
25 statement we did.

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1 Q. Well, I would like to go over specific  
2 percentages, if I could, because I believe it is helpful  
3 to the Commission to know how the percentages actually  
4 break down.

5 JUDGE RENDAHL: Ms. Doberneck, I will just  
6 ask about how much more cross you have. You're running  
7 about your limit.

8 MS. DOBERNECK: I know, I have I would say  
9 about five minutes.

10 JUDGE RENDAHL: Okay.

11 BY MS. DOBERNECK:

12 Q. This would be Exhibit 1454-C, and I do have a  
13 copy if you would like to see what constitutes 1454-C.  
14 It is the order by order evaluation, and I can provide  
15 that to you.

16 JUDGE RENDAHL: Let's be off the record.

17 (Discussion off the record.)

18 JUDGE RENDAHL: Ms. Doberneck handed the  
19 witness a copy of Exhibit 1454-C, also designated  
20 KMD-14.

21 BY MS. DOBERNECK:

22 Q. Now, Mr. Stright, I have gone over, as you  
23 might imagine, this order by order breakdown, and for  
24 sort of the convenience of the Commission, Exhibit 1330,  
25 it will track section three results of data

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1 reconciliation Covad. Now with respect to OP-4, which  
2 is the average installation interval, how long it takes  
3 Qwest to give Covad the loops it orders, for the line  
4 shared loops, would you agree that the parties agreed on  
5 24% of the orders?

6 A. Yes.

7 Q. And that in 23% of the orders, Liberty  
8 determined that Qwest incorrectly treated the order for  
9 purposes of reporting under the PIDs?

10 A. Yes.

11 Q. And would you agree, and this is where 1454  
12 comes into play, that on 9% of the line shared orders  
13 for OP-4, the information was inconsistent or  
14 conflicted?

15 A. I would accept that subject to check unless  
16 you can point to a space in here.

17 Q. It actually requires a number by number  
18 breakdown, so.

19 A. Then I will -- that doesn't sound  
20 unreasonable from my recollection.

21 Q. Can you tell the Commission what it means  
22 when Liberty determined that the order -- that the  
23 evidence was conflicting or inconclusive?

24 A. I can best do it with a very simple example,  
25 and unfortunately most of them aren't very simple. But



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1 if the CLEC said that something happened at 2:00 in the  
2 afternoon and Qwest said it happened at 4:00 in the  
3 afternoon, and we dig back into their logs and records  
4 and get whatever we can, and Qwest's records continue to  
5 indicate 4:00, and the CLEC's records continue to  
6 indicate 2:00, we may have to say that it's  
7 inconclusive. The reason that might be significant is  
8 because for some measures and orders, if it -- if  
9 something is received before or after 3:00, it depends  
10 on which day you count it.

11 So I mean that's unfortunately most of the  
12 examples are not that simple and clean, but that's the  
13 kind of thing where we had to say something was  
14 inconclusive. In other words, neither party's evidence  
15 appeared to be in error.

16 Q. So that could mean, however, it could also be  
17 read that Qwest was wrong and the CLEC was right, right?

18 A. That's a possibility.

19 Q. Okay. And then for the unbundled loops for  
20 OP-4, Qwest incorrectly treated the Covad orders 4% of  
21 the time, correct?

22 A. That's correct.

23 Q. And I understand subject to check, does 5% of  
24 the orders where Liberty found that the information was  
25 in conflict or inconclusive?

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1           A.     Again, I would agree that that sounds like a  
2 reasonable number subject to check.

3           Q.     So if you added those two together, Qwest  
4 could have incorrectly treated Covad's orders for  
5 purposes of reporting up to 9% of the time?

6           A.     I would say that's unlikely but possible,  
7 unlikely only in that it would be strange at the least  
8 to say that every one of the items that was  
9 inconclusive, one or the other party was incorrect, but  
10 it's certainly possible, yes.

11          Q.     Okay. And for PO-5, which is the interval  
12 for Qwest returning a firm order commitment to a CLEC,  
13 which that's the item that lets us know when the loop  
14 will be delivered, would you agree that Qwest treated  
15 Covad's orders incorrectly 28% of the time?

16          A.     Yes.

17          Q.     And would you agree that 10%, on 10% of those  
18 orders, the information was in conflict or inconclusive?

19          A.     Subject to check, I would agree that that  
20 seems like about the right amount.

21          Q.     So we have the similar issue where Qwest  
22 could have treated Covad's orders for PO-5 incorrectly  
23 on up to 38% of those orders, right?

24          A.     That's possible.

25                 MS. DOBERNECK: I don't know, Your Honor, if

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1 I have any more time. I have a few more questions, but  
2 if I'm done, I suppose I'm done.

3 MS. NELSON: Judge, I don't have any  
4 objection to Covad taking the time that was designated  
5 by WorldCom.

6 JUDGE RENDAHL: Well, I don't want us going  
7 too far over, because we just don't have that much time  
8 scheduled. If it's just a matter of a couple of  
9 minutes, go ahead. If you can finish it in five  
10 minutes, let's do it.

11 MS. DOBERNECK: I absolutely can.

12 BY MS. DOBERNECK:

13 Q. Sticking with Exhibit 1330, observation 1026,  
14 retail orders that were included in Covad's wholesale  
15 orders, you state under observation 1026 that Liberty  
16 found that performance measures from July 2001 and  
17 forward were free of this problem. Now prior to July,  
18 the data remains incorrect, right?

19 A. That's correct.

20 Q. And is it your recollection that in Colorado  
21 you agreed that Liberty had checked only the May, June,  
22 and July, I'm sorry, the July 2001 data?

23 A. I would have to look that up. I don't want  
24 to take your time, but subject to check, I would -- I  
25 think that would -- that may be very well true, yes.

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1 Q. Okay. And observation 1026 is one of the  
2 issues that Qwest proposed to resolve with a code fix, a  
3 change in the coding, correct?

4 A. Yes.

5 Q. And Liberty did not check data to determine  
6 the efficacy of that code after it was actually  
7 implemented, did it?

8 A. I believe we did, and I think it probably is  
9 worth confirming that if you will give me a moment.

10 Q. Absolutely.

11 A. I'm referring to our final report, and while  
12 it doesn't go into a whole lot of detail, it does  
13 indicate that we did review the code change.

14 JUDGE RENDAHL: Could you give us a page  
15 reference and the exhibit.

16 THE WITNESS: I'm sorry, that is -- our final  
17 report is Exhibit 1372, and I'm on page 10.

18 A. And we did -- this indicates that Liberty  
19 reviewed the files that were generated after this code  
20 change, so I -- this was one where we -- we were able to  
21 verify that the change had been made and effected.

22 BY MS. DOBERNECK:

23 Q. What months did you check, can you tell me?

24 A. Excuse me?

25 Q. What months did you check?

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1           A.     Well, I know we checked July.  The back of my  
2     mind tells me we checked some other months too, but I  
3     don't have that.  I'm not -- I would be reluctant to  
4     testify to that right now unless I could look up in  
5     maybe one of the other reports or when we first closed  
6     that observation.  Whichever state we first closed the  
7     observation in, we may have given more detail, and that  
8     might refresh my memory.

9           Q.     Observation 1027, orders that were counted  
10    twice in back-to-back months, this was also an  
11    observation that was requested via a code fix, correct?

12          A.     Yes.

13          Q.     Now Qwest confirmed, I'm sorry, Liberty  
14    confirmed the code, reviewed the code, but it did not  
15    check data after the code fix had been implemented, did  
16    it?

17          A.     Again, I'm fairly certain that in this case,  
18    like the other one, we were able to review data files  
19    that had been generated with a new code and confirmed  
20    that the problem had been fixed.

21          Q.     Mr. Stright, could, at some point after this  
22    proceeding has concluded, could we have some  
23    confirmation on that, because I have not seen to date  
24    any indication the data was checked after the code was  
25    implemented?

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1           A.     I will be glad to do that.

2                   JUDGE RENDAHL:  Ms. Doberneck, this seems  
3 like it might be more appropriately a record  
4 requisition, although I think that's appropriate in this  
5 case to make a record requisition to Liberty to provide  
6 that information.  Is that --

7                   MS. DOBERNECK:  That is perfectly acceptable  
8 to me.

9                   JUDGE RENDAHL:  And that would be made  
10 available to Covad and the other parties, and then you  
11 would need to request that to become part of the record  
12 if you would like it to be included.

13                   MS. DOBERNECK:  Okay.

14                   JUDGE RENDAHL:  So why don't you state for  
15 Mr. Stright exactly what it is you're requesting him to  
16 provide.

17                   MS. DOBERNECK:  Documentation, and actually  
18 by -- with this records requisition, I can actually then  
19 end my questioning.

20                   JUDGE RENDAHL:  Okay.

21                   MS. DOBERNECK:  And we can see.

22                   Documentation that Liberty reviewed data  
23 following the implementation of code fixes for the  
24 problems identified in observations 1026, 1027, 1029,  
25 1030, and I believe those are all the code fixes that

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1 apply specifically to Covad.

2 JUDGE RENDAHL: Okay. The last record  
3 requisition in the record is a reference to Record  
4 Requisition 6. It's inconclusive as to whether that was  
5 withdrawn or not, so I will continue with Number 7, this  
6 will be Record Requisition Number 7, and Liberty needs  
7 to provide documents to Covad that Liberty reviewed data  
8 following code fixes in observations 1026, 1027, 1029,  
9 and 1030, and documentation of that review.

10 MR. STRIGHT: I will be happy to answer that  
11 or to provide that information.

12 JUDGE RENDAHL: Okay, great.

13 And does that conclude your  
14 cross-examination?

15 MS. DOBERNECK: That will, thank you, Your  
16 Honor.

17 JUDGE RENDAHL: Okay, thank you.

18 Let's move on to Mr. Steese's  
19 cross-examination of Mr. Stright.

20 Let's be off the record for a moment before  
21 you get started.

22 (Discussion off the record.)

23 JUDGE RENDAHL: Go ahead, Mr. Steese.

24

25

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1 C R O S S - E X A M I N A T I O N

2 BY MR. STEESE:

3 Q. Good morning, Mr. Stright, Chuck Steese on  
4 behalf of Qwest. I'm going to start at the beginning of  
5 this process and move through fairly much in  
6 chronological order and talk about some different  
7 aspects of what you have done. Let's start with the  
8 audit process, focusing on Exhibit 1376.

9 CHAIRWOMAN SHOWALTER: Mr. Steese, do you  
10 have your mike on?

11 MR. STEESE: Yes, I do.

12 JUDGE RENDAHL: The button needs to be up.

13 MR. STEESE: It is.

14 CHAIRWOMAN SHOWALTER: Maybe get the mike a  
15 little bit closer between you and the witness.

16 MR. STEESE: I will try and do that. Sorry  
17 about that.

18 BY MR. STEESE:

19 Q. Exhibit 1376, that's a copy of your audit  
20 report, correct?

21 A. Yes, it is.

22 JUDGE RENDAHL: And that is Exhibit G.

23 BY MR. STEESE:

24 Q. And if you turn to page 1 of that document,  
25 that outlines the three-step test you outlined during



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1 Ms. Doberneck's questions, correct?

2 A. Yes, it does.

3 JUDGE RENDAHL: Let's be off the record for a  
4 moment.

5 (Discussion off the record.)

6 JUDGE RENDAHL: We're looking at Exhibit  
7 1376.

8 MR. STEESE: I will try and refer to them by  
9 letters as well.

10 JUDGE RENDAHL: Actually, refer to the  
11 number.

12 MR. STEESE: Fair enough.

13 BY MR. STEESE:

14 Q. And as I said a moment ago, Mr. Stright, that  
15 document outlines the three steps, the minimum three  
16 steps Liberty took when evaluating each and every  
17 performance measure, correct?

18 A. Yes, it does.

19 Q. And one of those was analyzing Qwest's  
20 process, correct?

21 A. Yes.

22 Q. And one was analyzing sample data sets to  
23 track data, correct?

24 A. Yes.

25 Q. And a third was independent calculation of

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1 Qwest's performance data, correct?

2 A. Correct.

3 Q. And after performing this performance measure  
4 audit, which took approximately how long?

5 A. 15 months.

6 Q. On page 2 carrying over to page 3 of the  
7 report, you conclude that Liberty's audited performance  
8 measures accurately and reliably report actual Qwest  
9 performance, correct?

10 A. Correct.

11 Q. Is that still your opinion today?

12 A. Yes.

13 Q. And when you did this performance measure  
14 audit shown in Exhibit 1376, you were auditing PID  
15 version 3.0, correct?

16 A. Yes.

17 Q. And at this point in time, Qwest is utilizing  
18 PID version 4.0, correct?

19 A. Correct.

20 Q. And one of the principal differences --  
21 strike that.

22 Qwest transitioned from PID version 3.0 to  
23 4.0 in the summer of 2001, last year, correct?

24 A. Yes.

25 Q. And, in fact, this was the --

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1                   JUDGE RENDAHL: Mr. Steese, you're going to  
2 have to slow down.

3                   MR. STEESE: Okay, thank you, I'm trying to  
4 do --

5                   JUDGE RENDAHL: I can't hear it, and I can't  
6 process it, and I know the court reporter can't -- will  
7 not be able to continue going, so.

8                   MR. STEESE: Fair enough, I will slow down.

9 BY MR. STEESE:

10            Q.     And the reconciliation time frame focused on  
11 January 2001 through July of 2001, correct?

12            A.     Yes, it did.

13            Q.     So Liberty analyzed data that either preceded  
14 or was right in the middle of Qwest's transition from  
15 PID version 3.0 to PID version 4.0, correct?

16            A.     Well, during the -- no, I don't think so. I  
17 mean during the data reconciliation period, the first  
18 half of last year PID 3.0 was in effect. It wasn't  
19 until after that that 4.0, while it may have been under  
20 development, it didn't take effect during that period.

21            Q.     I asked the question poorly, I apologize.  
22 Just for purposes of foundation, when I say PID version  
23 3.0, the PIDs are the actual measures under which Qwest  
24 reports data, correct?

25            A.     That's the definition of the measures, yes.

6803

1                   MR. STEESE: And for the Commission's  
2 benefit, PID version 3.0 is marked as Exhibit 1358 and  
3 PID version 4.0 is marked as 1359. I will not be  
4 referring to them other than to say that.

5                   JUDGE RENDAHL: Thank you.

6 BY MR. STEESE:

7           Q. My question was slightly different,  
8 Mr. Stright. What I'm asking is, Qwest transitioned to  
9 PID version 4.0 in the summer of 2001, and that was the  
10 months that we were actually trying to reconcile or at  
11 least some of the months for this project, correct? We  
12 were looking at January data through July data  
13 underneath PID version 3.0, right? I mean we're  
14 transitioning during that time frame?

15           A. I'm not sure exactly, you know, whether you  
16 were transitioning or the PID -- I know the PID was  
17 being developed, but all I know is that we used PID 3.0  
18 as the basis of a governing document for the period of  
19 time when we did the data reconciliation.

20           Q. Fair enough, I will move on.

21                   PID version 3.0 had at least one significant  
22 difference from PID version 4.0 as it relates to some of  
23 the key provisioning measures, didn't it?

24           A. Yes, it does. The newer performance -- the  
25 newer PID takes into account customer requested changes

6804

1 in due dates as the -- among other changes, that was the  
2 most significant.

3 Q. And so in the past under PID version 3.0,  
4 Qwest utilized a term called original due date, correct?

5 A. Yes.

6 Q. And the question that Liberty was auditing or  
7 reconciling to is whether or not that original date,  
8 original due date, was missed or made, and if it was  
9 missed, why was it missed, fair?

10 A. That's a correct question insofar as  
11 performance measure OP-3 is concerned.

12 Q. As well as OP-4, OP-6, OP-15, correct? Or at  
13 least that's one of the questions asked for those  
14 measures?

15 A. Well, OP-3 is the one that asked whether a  
16 commitment was met or not. The other measures measure  
17 the interval or the amount of delay and so forth. They  
18 are all related, but the specific question that you  
19 mentioned is OP-3.

20 Q. Let me ask a more general question then. The  
21 four key measures that we were reconciling to on the  
22 provisioning side, OP-3 commitments met, OP-4  
23 installation interval, OP-6 delay days, and OP-15 what I  
24 will call held orders, they all used the original due  
25 date concept in PID version 3.0?

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1 A. That's correct.

2 Q. And let -- I'm going to go through a  
3 hypothetical just to make sure that the commissioners  
4 are tracking. Let's assume that a CLEC orders an  
5 unbundled loop with a due date of May 1st. And on April  
6 1, the CLEC says, I'm not going to be ready to go on  
7 April -- on May 1st, I want to make the due date May  
8 3rd. The original due date is missed, and Qwest would  
9 exclude that order from all of the ordering and  
10 provisioning measures, correct?

11 A. That's correct.

12 Q. But now when we're moving to PID version 4.0,  
13 the question is whether the requested due date, what we  
14 call applicable due date, whether that is missed or met,  
15 correct?

16 A. Yes.

17 Q. So in that same scenario with a May 1st due  
18 date, if the CLEC said on April 30, I'm not ready to go,  
19 then Qwest's performance would track whether we met the  
20 date that the CLEC now wanted the order, correct?

21 A. That's the way it's supposed to work, yes.

22 Q. And, in fact, Qwest transitioned to PID  
23 version 4.0 starting with July 2001 data, correct?

24 MS. TRIBBY: Your Honor, I'm going to object  
25 here on the basis of lack of foundation. I have

6806

1 listened to Mr. Steese for the last few questions. As I  
2 understand it, Mr. Stright and Liberty Consulting did  
3 not audit PID version 4.0. It's not the subject of his  
4 audit or of his reconciliation process, as I understand  
5 it.

6 MR. STEESE: I will get to that in a moment,  
7 Your Honor. I mean I would disagree with that comment  
8 as it relates to the audit at least.

9 JUDGE RENDAHL: Why don't we clarify it with  
10 the witness.

11 MR. STEESE: Sure.

12 BY MR. STEESE:

13 Q. Mr. Stright, the ROC has since come in and  
14 asked you to audit PID version 4.0, correct?

15 A. Yes.

16 Q. And, in fact, much of that work, at least as  
17 it relates to OP-3, 4, 6, and 15 was completed in  
18 January of this year, correct?

19 A. Correct.

20 Q. And the only purpose of my question is  
21 Liberty identified during the reconciliation some  
22 process changes, process problems that Qwest identified  
23 as caused in part by the transition from PID version 3.0  
24 to 4.0, correct?

25 A. Yes, I believe I -- I heard that, that that

6807

1 was contributed to some of the problems.

2 Q. Is this the first performance measurement  
3 audit that you have performed?

4 A. Certainly it's the first one of this  
5 magnitude and kind, but Liberty has done quite a number  
6 of audits associated with measurements of service  
7 quality and performance in both telecommunications and  
8 energy industries, so we're a good bit of familiarity  
9 with performance indicators or matrix.

10 Q. Approximately how many, you said a good many?

11 A. I think you asked me this question one other  
12 time and I came up with a number. I don't remember what  
13 I said. If I come up with a number now, it probably  
14 wouldn't be quite the same, but more than 10.

15 Q. That's good enough.

16 And once you finished this audit project or  
17 on virtually on the last stages of finishing it, that's  
18 when this reconciliation project started, correct?

19 A. Yes, the -- well, the reconciliation started  
20 back in September, August or September was when it was  
21 first discussed.

22 Q. And --

23 JUDGE RENDAHL: Is that of the year 2001?

24 THE WITNESS: 2001.

25 JUDGE RENDAHL: Thank you.



6808

1 BY MR. STEESE:

2 Q. And turning to Exhibit 1378 in front of you,  
3 just a one page piece of paper entitled ROC TAG Change  
4 Request 20 Addendum Volume 2; do you see that?

5 A. Yes, I do.

6 Q. This document was the change request that was  
7 the genesis of data reconciliation, correct?

8 A. Correct.

9 Q. And this change request basically said to  
10 CLECs, identify any and all performance measures where  
11 your data shows something different than what Qwest is  
12 reporting, correct?

13 A. Yes, it does.

14 Q. And so basically the CLECs were informed if  
15 they thought Qwest's data was inaccurate, Qwest's at  
16 this point audited data was inaccurate, that they had an  
17 affirmative obligation to come forward and identify the  
18 particular measures they wanted to reconcile, correct?

19 A. Yes.

20 Q. And three CLECs, the CLECs to my left, came  
21 forward and said, we want to reconcile certain measures  
22 in certain states for certain products, correct?

23 A. Yes.

24 Q. And the products that they specifically  
25 identified were interconnection trunks, unbundled analog

6809

1 loops, unbundled 2-wire non-loaded loops, and line  
2 sharing, correct?

3 A. Yes.

4 Q. The CLECs didn't ask to reconcile any resale  
5 data, did they?

6 A. No.

7 Q. The CLECs didn't ask to reconcile any UNE-P  
8 data, did they?

9 A. No.

10 Q. And so when you're looking at the particular  
11 data, getting even more specific, Liberty focused in on  
12 OP-3, 4, 6, and 15-D as in dog, correct?

13 A. Yes.

14 Q. And, in fact, the question that Ms. Tribby  
15 asked you at the end saying KPMG is focusing in on OP-4  
16 is focusing in on OP-4-C as in cat; isn't that true?

17 A. Yes, it is.

18 Q. And so the specific issue raised by KPMG  
19 relates to a related measure but having to do with  
20 resale and UNE-P, not having to do with loops and  
21 interconnection trunks at all; isn't that true?

22 A. I think that is right, although I don't want  
23 to at all answer a question that would indicate I'm not  
24 concerned about what KPMG is finding and its -- in its  
25 relationship to all of our prior work. I'm working on

6810

1 that with them.

2 JUDGE RENDAHL: Well, to the extent that  
3 something is not yet concluded, you should just so  
4 indicate.

5 A. As I said, Mr. Steese, I believe you're  
6 correct, although I'm not -- I'm not willing to go so  
7 far as to say, you know, that these are totally  
8 unrelated and KPMG's concern is not significant.

9 BY MR. STEESE:

10 Q. Let's move on to the next area then.

11 MS. TRIBBY: Your Honor, it's Mary Tribby on  
12 behalf of AT&T, I hesitate to interrupt, but there's an  
13 issue that I think you're going to need to deal with at  
14 some point here, and that is that Mr. Steese, I think as  
15 you listen to his cross-examination for however long  
16 that goes on, is engaging in friendly cross-examination  
17 with Mr. Stright. I don't think that you will hear any  
18 disagreement between Mr. Steese and Mr. Stright about  
19 what the findings are or the conclusions are in the  
20 Liberty reconciliation reports.

21 Now to the extent that that is good  
22 background information for the Commission, obviously the  
23 Commission is free to hear that. But I do think to the  
24 extent that we're limited on time, and I think you will  
25 see this as Mr. Steese goes on, that what we're going to

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1 have is an hour to two hours of friendly  
2 cross-examination.

3 JUDGE RENDAHL: Okay, to the extent that the  
4 Commission needs to gain information about what Liberty  
5 has been doing and to the extent that all parties were  
6 given an opportunity to present in a sense what they  
7 believe is important about that, the vehicle is through  
8 Mr. Stright.

9 Now to the extent that you can, Mr. Steese,  
10 present that information in a way that, as Ms. Tribby  
11 says, is not friendly cross, I would suggest that you do  
12 so.

13 MR. STEESE: Your Honor, I suppose I'm  
14 confused. I don't know why it's any more friendly cross  
15 for me than for Ms. Tribby or Covad. All of us have  
16 been working with Liberty Consulting in the exact same  
17 way over the course of the last several months, and  
18 Ms. Tribby certainly cross examined him, and it's not  
19 friendly simply because an answer is yes or no. I mean  
20 I have prepared thoroughly based on my review of the  
21 data. He has already disagreed with me a few times, and  
22 he certainly will stand up and say when he thinks I'm  
23 asking a question that's incorrect.

24 JUDGE RENDAHL: And I understand that the  
25 purpose of this is for us to gain information and for

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1 the Commission to gain information on what is important  
2 to make a determination on this issue.

3 We'll be off the record for a moment.

4 (Discussion off the record.)

5 JUDGE RENDAHL: In response to Ms. Tribby's  
6 objection, as I stated before, this is not --  
7 Mr. Stright is not Qwest's witness, just as he is not  
8 any of the CLECs' witness. To the extent that it  
9 elicits information that's -- Mr. Steese's cross is not  
10 exactly adversarial, he still has every right to ask  
11 questions just as you all do on what Mr. Stright has  
12 done. And this is a slightly odd proceeding in that  
13 Mr. Stright is in a sense an independent witness. He's  
14 not sponsored by a CLEC or sponsored by Qwest. So  
15 Mr. Steese is limited by his time, and so we will go  
16 forward and have Mr. Steese continue.

17 MS. TRIBBY: Thank you.

18 BY MR. STEESE:

19 Q. And at this point in time, as a result of the  
20 issuance of Exhibit 1372, Liberty has now completed the  
21 data reconciliation requested by the CLECs, correct?

22 A. Correct.

23 Q. And, in fact, that final report was just  
24 issued Friday, April 19, correct?

25 A. Yes, it was.

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1 Q. In the reconciliation process itself, the  
2 observation and exception process from the OSS test was  
3 utilized at AT&T's request; isn't that true?

4 A. AT&T in their comments on the change  
5 requested initiated the data reconciliation mentioned  
6 the observation and exception process, but I don't view  
7 it really as requested by AT&T. I mean that's the way  
8 the testing had been going through the audit and through  
9 other portions of the OSS test, so.

10 Q. And it --

11 A. But we did use it, yes.

12 Q. I'm sorry for the interruption.

13 If you would turn to Exhibit 1379 entitled  
14 Qwest OSS evaluation, observation, and exception  
15 processes version 1.0; do you see that?

16 A. Yes.

17 Q. About halfway down the page, that document  
18 defines observations and exceptions, correct?

19 A. Yes, it does.

20 Q. And is this a document you're familiar with?

21 A. Yes.

22 Q. And I realize you said the difference between  
23 Liberty's observations and exception were relatively  
24 small, but was this the document that you tried to use  
25 to guide decisions about whether to issue an observation

6814

1 or an exception?

2 A. Yes, it was. I will admit though that it's  
3 been a while since I referred to this, but yes.

4 Q. Let me ask a couple of other questions, just  
5 generic ones. During the course of this proceeding, I'm  
6 assuming that you have heard both AT&T and Covad  
7 effectively argue that your process for closing out  
8 observations and exception have not been thorough  
9 enough, correct?

10 A. In some cases their comments indicated that,  
11 yes.

12 Q. And as a general matter, do you agree or  
13 disagree with that?

14 A. I disagree.

15 Q. In the past when you did the performance  
16 measurement audit identified in Exhibit 1376, parties  
17 had an opportunity to comment on that as well, didn't  
18 they?

19 A. Yes.

20 Q. And I don't know if you will recall this off  
21 the top, I don't have this exhibit in front of you, and  
22 if you don't recall this, I'll move on to a different  
23 subject, do you recall Covad issuing comments to your  
24 performance measurement audit?

25 A. No.

6815

1 Q. I will move on.

2 Since the reconciliation process began, the  
3 first report was issued in the state of Arizona,  
4 correct?

5 A. Yes.

6 Q. And then since that time, you have issued  
7 reports, I'm just going to ask this in the one big  
8 question, in Colorado?

9 A. Yes.

10 Q. In Nebraska?

11 A. Yes.

12 Q. Then a supplement in Colorado?

13 A. That's correct.

14 Q. Then the Washington report?

15 A. Yes.

16 Q. Then Oregon?

17 A. Yes.

18 Q. And then this final report which I will call  
19 Utah and Minnesota, correct?

20 A. Correct.

21 Q. And each report had its own independent  
22 findings?

23 A. Each report was about the reconciliation of  
24 data from that particular state.

25 Q. And, in fact, let me ask it more



6816

1 specifically. If you look at the exhibit that  
2 Ms. Doberneck handed to you, a confidential exhibit, I  
3 think it was 1344.

4 MR. STEESE: Is that correct, Ms. Doberneck?  
5 I apologize.

6 JUDGE RENDAHL: Let's be off the record for a  
7 moment.

8 (Discussion off the record.)

9 BY MR. STEESE:

10 Q. Exhibit 1454-C, that was a document about an  
11 inch and a half thick. There was -- that was Liberty's  
12 analysis from one state for the Covad-Qwest  
13 reconciliation, correct?

14 A. Yes, although I didn't read through the whole  
15 thing, but I'm pretty sure that's what it was, yes.

16 Q. And when you look at the reconciliation  
17 reports that are in front of the Commission in Exhibits  
18 1326, 27, 28, 29, 30, 44, and 72, the actual exhibits,  
19 the reports, that's just a summary of all of the work  
20 that you did, correct?

21 A. That's correct.

22 Q. And Liberty has analyzed over 10,000 orders  
23 during this multistate process, correct?

24 A. I believe in an earlier hearing I had  
25 estimated 8,000, so I'm sure 10,000 is pretty close now.

6817

1 Q. And, in fact, you said 8,000 orders for one  
2 state of Arizona by itself, correct?

3 A. I may have. Arizona was probably the biggest  
4 one.

5 Q. And the way this process works was the CLEC  
6 and Qwest would sit down and see if we could agree on  
7 individual orders, correct?

8 A. After the first state, after Arizona, we  
9 certainly got into that where we tried to get Qwest and  
10 the CLECs together and see which ones they agreed on.  
11 I'm not -- I don't recall right now whether we actually  
12 did that in Arizona, but I think your point is, yes, we  
13 -- CLECs and Qwest helped in determining which records  
14 there was agreement on.

15 Q. And if there was no agreement on a particular  
16 order, that order was then handed to Liberty to  
17 reconcile to determine who was right, who was wrong, or  
18 if the order was inconclusive?

19 A. That's true, but we -- we had all the orders.  
20 And, in fact, there were some orders that -- where there  
21 was indication that the CLEC and Qwest agreed, but for  
22 one reason or another, we still investigated them.

23 Q. And in order to evaluate Qwest data, Liberty  
24 would then issue Qwest data requests?

25 A. Yes.

6818

1 Q. And the CLECs data requests?

2 A. That's correct.

3 Q. And a bulk of those data requests went to  
4 Qwest, correct?

5 A. Yes.

6 Q. And would it surprise you that you sent 90  
7 sets, not 90 data requests, but 90 sets of data  
8 requests?

9 A. That is correct.

10 Q. And some of these had more than 20 questions  
11 on them, didn't they?

12 A. Yes.

13 Q. And in response, Qwest would turn over, and  
14 the CLECs for that matter, many thousands of pages of  
15 material?

16 A. Yes.

17 Q. Why don't you describe for the Commission  
18 what kinds of materials you would get on an individual  
19 order and a provisioned order, what kind of material  
20 would you get, and what kind of volume would you see?

21 A. Sometimes the volume was pretty large,  
22 particularly on a more complex order like an  
23 interconnection trunk that may have taken some time to  
24 reach agreement on and exactly what had been done and  
25 certainly if there was any delays in making the

6819

1 installation. And some of the records from Qwest were  
2 many hundreds of pages long for one particular order.  
3 That doesn't mean that we had to actually read 800 or  
4 900 pages, but we had to search for things in that kind  
5 of a document to confirm the facts. There were other  
6 documents that -- they weren't all 800 pages. Some of  
7 them were copies of three or four page documents, and  
8 some of them were one page prints of a computer screen,  
9 so it varied. But the volume in total was very, very  
10 big.

11 Q. When you look then at the report, you would  
12 look not only for generalized information, but you would  
13 analyze each order order by order, correct?

14 A. That's correct.

15 Q. Or each trouble ticket if it were trouble  
16 ticket by trouble ticket?

17 A. Yes.

18 Q. Now Liberty issued 13 observations and 1  
19 exception during the course of this reconciliation,  
20 right?

21 A. Correct.

22 Q. And seven of those observations or exception  
23 concerned programming issues, correct?

24 A. Programming or process kind of matters as  
25 opposed to human errors, yes.

6820

1 Q. And seven of them related to human error?

2 A. Correct.

3 Q. Let's talk first about programming error.

4 You alluded to this in your I believe cross by

5 Ms. Tribby. A programming error is something that

6 Qwest's programming itself does not manipulate the

7 inputted data correctly; isn't that true?

8 A. In general that's correct, yes.

9 Q. And the difference with human error is the

10 actual information input into the systems themselves

11 might be tracked correctly through the processes, but

12 the information input by a human being is incorrect?

13 A. That's correct.

14 Q. When you look at programming errors,

15 Ms. Tribby asked you, Liberty, were able to validate and

16 rectify -- strike that.

17 Qwest was able to rectify historical data in

18 some circumstances, true?

19 A. In -- yes.

20 Q. Wasn't it true that that is always when

21 there's a programming error?

22 A. Yes.

23 Q. Any time there's human input, it's Qwest's

24 practice to not change information input by a human

25 being; isn't that true?

6821

1           A.     Well, that's certainly what we were told that  
2     was Qwest's practice.  But from a practical standpoint,  
3     you can imagine if we found a few errors in orders or  
4     trouble tickets and even if Qwest admitted that there  
5     were some errors there, going back and changing them  
6     wouldn't necessarily serve any benefit, because how do  
7     you know you got them all.  And in addition, Mr. Steese  
8     is correct that Qwest indicated it was their practice  
9     not to go back and change raw data.

10          Q.     Now let's talk generally about when Liberty  
11     would issue an observation or an exception how this  
12     process would work.  Liberty would first issue that  
13     document, and it would be in written form, correct?

14          A.     Yes.

15          Q.     And if you look at Exhibit 1374, 1374, that  
16     is each of Liberty's observations?

17          A.     1375.

18          Q.     Strike that, it's 1373, my mistake.  That's  
19     Liberty's observations and exception that they have  
20     issued to Qwest in this reconciliation, right?

21          A.     Yes, my -- I mean just to get things right,  
22     mine is labeled 1375, but.

23          Q.     Is that the disposition report?

24          A.     (Indicates.)

25          Q.     That's the closure.

6822

1 A. Oh, I'm sorry.

2 JUDGE RENDAHL: Let's be off the record for a  
3 moment.

4 (Discussion off the record.)

5 A. Yes, Exhibit 1373 is -- appears to be all the  
6 observations that Liberty issued and the one exception,  
7 yes.

8 BY MR. STEESE:

9 Q. And from that, Qwest would get that  
10 observation, research it itself, and then issue a  
11 response to your observation or exception, correct?

12 A. Correct.

13 Q. And those are found in Exhibit 1374, correct?

14 A. That's certainly what this appears to be,  
15 yes.

16 Q. Liberty would then get Qwest's response,  
17 sometimes comments from CLECs as well, issue more data  
18 requests, and do analysis to determine whether or not  
19 its initial concern was either taken care of or  
20 corrected or not a concern at all, correct?

21 A. Yes. And in addition, we sometimes conducted  
22 interviews with Qwest people.

23 Q. You said this, as of Friday, there are no  
24 more outstanding observations or exceptions, correct?

25 A. That's correct.

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1 Q. All of them have been closed by Liberty?

2 A. Yes.

3 Q. And all of them were closed by Liberty based  
4 on its own independent judgment as to whether or not  
5 they should be closed?

6 A. Yes.

7 Q. Let's focus in on each individual observation  
8 now. Let's first talk about observation 1026, and for  
9 the Commission's benefit, it might be helpful to focus  
10 in on Exhibit 1372. Each one is specifically discussed  
11 beginning at about page 10, excuse me, page 9. And  
12 let's start with the exception, exception 1046. This  
13 particular exception had to do with measure OP-15 held  
14 orders, correct?

15 A. Yes.

16 Q. And what Liberty found was -- strike that.  
17 OP-15 is supposed to track how many orders  
18 are held for Qwest caused reasons, correct?

19 A. Yes, pending or not closed out at the end of  
20 the reporting period, yes.

21 Q. And if an order is held for CLEC caused  
22 reasons, it's supposed to be excluded from measured  
23 OP-15, correct?

24 A. Yes.

25 Q. And what Liberty found here was that there



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1 was a programming error where Qwest was taking the blame  
2 for some orders that were held for CLEC reasons,  
3 correct?

4 A. That's correct.

5 Q. And so in this particular circumstance, this  
6 reported problem actually hurt Qwest's performance data,  
7 correct?

8 A. Yes.

9 Q. And here Qwest made a programming fix, right?

10 A. Yes, they did.

11 Q. And Liberty evaluated Qwest's new code,  
12 programming code meaning, correct?

13 A. Yes.

14 Q. And Liberty got Qwest's ad hoc files and  
15 evaluated the data to make sure the programming fix  
16 worked, correct?

17 A. Yes.

18 Q. Now let's talk a minute about what ad hoc  
19 data is. Can you tell the Commission what I mean by ad  
20 hoc data?

21 A. Each month when Qwest starts to generate its  
22 performance measures for that month, it extracts data  
23 from various sources and then applies its programming to  
24 it, which in effect adds codes and designaters and  
25 calculated fields to go along with each one of these

6825

1 records. And when that processing is done, the file is  
2 called an ad hoc file.

3 Q. And the ad hoc file is the direct feed to the  
4 performance data that Qwest reports each month, correct?

5 A. Yes, there's some just some additional  
6 calculation of processing to make -- put it into this  
7 format, but it is the basic feed into the monthly  
8 report.

9 Q. So if Liberty wants to validate that Qwest  
10 fixed a problem that was reported in this performance  
11 data, if you fix it in the ad hoc file, you fix it in  
12 this data, correct?

13 A. Yes.

14 Q. And you were actually able to look at the ad  
15 hoc data after the programming fix and see that the  
16 problems Qwest originally had had been rectified?

17 A. Yes.

18 Q. True?

19 A. We did.

20 Q. Now let's focus in on observation 1026, which  
21 is found on page 10 of Exhibit 1372.

22 JUDGE RENDAHL: Mr. Steese, before you go on,  
23 looking at page 10, that first full paragraph at the  
24 top, or maybe I should ask Mr. Stright, is the PEND data  
25 file the same as an ad hoc data file?

1           THE WITNESS: The PEND data was the source of  
2 the files. If you give me just a moment. In this case,  
3 it's not always the same, in this particular case, what  
4 we're -- when we refer to the PEND data files and the ad  
5 hoc files, it's the same for OP-15 only.

6           JUDGE RENDAHL: For OP-15 it is the same?

7           THE WITNESS: Yes.

8           JUDGE RENDAHL: Thank you.

9           THE WITNESS: Only for that measure.

10          COMMISSIONER HEMSTAD: Could we go off the  
11 record for a moment, please.

12                   (Discussion off the record.)

13                   (Recess taken.)

14          JUDGE RENDAHL: During the break, we were  
15 discussing the process here, and suffice it that there's  
16 a concern over this particular process of  
17 cross-examination. It is an unusual situation unlike  
18 most adversarial proceedings where in this situation the  
19 witness is independent and isn't represented by either  
20 party or any party. So to that extent, all parties are  
21 entitled to cross-examination.

22                   However, the Commission prefers a question  
23 and an answer format where the attorney is asking the  
24 question and the witness is providing a narrative  
25 response. And our concern here is that we're hearing

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1 more of Mr. Steese's words than we are of the witness's  
2 words. So to the extent that you can modify your cross  
3 to reflect that, Mr. Steese, that would be helpful. So  
4 let's continue.

5 MR. STEESE: If I can respond, I must confess  
6 I don't understand. Earlier when Ms. Doberneck was  
7 questioning, you were directing the witness to answer  
8 yes and no. And now I'm asking similar questions and  
9 being told that I need to modify the way I ask, and I  
10 will try and do so. It just seems somewhat inequitable  
11 to me.

12 CHAIRWOMAN SHOWALTER: Mr. Steese, I don't  
13 disagree with your characterization, but I think what  
14 you should recognize is that when you're asking a  
15 question that's not challenging the witness but rather  
16 seeking to affirm something that he has said, it is  
17 going to carry more weight with this Commission if we  
18 hear the witness say it than if there is a sort of long  
19 question to which the answer is yes. We're not saying  
20 that it's inappropriate or an incorrect or objectionable  
21 question.

22 MR. STEESE: Okay.

23 CHAIRWOMAN SHOWALTER: Because it's an  
24 unusual situation. But, you know, half an hour of  
25 questions where the characterization and narrative is

6828

1 essentially yours and the answer is yes is not going to  
2 mean as much as if we hear this witness testify to the  
3 -- in his own words.

4 MR. STEESE: Fair enough.

5 BY MR. STEESE:

6 Q. Let's move on to observation 1026, and I will  
7 ask foundational questions then in a leading format and  
8 then see if I can't open up the conclusions to more  
9 general questions.

10 JUDGE RENDAHL: And this is still referring  
11 to the final report, Exhibit 1372?

12 MR. STEESE: Yes, it is, but in this  
13 particular case for observations 1026, 27, 29 and 30,  
14 since Ms. Doberneck did talk about them in the context  
15 of the Washington report, I will refer to that, and that  
16 is Exhibit 1330 as well.

17 BY MR. STEESE:

18 Q. Observation 1026 concerned line sharing and  
19 that certain line sharing orders were being reported  
20 twice for CLECs incorrectly; isn't that true?

21 A. Yes.

22 Q. And observation 1026 was a programming error,  
23 correct?

24 A. Yes, it was.

25 Q. And here can you describe once Qwest finished

1 the or made the programming fix what Liberty did to  
2 verify that, in fact, that fix was done correctly?

3 A. We reviewed the files that were processed  
4 after the fix had been made and confirmed that the  
5 mistaken retail orders were not included in those files.

6 Q. And so this is a circumstance when Liberty  
7 went back and verified Qwest's computer code?

8 A. Yes, it is. And after -- at the break, I  
9 went back and reread our own report here, and I'm --  
10 when Ms. Doberneck asked me the same thing earlier, I  
11 wasn't as clear. But this one, I think our report  
12 pretty clearly indicates that we, in fact, reviewed the  
13 files after the change had been made, and it was simply  
14 a matter of confirming that only the correct records  
15 were still included in those files.

16 Q. And you will recall that Ms. Doberneck  
17 identified a somewhat large percentage of line sharing  
18 orders that Qwest had done incorrectly?

19 A. Yes.

20 Q. And now that Qwest has made this computer  
21 programming fix, is the corrected data free of those  
22 problems?

23 A. Yes.

24 Q. And so the data the Commission is reviewing  
25 here today will not have that double counting contained

6830

1 within it?

2 A. That is correct.

3 Q. Let's turn to observation 1027. Observation  
4 1027 had to do with some circumstances when an order  
5 completed toward the end of the month generally, it  
6 would be reported in that month and then in the  
7 subsequent month as well, correct?

8 A. Yes, it was a matter of the actual completion  
9 being reported, and then it was reported complete again  
10 for billing purposes. And when that's two events  
11 happened in different months, it was the same order was  
12 getting reported the second month.

13 Q. And this particular circumstance was again a  
14 programming error, correct?

15 A. Programming error or omission that the  
16 programming had not contemplated this situation and had  
17 not -- did not have a check to make sure that this did  
18 not happen.

19 Q. And in this particular circumstance, what did  
20 Liberty do to verify that Qwest had made the corrections  
21 to its programming?

22 A. I don't have the report where we -- well, I  
23 think I do.

24 Q. I would turn to page 11 of Exhibit 1372, top,  
25 very top word is Liberty reviewed.

6831

1           A.     Yeah, that does say we reviewed the data  
2 files and the revised code, but I believe that I have  
3 some additional information on that.

4           Q.     That closed in the Colorado supplemental  
5 report, you might want to refer to Exhibit 1329 at page  
6 2.

7           A.     Is that one of the exhibits that you gave me?

8           Q.     No, it's not, I thought that --

9                   JUDGE RENDAHL:  Let's be off the record for a  
10 moment.

11                   (Discussion off the record.)

12          A.     Well, this doesn't give a whole lot more  
13 detail, but it does confirm that -- my recollection that  
14 we reviewed the code and the files that had been  
15 produced with the revised code to ensure that this  
16 problem didn't exist any more.

17 BY MR. STEESE:

18          Q.     And so just as with 1046 and 1026, after  
19 Qwest made a programming fix, Liberty went in, looked at  
20 the ad hoc files, and made sure the ad hoc files were  
21 free of this problem?

22          A.     Yes.

23          Q.     And so the performance data that the  
24 Commission is looking at here today, would it have this  
25 problem contained within it?



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1 A. No, it would not.

2 Q. I'm going to move over 1028, I'm going to  
3 finish all of the computer programming problems, and  
4 then I will move to the human errors, so let's move to  
5 observation 1029. Observation 1029 was a situation  
6 where certain CLECs, specific reports, those that showed  
7 the AT&T specific data, those that showed the Covad  
8 specific data or WorldCom specific data, were missing  
9 some orders, correct?

10 A. Yes, and it specifically had to do with line  
11 sharing orders.

12 Q. And to the extent that the Commission is  
13 looking at this large data set in front of them, since  
14 this only affects the CLEC specific reports, it would  
15 not affect the data in the aggregate state report,  
16 correct?

17 A. No, we confirmed that the -- even if the CLEC  
18 was not identified that those orders still got reported  
19 in aggregate.

20 Q. And here I believe Ms. Doberneck was asking  
21 how did you validate this. All you would need to do is  
22 look to see if the CLEC identifier was contained within  
23 the ad hoc file, correct?

24 A. Yeah, we did, as we noted here, we looked at  
25 files that had been processed using the new programming.

6833

1 And again, yes, it was, once we got that, it was a  
2 relatively simple matter to determine that the CLEC ID  
3 had been properly filled in.

4 Q. And so this is another circumstance where  
5 Liberty was able to validate after the fact that this  
6 issue was no longer in existence?

7 A. Correct.

8 Q. Let's move on to observation 1030. And 1030  
9 had to do with a code break, for lack of a better term,  
10 I think that's your term, in EDI 6.0, correct?

11 A. Yes, it was.

12 Q. When did EDI 6.0 go out of commission?

13 A. In the fall of 2001.

14 Q. And so to the extent that this Commission is  
15 focusing in on November data, 2001 data forward, would  
16 that affect that data?

17 A. No.

18 Q. Can you describe what, if anything, you were  
19 able to do to validate that this problem did not exist?

20 A. We -- Qwest gave us some -- first gave us  
21 some data that showed a very small number of records  
22 that would not have this state code problem, and we  
23 verified that. And then this is the one that I  
24 discussed earlier this morning where there was another  
25 aspect to this where Qwest had implemented a process to

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1 catch -- to attempt to catch even those few records that  
2 may still not have a state code. I think we discussed  
3 this one earlier. You're looking at me like I'm  
4 confusing these, and that's very possible, but.

5 Q. Are you finished, Mr. Stright, are you  
6 finished with answering that?

7 A. Yes.

8 Q. And, in fact, this is just like the last one,  
9 this is a circumstance where unlike in 1029 where it was  
10 a missing CLEC indicator, this was a missing state code  
11 indicator in the ad hoc files, correct?

12 A. Correct.

13 Q. So you could very quickly look at the ad hoc  
14 files again and see if this problem did or did not  
15 exist?

16 A. Yes.

17 Q. And to the extent that there was a missing  
18 state code, didn't Qwest implement a work around to  
19 identify the few orders that did exist even though it  
20 was a statistically tiny number?

21 A. That's what I was just referring to, yes.

22 Q. And then what would Qwest do with those few  
23 orders that were missing the state code?

24 A. Well, they would research those orders and  
25 enter the appropriate state code.

6835

1 Q. And so both from a mechanized standpoint as  
2 well as a manual standpoint, Qwest actually put backup  
3 systems in place to correct this problem, correct?

4 A. Yes.

5 JUDGE RENDAHL: Mr. Steese, can you define a  
6 work around.

7 MR. STEESE: I was just talking about  
8 identifying the small problem that still existed at the  
9 end and put a manual solution in place. That's what I  
10 meant by it.

11 Is that the way you understood it,  
12 Mr. Stright?

13 THE WITNESS: Yeah, I wouldn't call it a work  
14 around. It was an additional check put on the records  
15 at the end to check to see if there were any with  
16 missing state codes and then a process to, in fact, put  
17 those in.

18 JUDGE RENDAHL: Okay, thank you.

19 BY MR. STEESE:

20 Q. Let's move now to observation 1035. And  
21 again, this is the next programming fix, at least as I  
22 have identified it. This had to do with the eastern  
23 service, eastern region service order processor  
24 generating some incorrect data, correct?

25 A. Yes.

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1 Q. Did you find this error in the central  
2 region, which includes Arizona and Colorado?

3 A. No.

4 Q. Did you find this error in the western  
5 region, which includes Oregon and Washington?

6 A. No. We verified that it was limited to the  
7 eastern service order processor.

8 Q. And so this particular issue would not affect  
9 the Washington performance results at all, would it?

10 A. That's correct.

11 Q. When you say you verified that it was limited  
12 to the eastern region, what other than not seeing it in  
13 the other states did you do?

14 A. Well, in addition, we did not see it in the  
15 other states, and just investigating the nature of it  
16 and the cause of it, we were convinced that it was  
17 unique to this one service order processor.

18 Q. Let me ask one other question. Qwest  
19 reported that this issue was repaired as of May 12th of  
20 2001, correct?

21 A. Yes.

22 Q. And did you find any errors in Minnesota or  
23 Nebraska in the eastern region after May 12 of 2001?

24 A. No, this was one -- this was an example of  
25 one of the problems that Qwest really had already been

6837

1 aware of and had fixed. But we, you know, we didn't  
2 know that when we -- when we came across it.

3 Q. Let me make sure I understood that question.  
4 Are you saying that this is an issue that Qwest had  
5 identified even before Liberty found it and that we had  
6 already fixed it?

7 A. Yes.

8 Q. Let's move to observation 1038. This has to  
9 do with measurement OP-15, held order measure, and Qwest  
10 having a problem based on the date that it actually ran  
11 the report, correct?

12 A. Yes.

13 Q. And this was a programming issue?

14 A. Yeah, the OP-15 looks at orders that are,  
15 unlike the other measures, it looks at orders that are  
16 not yet complete and at the end of the month. And to do  
17 that, you have to look both in places where complete  
18 orders may be or where open orders may be and in order  
19 to get them all. And it turns out that in this  
20 particular case, Qwest had rerun the results a little  
21 bit later than normal because of some other issue, and  
22 what had happened was the way the computer code worked  
23 because of this sort of later running of the code, it  
24 missed some of the orders. And we came across that and  
25 eventually were able to figure out why that occurred

6838

1 that way. So it was -- you could call it a programming  
2 error, but it's more like a programming omission. It  
3 was a circumstance that the programming had not  
4 contemplated, so it needed to be fixed.

5 Q. And this is another issue that Qwest found  
6 before Liberty did, correct?

7 A. Yes, it looked like it was.

8 Q. And what did Liberty do to go and verify that  
9 Qwest had fixed this and the historic data reflected  
10 that fix?

11 A. Well, I recall reviewing the code in detail  
12 and talking to Qwest's programmers.

13 Q. You also looked at the ad hoc data, didn't  
14 you, to verify that it was fixed?

15 A. Yes, and we looked at files that had been  
16 produced after the fix had been put in place and  
17 confirmed that this did not -- this particular situation  
18 did not happen after the change had been made.

19 Q. Okay. Now let's turn to -- I'm going to  
20 digress before I go to the human error issues for a  
21 couple of points. Your reports talk about not only  
22 observations and exceptions, but there were some  
23 circumstances specifically in the state of Arizona,  
24 which is Exhibit 1326, but you also talked about a few  
25 other odd and end issues I will call them such as

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1 completion date, correct?

2 A. Yes.

3 Q. Why don't you describe for the Commission the  
4 difference between Qwest's and AT&T's view of when an  
5 interconnection trunk order is complete?

6 A. Well, in simplified terms, there's an  
7 established process for installing all these  
8 interconnection trunks, and at the end, there's some  
9 tests that are done. And what we found out was that  
10 AT&T considered the installation complete at the end of  
11 this first test, and Qwest was considering the  
12 installation complete after an additional test and  
13 confirmation back from the CLEC. That's simplifying it  
14 somewhat, but the net result was that AT&T thought  
15 certainly these orders were completed earlier than Qwest  
16 reported them being complete. And it got into affecting  
17 the performance measures, because the period of time  
18 between the first test and the second was often  
19 designated as a CLEC delay. In other words, the CLEC  
20 wasn't ready for the second test. And then that in  
21 those circumstances and under the PID that was existing  
22 at that time, that order may not be reported at all.

23 So this was -- this was one of the several  
24 examples where we realized why someone or a company like  
25 AT&T may say, hey, we think there were 20 orders



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1 completed in this month for this state, and you're only  
2 reporting 10. And so that's why we concluded that --  
3 early on that there were lots of reasons why CLECs and  
4 Qwest were -- or why the CLECs thought there was  
5 something wrong, because there was things like this that  
6 caused big disparities.

7 Q. Let me ask a couple of really small short  
8 questions in that regard. So basically what you're  
9 saying is AT&T thought an interconnection trunk order  
10 was complete sooner than did Qwest?

11 A. Yes, in this particular case.

12 Q. And as a result of that, if the due date was  
13 April 10th and AT&T thought the order was complete on  
14 April 10, it had no urge or desire to rush to finish  
15 additional work after it thought the order was complete,  
16 right?

17 MS. TRIBBY: I'm going to object, lack of  
18 foundation for what AT&T believed or didn't believe with  
19 this witness.

20 JUDGE RENDAHL: Can you rephrase your  
21 question, Mr. Steese.

22 MR. STEESE: Sure.

23 BY MR. STEESE:

24 Q. There were times, weren't there, that it took  
25 a week or two after the initial acceptance test where

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1 AT&T considered the trunk complete before the trunk  
2 would be finally turned up by Qwest where Qwest thought  
3 the order complete?

4 A. That's correct, that it varied from days to  
5 maybe a week or two.

6 Q. And if Qwest thought that the due date was  
7 two weeks or a week or even a few days before, it would  
8 say, this delay was attributable to the CLEC not being  
9 ready?

10 A. It was our understanding what would happen is  
11 that, like I said, AT&T thought it was done, and I was  
12 going to, Mary, you didn't need to object, because I was  
13 going to say, I don't know what AT&T was thinking, but  
14 they -- but from our understanding was that they really  
15 wouldn't have any motivation to hurry up the next step.  
16 So they may very well, in fact, the logs indicated they  
17 weren't ready to do this final turnup they called it.  
18 And so Qwest said, okay, but they entered a customer  
19 delay or a customer miss kind of code for that period of  
20 time.

21 Q. And in this particular circumstance, Liberty  
22 found that Qwest's process was PID compliant, not saying  
23 AT&T's wouldn't have been?

24 A. Yeah, we -- this was a case where we thought  
25 both parties had a rational approach, and the PID was

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1 not so specific that it considered this, you know, this  
2 particular aspect and made a clear definition of when an  
3 interconnection trunk order was complete. The PID is a  
4 fairly extensive document, but it doesn't answer all the  
5 questions, and this was an example of one where it  
6 didn't. So there was no need to make any kind of  
7 engineering judgment or whatever of who had the better  
8 definition. All we needed to decide was, is the way  
9 Qwest is doing it, is that wrong considering the PID,  
10 and we decided that it was not wrong.

11 JUDGE RENDAHL: Mr. Stright, is this  
12 discussion in the Arizona report, or is it in each  
13 report?

14 THE WITNESS: It's at least in most detail in  
15 the Arizona report.

16 JUDGE RENDAHL: Okay, thank you.

17 BY MR. STEESE:

18 Q. Now Liberty also reconciled WorldCom orders  
19 as it related to interconnection trunks, right, for the  
20 states of Arizona and Colorado?

21 A. Yes.

22 Q. And did Liberty find this issue with respect  
23 to WorldCom data?

24 A. No.

25 Q. And so Qwest did some additional

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1 investigation into why it seemed to disproportionately  
2 affect AT&T, right?

3 A. That may be, Mr. Steese. I don't -- all I  
4 remember is the resolution or how we came to a  
5 resolution on the issue.

6 Q. I'm moving, so you know, to observation 1031,  
7 and the supplement to observation 1031 is found as part  
8 of Exhibit 1374 at the very end. And Qwest did an  
9 analysis and found that this disproportionately affected  
10 AT&T interconnection trunk orders, correct?

11 A. I do recall that AT&T said that, yes, I mean  
12 that Qwest indicated that was true.

13 Q. And I'm just going to put that as a  
14 foundational point and move on now to the human error  
15 issues. The human error issues, would it be fair to  
16 say, were the principal focus of the reconciliation, to  
17 focus on the inputting that human beings were actually  
18 making, that that was at least the genesis of  
19 reconciliation?

20 A. Well, certainly that was, you know, when we  
21 first started the effort, I think that was one of the  
22 things that we thought we might see, because we were  
23 looking at the early input data. I'm not sure I would  
24 characterize it as a focus of the data reconciliation,  
25 because these other matters came to our attention and

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1 required some investigation and resolution as well.

2 Q. Fair enough, I will ask it more precisely.

3 The CLECs, the reason the CLECs said they wanted data  
4 reconciliation was that the pure performance measurement  
5 audit didn't focus on data input, correct?

6 A. Well, I have heard that. I think the -- a  
7 better way to say it would be they wanted it because  
8 their results were different than what Qwest was  
9 reporting, and they wanted to figure out why.

10 Q. Fair enough. Let's move then to the human  
11 error observations, of which there are seven. And I'm  
12 going to try in the interests of time have you look at  
13 what I will call the yellow sheets in front of you,  
14 which are Exhibits 1382-C, 83-C, 84-C, 85-C, and 86-C,  
15 and the white page in the middle should be on yellow  
16 paper as well. And I apologize, it's also 81-C. During  
17 the course of cross-examination by the CLECs, you  
18 mentioned that Liberty went through training materials,  
19 guides that would help technicians make sure that they  
20 didn't make the same kinds of human errors on a going  
21 forward basis. Is this the kind of material that  
22 Liberty would review to validate that Qwest's  
23 technicians were properly inputting information?

24 A. Yes, it is.

25 Q. I'm going to talk generally about now each

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1 individual observation and the percentage of orders  
2 impacted. Observation 1028 had to do with Qwest  
3 incorrectly tracking how long it took Qwest to complete  
4 a repair, correct?

5 A. Yes, on trouble tickets as opposed to orders,  
6 as we have been talking about.

7 Q. But in that circumstance, Qwest would  
8 properly identify the time the trouble started, right?

9 A. Generally that would -- we found that was  
10 correct.

11 Q. And it would properly identify the time the  
12 repair was closed, correct?

13 A. I think we did -- we did have some problems  
14 with the close time, so I would -- no, I don't agree  
15 with that.

16 Q. I will ask it a different way. The principal  
17 concern raised by Liberty was in between initiation of a  
18 repair ticket and the end of the repair ticket, there's  
19 times you exclude time because Qwest doesn't have access  
20 to the customer's yard or the CLEC facility or whatever  
21 it is they needed to repair; is that correct?

22 A. That's correct, and that certainly was one  
23 aspect of this, because we didn't really have a good --  
24 we didn't have any other source of information to check  
25 this no access time. Because in general the CLEC did

6846

1 not record that, nor would they really have the  
2 information to be able to do that, so it made the  
3 reconciliation a little bit more difficult.

4 Q. And Liberty found that this affected 6 1/2%  
5 of the trouble tickets that you analyzed.

6 A. Yes.

7 Q. Right?

8 A. That's correct.

9 Q. And these errors sometimes helped Qwest's  
10 data and sometimes hurt Qwest's data; is that fair?

11 A. It sometimes made the repair time longer or  
12 sometimes made it shorter, that's correct.

13 Q. Let's move now, I'm going to skip 1031 and  
14 end with it, let's move to 1032. 1032 concerns  
15 installation intervals, correct?

16 A. Yes.

17 Q. And if you look at measurements OP-4, in many  
18 circumstances, for loops at least, it says, if a CLEC  
19 requests an interval that's longer than the norm, then  
20 Qwest, you can exclude that order from the data,  
21 correct?

22 A. That's correct, one of the exclusions.

23 Q. And there was some circumstances here when  
24 Liberty was finding that Qwest wasn't excluding these  
25 longer intervals, correct?

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1           A.     That's correct.

2           Q.     And this is a circumstance where if Qwest had  
3 done this properly all the way through, that it actually  
4 would have helped made Qwest's intervals look shorter,  
5 correct?

6           A.     That's true, but I think I should add that,  
7 you know, whether or not an error made Qwest results  
8 look better or worse wasn't our concern. It was that  
9 there was an error, and it should be fixed. I think  
10 what Mr. Steese said is correct, but aside from any  
11 indication that Qwest may have been purposely trying to  
12 make their results look better than they really were, we  
13 were always alert for that, which we never did find, but  
14 aside from that, our concern was not so much which way  
15 an error made the results turn. It was we were trying  
16 to make sure that they were as accurate as they could be  
17 one way or the other.

18          Q.     Let's move to observation 1033. This had to  
19 do with --

20                   JUDGE RENDAHL: Mr. Steese, before you move  
21 on, looking at page 15 of Exhibit 1372, Mr. Stright,  
22 what is PONs?

23                   THE WITNESS: PONs is purchase orders,  
24 purchase order numbers.

25                   JUDGE RENDAHL: Thank you.



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1                   MR. STEESE:  And, Your Honor, if I can maybe  
2  to help, the CLECs issue purchase order numbers or PONs,  
3  and then Qwest tracks them with service orders or SOs.  
4  And you can issue one PON for multiple tickets, for  
5  multiple things, and so you might have one purchase  
6  order that generates a number of service orders.

7                   JUDGE RENDAHL:  Thank you.

8  BY MR. STEESE:

9           Q.     Let's move on to observation 1033.  When  
10  Ms. Tribby was cross examining you, I think she  
11  mistakenly misspoke.  She said this had to do with  
12  completion date.  It has to do with application date,  
13  correct?

14          A.     Yes, it does have to do with application  
15  date, and I don't -- I don't recall whether I -- either  
16  I or Ms. Tribby mischaracterized it.

17          Q.     And application date is the date that the  
18  order begins?

19          A.     That's the start time for particularly for  
20  measuring an interval or how long it took to provide an  
21  installation.

22          Q.     For interconnection trunks, if Qwest gets an  
23  order in after 3:00 p.m., what is the application date?

24          A.     It's after 3:00 p.m. for those design  
25  services, then the application date is the next day,

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1 should be, should be the next day.

2 Q. And for loops if you get it after 7:00 p.m.?

3 A. That's correct.

4 Q. Then it's what?

5 A. Then it's the next day.

6 Q. And there were times that Qwest would  
7 identify the incorrect application date because it would  
8 begin working the order on the day received even though  
9 it was after 3:00 or after 7:00, correct?

10 A. That's correct.

11 Q. And again, this data tended to make Qwest  
12 intervals look longer, correct? And I realize you're  
13 not as interested in whether it helps or hurts, but  
14 just --

15 A. Well, I would say that it certainly started  
16 the clock sooner for Qwest. Whether it ultimately --  
17 well, it started the clock sooner than had the PID  
18 definition been strictly followed.

19 Q. Let's move on to observation 1036. 1036 has  
20 to do with retermination of trunks, correct?

21 A. Yes.

22 Q. What is a reterminated trunk?

23 A. Basically at least an example would be if  
24 Qwest installs a new switch and needs to take the  
25 interconnection trunks from one switch and put them onto

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1 the new switch. That has to be coordinated with any  
2 parties that are using those trunks. And so what  
3 happens is that they would inform a CLEC, we need to  
4 switch these trunks. The CLEC acknowledges that by  
5 putting in an order that really just documents the fact  
6 that this trunk is going to be moved from one switch to  
7 another.

8 Q. And Qwest in its response to observation 1036  
9 said that these reterminations should not be included in  
10 the data because there's no -- this isn't "inward line  
11 activity", correct?

12 A. Yes.

13 Q. Can you describe what that means?

14 A. In general, the performance measures are  
15 designed to capture what's called inward activity, which  
16 generally means a new or changed service. In this case,  
17 as it -- as with some other services that are done, it  
18 really wasn't a new or changed service, so Qwest felt  
19 that it didn't meet the definition of inward activity.

20 Q. And AT&T agreed with that?

21 A. Eventually, yes, yes, yes.

22 Q. And in response to the observation, Qwest  
23 identified the number of reterminated trunks it had in  
24 each state over a period of months, correct?

25 A. Yes, and that was -- it was a very small

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1 number.

2 Q. Let's move on to observation 1037, which  
3 Ms. Tribby asked several questions about. This has to  
4 do with coordinated cuts, correct?

5 A. Yes.

6 Q. Coordinated cuts are a circumstance where  
7 generally you are transitioning from a Qwest or  
8 transitioning a customer from Qwest service to a CLEC  
9 service, correct?

10 A. That is correct.

11 Q. And you're trying to keep the amount of time  
12 that it takes this transition to take place as short as  
13 possible?

14 A. Yes.

15 Q. And when Liberty first was doing its  
16 performance measurement audit, hot cuts were done in  
17 various centers around the region, correct?

18 A. Well, we certainly knew they were being done  
19 in Des Moines. We went to Des Moines and watched that  
20 occur.

21 JUDGE RENDAHL: When you say Des Moines, do  
22 you mean Des Moines, Washington?

23 THE WITNESS: Oh, I'm sorry, Des Moines,  
24 Iowa.

25 JUDGE RENDAHL: Thank you.

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1                   THE WITNESS: I didn't know there was a Des  
2 Moines, Washington, I apologize.

3                   JUDGE RENDAHL: That's okay.

4 BY MR. STEESE:

5           Q.     And as a result of your audit, Qwest opened a  
6 center called the QCCC in Omaha, Nebraska, correct?

7           A.     We are aware that they opened a new hot cut  
8 center. I didn't know that it was specifically as a  
9 result of our audit, but I knew that Qwest had to make  
10 some changes based on our earlier findings.

11          Q.     And if you look at observation 1037, you  
12 found two specific things. First was that Qwest was  
13 incorrectly tracking completion time before the  
14 transition to the QCCC in the summer of last year,  
15 correct?

16          A.     That's correct.

17          Q.     And were you able to validate that after that  
18 transition took place that the errors that had been  
19 identified were taken care of?

20          A.     Yes, I think for the June and July data, or  
21 at least the latter months that we looked at, we did not  
22 detect this problem, and that's coincided with this  
23 shifting of the hot center.

24          Q.     And you looked at coordinated cuts from the  
25 states of Oregon, Arizona, and Nebraska, and that was

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1 uniformly true, correct, that you didn't see that  
2 problem after in the latter months?

3 A. That's correct.

4 Q. And then you talked about with Ms. Tribby the  
5 fact that until April Qwest was utilizing a process that  
6 was not PID compliant; do you recall that --

7 A. Yes.

8 Q. -- exchange?

9 A. But I don't -- I think this was not  
10 universal, but certainly there were in some cases where  
11 the recording of the time was not consistent with the  
12 definitions in the PID.

13 Q. Did that affect results at all though?

14 A. No.

15 Q. If you look at, if the Commission is to look  
16 at the Washington specific performance data, is that  
17 data as it relates to observation 1037 accurate?

18 A. Yes.

19 Q. And reliable?

20 A. That particular aspect did not affect the end  
21 results.

22 Q. Now let's move to 1031. I want to ask a few  
23 questions about this and tie back to the completion date  
24 question for interconnection trunks that I was talking  
25 about earlier. Observation 1031 you said was Liberty's

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1 greatest concern until recently; is that fair?

2 A. Yes.

3 Q. And this particular observation found that  
4 Qwest was excluding some orders as missed because of a  
5 CLEC when in reality Qwest was the cause, correct?

6 A. That's correct, that was the fundamental  
7 aspect of it, although there was -- we had pointed out  
8 several anomalies, if you will, all associated with  
9 assigning these jeopardy and miss codes.

10 Q. Looking at observation 1031 in the Washington  
11 report, as Ms. Tribby pointed out, you initially said  
12 that you thought that this problem might have existed in  
13 Arizona as well, correct?

14 A. Yes.

15 Q. On Exhibit 1372, page 14, excuse me, 13, last  
16 full paragraph, here Liberty says:

17 Liberty then discussed each of these  
18 orders with Qwest in a teleconference,  
19 and Qwest demonstrated that the customer  
20 jeopardy was actually correct in every  
21 case.

22 Correct?

23 A. That's correct.

24 Q. And so your report actually identifies the  
25 very issue raised by Ms. Tribby, that being that the

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1 initial Arizona concerns by Liberty were not well  
2 founded, correct?

3 A. That's correct.

4 Q. And in the supplement, Qwest's supplemental  
5 response to observation 1031, which is found in the last  
6 few pages of Exhibit 1374, Qwest asked the question, why  
7 is it that this observation seemed to affect a larger  
8 percentage of AT&T interconnection trunks than other  
9 issues that would have seemed to affect it similarly,  
10 correct?

11 A. Yes.

12 Q. Can you describe what Qwest's response was  
13 from that Exhibit 1374?

14 A. I'm just refreshing my memory here, but  
15 probably best just to read a couple of particular  
16 sentences. This is Exhibit 1374, and I'm on the next to  
17 the last page.

18 JUDGE RENDAHL: That would be 31.

19 MR. STEESE: Page 5 of 6.

20 THE WITNESS: It says page 5 of 6, but it's  
21 actually at the very end of the group of pages.

22 MR. STEESE: Your Honor, if I could --

23 JUDGE RENDAHL: Let's be off the record for a  
24 moment.

25 (Discussion off the record.)



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1           A.     He didn't ask me to read it, but I think that  
2 that might be the best way to answer this, that:

3                     The impact on this issue by AT&T is  
4                     disproportionately large and not  
5                     representative of the CLEC community as  
6                     a whole. This is due to AT&T's internal  
7                     process of waiting beyond the original  
8                     due date to complete final test and  
9                     turnup of interconnection trunks.

10                    And I can add that that is logical from what  
11 we know about this and does relate to what we were  
12 talking about earlier in that use -- two different  
13 definitions of interconnection trunk completion.

14 BY MR. STEESE:

15           Q.     And this particular circumstance, observation  
16 1031, was always preceded by Qwest not provisioning an  
17 order on time because it lacked facilities, correct?

18           A.     Every case that we came across was a case  
19 where there was a facilities problem, and Qwest did an  
20 analysis of a whole lot of orders, and they said that  
21 every one of them was a facilities problem originally.  
22 We, Liberty, did not independently do that analysis,  
23 but.

24           Q.     And Qwest tracks facilities miss in one  
25 system called TIRKS, correct?

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1 A. Yes.

2 Q. And it tracks its ability to provision an  
3 order in a separate system called WAFC, correct?

4 A. Correct.

5 Q. And so to the extent that you would get to  
6 the second due date, you would miss because of  
7 facilities, and then the second date would come, and the  
8 CLEC wasn't ready on the second date, if the technician  
9 only looked at the information in WAFC, they would think  
10 the original due date was missed because the CLEC wasn't  
11 ready, correct?

12 A. That's correct, and it's sort of an  
13 interesting I guess, if you will, in that Liberty's work  
14 and the reason we thought that some of these Arizona  
15 orders fell into this category and ultimately found out  
16 that they didn't was because we also thought this  
17 information was all contained within the WAFC log, and  
18 we -- we think we were led to believe that all that  
19 information was in the WAFC logs. But, in fact, it's  
20 not, and there can be customer or other miss code kind  
21 of reasons put into this other system, TIRKS, which I  
22 spelled earlier.

23 JUDGE RENDAHL: Mr. Steese, about how much  
24 longer do you have?

25 MR. STEESE: Three minutes.

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1 JUDGE RENDAHL: Great.

2 BY MR. STEESE:

3 Q. And so with respect to this particular  
4 observation, Qwest's training basically required its  
5 technicians to go in and look when they're assigning a  
6 miss code both in WAFC and in TIRKS, correct?

7 A. That was a key aspect to it, yes.

8 Q. Something that the people had not been doing  
9 before that, correct?

10 A. Apparently not, yes.

11 JUDGE RENDAHL: Let's be off the record for  
12 just one minute.

13 (Discussion off the record.)

14 JUDGE RENDAHL: Let's be back on the record,  
15 we'll see if we can finish this up.

16 MR. STEESE: Just a few more questions, Your  
17 Honor.

18 BY MR. STEESE:

19 Q. At this point in time, you said Liberty has  
20 completed its reconciliation. What final conclusions  
21 does it have?

22 A. Well, the conclusions that I put into this  
23 report, in that considering everything, including the  
24 resolution of all the issues that we have come across,  
25 that Qwest performance measures accurately and reliably

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1 report on their actual performance.

2 Q. And to the extent that someone came to you,  
3 Mr. Stright, and said, how was Qwest performing, where  
4 would you turn?

5 A. Well, now you want me to give my speech about  
6 how I don't like the -- I think there's too many  
7 performance indicators. And if someone came to me and  
8 said, how is Qwest doing, I would say, well, in what  
9 regard. Because there's so many measures, and it's  
10 disaggregated to such a level that it's pretty hard to  
11 answer the question how are they doing. You could  
12 answer the question how quickly are they providing  
13 unbundled loops in the state of Washington, that's a  
14 fair question.

15 But I think the point that Mr. Steese is  
16 trying to get me to say, and I would agree, that the  
17 best information as to their performance is their  
18 current performance report. It's just it's the  
19 particular question that he asked is I think hard to  
20 answer with those measures, but that doesn't have  
21 anything to do with our audit nor our data  
22 reconciliation. It's just a personal opinion that I  
23 thought I would throw out there.

24 Q. But you would turn to the performance data  
25 and look at the data, and based on that data, draw

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1 conclusions about how Qwest was performing?

2 A. Yes.

3 MR. STEESE: I don't have any more questions.

4 JUDGE RENDAHL: Okay, let's take a brief five  
5 minute break, and then we will -- actually, let's take a  
6 ten minute break, and then we will come back and finish  
7 up this portion at 5:30, and then we will take our  
8 dinner break, so let's be off the record until 20 after  
9 4:00.

10 (Recess taken.)

11 JUDGE RENDAHL: There are a few questions  
12 from the Bench, and then we will allow the parties to  
13 make brief recross.

14

15 E X A M I N A T I O N

16 BY CHAIRWOMAN SHOWALTER:

17 Q. Mr. Stright, I have just a few odds and ends  
18 of follow-up questions. The first one is somewhat  
19 general. If an issue such as an observation is  
20 addressed in the Washington report, that's Exhibit 1330,  
21 and then is later addressed in the final report that  
22 came out on Friday, and I think that's Exhibit 1372,  
23 where there is any difference or any additional  
24 information, is the later report the more accurate as of  
25 today?

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1 A. Yes, it is.

2 Q. All right.

3 A. There were some issues that were still open  
4 at the time of the Washington report that are now  
5 closed, so the best description of each of those issues  
6 is the final report.

7 Q. All right. And then I'm also trying to  
8 figure out how to fit in two more documents into the  
9 sequence of things, and the first one is Exhibit 1373,  
10 which doesn't have a title, and what I notice in -- do  
11 you have Exhibit 1373 in front of you?

12 A. Yes, I do.

13 Q. What I notice is that different pages have  
14 different dates. It appears to be a walk through of the  
15 different observations and maybe when they were closed,  
16 but can you tell me what Exhibit 1373 is?

17 A. I did not put this exhibit together, but I  
18 can tell you that each time we issue an observation or  
19 exception, we have to prepare -- I mean the procedure is  
20 that we prepare one of these reports. So this appears  
21 to me to be the initial identification of each of these  
22 items, and it would also appear that this is -- this  
23 particular exhibit only contains our initial writeup of  
24 those issues.

25 Q. Okay. So Exhibit 1373 has been superseded by

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1 Exhibit 1372, the final report; is that correct?

2 A. Well, let me --

3 Q. I don't mean in -- I mean in terms of our  
4 understanding the status of it today. I don't mean it  
5 repeated the initial observation.

6 A. The status is currently reflected in our  
7 final report.

8 Q. All right.

9 A. This 1373 is it looks like a compendium of  
10 the initial issuance of each of these problem reports.

11 Q. All right. And then the next exhibit that I  
12 have a question about is 1355, which was just delivered  
13 to us, which is the Qwest performance results dated  
14 April 20th. How does -- do you have that in front of  
15 you? It says Washington, April 2001 to March 2002.

16 A. No, that -- and that exhibit doesn't have --  
17 I'm not sponsoring it.

18 Q. Okay.

19 A. Nor does it have anything to do with my  
20 direct -- my testimony.

21 Q. All right, so it's aside from the final  
22 report?

23 A. Yes.

24 Q. Okay.

25 A. I think that's Mr. Williams' exhibit.

6863

1 Q. All right. Then if you could turn to Exhibit  
2 1330, page 9, I'm sorry, I think that's the wrong page.  
3 Maybe I'm talking about Exhibit 1372. I'm trying to  
4 find a reference where there was quite a bit of  
5 discussion about Qwest subtracting the time that it took  
6 for the CLEC to confirm on order.

7 A. Okay.

8 Q. What observation is that?

9 A. That is number 1037, and the discussion is in  
10 Exhibit 1372, our final report on page 18.

11 Q. Let's see, just a second here. All right,  
12 that was it, page 18, Exhibit 1372. As I listened to  
13 the discussion between Ms. Doberneck and you, it seemed  
14 to me that this was describing what I would call an  
15 error in form, not an error in substance. That is it  
16 sounded to me as if Qwest had not complied with the form  
17 of the PID, meaning it had not reported the right time.  
18 But in substance, the result was the same as the PID  
19 intended to achieve, because it was as if the -- if the  
20 cut off or the first event were at noon and the  
21 confirmation came back at 1:00 p.m., the error in form  
22 was to say it was 1:00 p.m. minus one hour, therefore  
23 it's noon, as opposed to saying noon. Did I get that  
24 right?

25 A. You're exactly right, but I think you need to



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1 understand that there were really two problems  
2 identified in this observation report, and I tried to --  
3 I know this got a little confusing, but I tried to  
4 indicate that there were -- these were two separate  
5 problems dealing with the same issue of recording times.  
6 In the one hand, there were errors made by Qwest in the  
7 months just before they shifted this hot cut center, and  
8 so that was, in fact, incorrect times, and that has been  
9 fixed. We also noted this second problem, which you  
10 described exactly right. It was a matter of form, not  
11 substance, and the form being that the time that they  
12 recorded, 1:00 p.m., was not exactly the way the PID  
13 defined the completion time. But since they subtracted  
14 the one hour between noon and 1:00 p.m., they got the  
15 correct answer. So you have it exactly right, and the  
16 only thing I wanted to clarify was that, in fact, there  
17 was an additional issue here that was a real problem,  
18 and that was fixed.

19 Q. Right, but on the second problem, that I  
20 think you learned in Oregon; is that right?

21 A. Yes, it was.

22 Q. It is an error even if only in form, and  
23 therefore am I right that Qwest took some steps to cure  
24 that error?

25 A. Yes, they agreed that it was incorrect, not

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1 consistent with the PID, and indicated that they made  
2 that clear to all the people who do this time recording.

3 Q. All right. But in this case, you have not  
4 analyzed, in this particular instance, you have not  
5 analyzed new data to see if that error in form has been  
6 corrected in terms of new orders or new data; is that  
7 right?

8 A. That's correct, we have not done that.

9 Q. And I think my most general question is how  
10 is it that you decide whether something is significant  
11 enough that you need to analyze more data? I think you  
12 said it was a matter of judgment, but what goes into  
13 your judgment?

14 A. Okay, well, in general, the kinds of issues  
15 that we had to make those types of judgment on were  
16 generally the human error kind of issues, and so we  
17 looked at things like, well, how many of these did we  
18 see out of the total population that we looked at. In  
19 other words, how prevalent was the error. In this case,  
20 we also obviously look at what was the effect of the  
21 error, and in this case the end effect was nil. I think  
22 we also -- we also tried to look at the kinds of errors  
23 and how they related to other errors that we had seen in  
24 the course of all of our work to help us judge how much  
25 additional verification was appropriate.

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1 Q. All right. And one more question, what kind  
2 of staffing does -- did Liberty have to go through this  
3 job?

4 A. This -- the data reconciliation effort, I'm  
5 counting, there were primarily five of us involved.  
6 Generally we divided up the work by CLEC, because it  
7 took a while to get up to speed, if you will, learning  
8 about the CLEC's form and substance of their data, so it  
9 seemed to make sense from an efficiency standpoint to  
10 have certain individuals focus on the AT&T data and  
11 others focus on WorldCom or Covad. I say five, there  
12 was one person who was not helping us right at the  
13 beginning we brought in, you know, in the last month or  
14 so. So, you know, and say effective four people.

15 Q. And what sort of staffing over what period of  
16 time did Liberty direct to this for the whole, its whole  
17 271 contract? You may or may not be able to answer it  
18 precisely. I'm just trying to get a sense of did ten  
19 people work for two years full time approximately or  
20 what?

21 A. Well, we haven't been at it for quite two  
22 years, but it's approaching that. During the heaviest  
23 time of our auditing we probably had six people, the  
24 equivalent of six people pretty much full time. Of  
25 course, that changed. I mean it didn't -- it wasn't six

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1 over the entire period of time. As we finished each  
2 performance measure, we issued a release report, and so  
3 when we got down toward the end, there were fewer people  
4 working on the task.

5 Q. And for the reconciliation effort, what were  
6 the professions of the four or five who were working on  
7 this?

8 A. The qualifications of those people?

9 Q. I mean were they engineers or accountants or  
10 what?

11 A. Well, we had two gentlemen, both older than I  
12 am, believe it or not, who were long time  
13 telecommunications employees and now have been for the  
14 last quite a few years consultants. We have one  
15 gentleman who is a Ph.D. in math who has consulted in  
16 the telecommunications industry for about 20 years. And  
17 we had one analyst who has done this kind of work for  
18 about 10 years. But that's -- I think our total  
19 professional experience is probably more like 15 or 18  
20 years. So I think it's -- we had a very senior staff.  
21 We did not have a lot of -- we did not have any junior  
22 people working on this.

23 And I just noticed one of the exhibits that  
24 Mr. Steese had given me was the initial authorization  
25 for the job, and I had to chuckle a bit. In that, they

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1 lay out a schedule that had us completing this effort in  
2 about one month, and I really don't think it's because  
3 of our inefficiencies or incompetence that it took this  
4 long. It's just that it went into a great deal of  
5 detail. An awful lot of information had to be analyzed.  
6 The differences between Qwest and the CLEC were  
7 significant, and the kinds of data and information that  
8 we had to look at was complex, often written in  
9 telecommunications shorthand, you know, what testers and  
10 installers might write as notes. And so it wasn't easy  
11 reading, and it turned in to be a much more extensive  
12 effort than I think anybody anticipated.

13 CHAIRWOMAN SHOWALTER: Thank you, I have no  
14 further questions.

15 COMMISSIONER HEMSTAD: I don't have any  
16 questions.

17 COMMISSIONER OSHIE: Couple of questions,  
18 Mr. Stright.

19

20 E X A M I N A T I O N

21 BY COMMISSIONER OSHIE:

22 Q. I know you explained this early in your  
23 cross-examination with Ms. Tribby about the difference  
24 between an exception and an observation. And as I  
25 understood it, an exception was more certain in its

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1 effect, or perhaps it was more certain in it was a more  
2 certain fact and that it did affect performance. And an  
3 observation, as I wrote my note, is that there was some  
4 uncertainty of the extent of the problem. But that, of  
5 course, you followed up by saying that you treated them  
6 both the same.

7           And just to kind of to clarify a bit maybe  
8 how you made a decision as to whether to consider one  
9 issue an observation and one an exception, perhaps we  
10 can go back to your Exhibit 1372, and there there was an  
11 exception in 1046, which was a programming fix to cure a  
12 held orders issue. But there was an observation on 1026  
13 which also required a programming fix, but that dealt  
14 with double counting, and I would have to find it here,  
15 retail orders that were included in performance reports  
16 as wholesale orders. Now what I guess the issue that I,  
17 just to help me understand it a little bit better, is  
18 why if both required a programming fix and were, of  
19 course, were both understandable to that level of what  
20 was required to fix it, why is one an exception and one  
21 is the other, an observation?

22           A.     Good question, and I will have to admit I'm  
23 probably on a little weak ground here, because like I  
24 said, the way we dealt with these things and treated  
25 them, I didn't really see a distinction. But I will --

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1 there was a difference in these. When we first found  
2 this problem that was identified in exception 1046, in  
3 fact, I can tell you exactly what happened. We were in  
4 Qwest's offices. One of our analysts went to the Qwest  
5 programmer and said, I see this, and I see this, and  
6 these facts, and this doesn't make sense, these don't  
7 seem to be treated right. And we were told right there  
8 on the spot, yes, that was a problem, we knew about it,  
9 here's what happened, this one digit got truncated from  
10 a code, here's the effect of it. And it was clear in  
11 our minds that had that not been fixed, it would have --  
12 it would have been a problem. It was a real problem,  
13 there was no question about it, and so we wrote an  
14 exception report.

15           From there on in, any of the problems that we  
16 found all became observations, and our primary thinking  
17 was that we were looking at a very small set of the  
18 total data, we were looking at data from one state or  
19 one CLEC for a particular measure, and we would see  
20 something like there appears to be orders that were  
21 reported one month and then they were reported again  
22 another month. At the time we identified it, we didn't  
23 know how extensive it was. We didn't know if it  
24 affected a lot of measures, whether it was something  
25 that could be unique to one sub region. So there was

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1 some unknowns about it, and so we wrote observations.

2           So there was -- there was some differences,  
3 but I will be the first to admit that I didn't put a lot  
4 of weight on the distinction between observations and  
5 exceptions. And, in fact, in one other hearing I was  
6 asked about some issue, well, why didn't you write a  
7 separate observation report on that and so on. And my  
8 answer was I didn't, you know, I thought our goal here  
9 was to try to get Qwest's performance measures to be  
10 accurate and reliable, not some kind of a score card as  
11 to how many, you know, how many observations there were,  
12 so.

13       Q.     I was going to ask whether any observation  
14 evolved into an exception, but perhaps your latter part  
15 of the answer covered that.

16       A.     We did not. That possibility exists, that  
17 observations once the unknowns or the uncertainty is  
18 confirmed can be written up as exceptions. The way we  
19 dealt with it was to make sure that we understood what  
20 the problem was and what the resolution of it was and to  
21 satisfy ourselves that it was, in fact, resolved. And  
22 we were less concerned with what I would call the  
23 technicalities of whether something should be converted  
24 to an exception or should have been an exception rather  
25 than an observation to begin with.



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1           Q.     In your exception 1046, and you -- there was,  
2     of course, a programming fix, you evaluated that or your  
3     company evaluated that and made a determination that the  
4     problem was corrected.  And did you just look at the  
5     program, or did you have results or have some kind of  
6     hypothetical or perhaps real data run through the  
7     program and satisfied with the results?

8           A.     Well, in general we did all of those things,  
9     not necessarily in every case, but we were forced to  
10    become somewhat knowledgeable in the SAS programming  
11    that Qwest used.  And so it got to the point we -- and  
12    we had reached that point where we at least could look  
13    at that code and understand what it was doing.  In  
14    general what we did was discussed or walked through the  
15    programming with actual programmers from Qwest to make  
16    sure that we were interpreting it correctly.  And when  
17    we could, we did other things like, okay, well, let's  
18    test this, in other words, did the program work as it's  
19    supposed to by you looking at actual examples of actual  
20    data.

21          Q.     In response to some questions by I believe  
22    Ms. Tribby on observation 1033 and I think observation  
23    1037, you, Liberty, did not look or did not go beyond  
24    some of the either the training manual or the training  
25    methods of the company to determine if the training

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1 actually worked. And in comparison to the programming  
2 fix, you know, I'm sure that there are distinctions, and  
3 perhaps you can explain why it didn't seem feasible at  
4 least to look at the training and to look at the results  
5 of the training and determine whether it actually worked  
6 to fix or correct the problem.

7 A. Well, in general, when there's a programming  
8 error or an omission in the programming, it only -- what  
9 computer programs, they operate the same way every time,  
10 and so you know that if there's an error there, every  
11 time that situation occurs, that error is going to  
12 appear. And so it's relatively straightforward and the  
13 right thing to do to verify that, in fact, it is fixed  
14 and effective, and it's also doable.

15 When you get to the human errors where the  
16 corrective action is training, there's a difference  
17 primarily in that humans don't work the same way every  
18 time, unlike the computer program. More importantly,  
19 the errors were generally not of a nature that caused a  
20 significant effect on the performance results. As  
21 Ms. Doberneck in her cross-examination got me to confirm  
22 some numbers that, you know, an error would -- had a 27  
23 -- or 27% of the orders were affected by this error and  
24 so forth, and that's, in fact, correct, and those were  
25 all because a computer program was not working correctly

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1 or was not considering all of the situations. But in  
2 the -- in the case of human errors, those -- that effect  
3 was not as great.

4           And I think furthermore, it would have been  
5 difficult, certainly more difficult in verifying that a  
6 program works than verifying that training is effective.  
7 Because one would have to say, well, okay, let's go look  
8 at 100 more trouble tickets and see if we can find human  
9 errors, is that enough and have you covered all the  
10 regions, and it would have been very difficult and in  
11 our opinion not commensurate with the nature of the  
12 problem to do that.

13           COMMISSIONER OSHIE: No more questions, thank  
14 you.

15           JUDGE RENDAHL: I just have a few questions,  
16 Mr. Stright.

17

18                           E X A M I N A T I O N

19 BY JUDGE RENDAHL:

20           Q.     Concerning the KPMG observation 3086, which  
21 as I recall from the testimony and cross examination had  
22 to do with problems due to human error, what is your  
23 involvement, if at all, with that KPMG work on  
24 observation 3086?

25           A.     Very little. I became aware of the report by

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1 KPMG, and I read it. I read Qwest's quite extensive  
2 response to that report, and I tried to apply the  
3 perspective that I gained from that to our judgments  
4 about human errors and training that Qwest had to do.

5 Q. Okay. But KPMG has not asked you to  
6 participate in their -- I mean that's a separate --  
7 that's separate from your data reconciliation effort  
8 here?

9 A. For that particular problem, that is totally  
10 separate. KPMG has not asked us to do anything, and we  
11 are not involved in the resolution of that issue.

12 Q. Okay, that was my question.

13 Mr. Steese asked you a few questions about  
14 the switch, Qwest's switch from PID version 3.0 to PID  
15 version 4.0, and I understood that Liberty has completed  
16 a review of PID 4.0 measures. Is that -- was that a  
17 correct understanding of your testimony?

18 A. When performance measures were changed and  
19 approved by the ROC TAG, at least in certain  
20 circumstances or certain matters, Liberty was asked to  
21 reaudit those measures. I can not sit here today and  
22 tell you that we have audited every change that is now  
23 in PID 4.0, but I do think that we audited the  
24 significant changes.

25 Q. Okay. And you testified that Liberty

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1 finished that reaudit in January; is that correct?

2 A. That was for the specific change that had to  
3 do with several of the OP measures and specifically the  
4 change that took into account customer change due dates.  
5 We wrote a report on our audit of that, and I believe  
6 that was in January.

7 Q. Okay. So there is an audit report that's  
8 been completed?

9 A. Yes, and it's in the form -- it's in the form  
10 of a release report, and I'm not sure how that all gets  
11 captured into the record, but I could certainly provide  
12 that if you need it.

13 Q. If we need it, we may issue a Bench request,  
14 but I was just curious if there had been a report  
15 resolving.

16 A. Yes, it was a very short, you know, I think  
17 it was only a couple of page report that said here's the  
18 change, and here's what we did, and here's what we  
19 found.

20 Q. Okay, thank you.

21 Your report as of last Friday effectively  
22 closed the exceptions and observations, and so I guess  
23 my question would be I know that AT&T plans to comment  
24 upon that final report, and would you or would Liberty  
25 review those comments and make any -- is it possible

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1 that you might make any changes to your final report  
2 based on AT&T's comments?

3 A. We certainly would review them, and any  
4 changes that were warranted, we would -- we would make.

5 Q. Okay, but you would not, if there were no  
6 changes needed, you wouldn't respond in any way to the  
7 comments filed?

8 A. I'm never really sure how we're supposed to  
9 handle that. I would be glad to do it, however, if it  
10 suits every, you know, all the parties' needs. But it  
11 was never clear to me what procedure specifically  
12 applied and whether I was required to respond to their  
13 comments. I don't know how these things all played out.  
14 And then does AT&T reply to my comments and then, you  
15 know, at some point it's got to end.

16 Q. Okay, just wasn't sure if there was a process  
17 for that.

18 Just a couple more questions. In your  
19 discussion with Mr. Steese about the programming or  
20 process observations, you were talking about observation  
21 1038, which had to do with OP-15-A and held orders, and  
22 you talked about Qwest rerunning the results because it  
23 missed some orders. And I was unclear whether this was  
24 due to Qwest missing -- this was limited to one month of  
25 data or there was a miss of orders in one month or was

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1 this -- did this involve just Washington or more states  
2 and more months?

3 A. It was not limited by state. My best  
4 recollection is that we only saw it in one month because  
5 of the circumstances that occurred, but I believe the  
6 circumstances could have occurred in other time periods.  
7 It was a matter that the results had to be restated by  
8 Qwest for some reason, and because of just the timing  
9 difference, this computer code missed finding some  
10 orders that were pending at the end of the month, which  
11 is what OP-15 does, and so it had to be fixed. Like I  
12 said, we only saw it in one month, it could have  
13 appeared in others.

14 Q. Okay, thank you.

15 And concerning the human error observations,  
16 your discussion with Mr. Steese about observation 1037,  
17 and I believe this is the coordinated cuts issue, I  
18 thought I understood you to say that this -- that the  
19 reporting of the PIDs incorrectly did not affect  
20 Washington data. Was that a correct understanding of  
21 your testimony?

22 A. There was nothing state specific about that  
23 issue. There was another observation that was discussed  
24 that only affected the eastern service order processor,  
25 and that would not have affected Washington. I think on

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1 this particular one, the question from Mr. Steese may  
2 have related to the initial question that I addressed to  
3 Ms. Showalter, is that there was a problem of form and  
4 not substance that would not have affected the results.  
5 In fact, I remember Mr. Steese pointing to the  
6 Washington report and saying, so that particular item  
7 would not affect these results, and that's true, but  
8 they wouldn't have affected any state's results.

9 Q. Okay, I think that was my question.

10 JUDGE RENDAHL: Okay, those are all the  
11 questions I have.

12 Is there any recross, and what is the extent  
13 of it?

14 Ms. Tribby.

15 MS. TRIBBY: Your Honor, what's the intention  
16 with respect to recross, just to follow up on questions  
17 asked by the Bench or questions asked by Mr. Steese as  
18 well?

19 JUDGE RENDAHL: It does include the scope of  
20 Mr. Steese's cross, but it should keep within the scope  
21 of what was asked and not repeat anything you have  
22 already covered to the extent that you don't need to.

23 MS. TRIBBY: I would like to ask a few  
24 questions, maybe five minutes.

25 JUDGE RENDAHL: Okay.



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1 Ms. Singer Nelson.

2 MS. NELSON: I have no questions.

3 JUDGE RENDAHL: Okay.

4 Ms. Doberneck.

5 MS. DOBERNECK: I have two questions.

6 JUDGE RENDAHL: And then Mr. Steese.

7 MR. STEESE: I only know one off the top.

8 JUDGE RENDAHL: Okay.

9 MR. STEESE: If I need to respond to anything  
10 they say, it would be very brief.

11 JUDGE RENDAHL: Okay, well, let's go ahead.

12 Ms. Tribby.

13 MS. TRIBBY: Thank you.

14

15 R E C R O S S - E X A M I N A T I O N

16 BY MS. TRIBBY:

17 Q. Mr. Stright, with respect to the observations  
18 that Mr. Steese went through with you that had to do  
19 with coding problems, do you recall those?

20 A. Yes.

21 Q. As opposed to the human error problems?

22 A. Yes.

23 Q. And you went through and said that you  
24 attempted to validate those fixes by looking at ad hoc  
25 files and reviewing the code that had been put in place;

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1 do you recall that?

2 A. Yes.

3 Q. With respect to some of the ad hoc files at  
4 least as I review your orders, for example on 1026 and  
5 1029, you would review that month's results that had  
6 been rerun, in other words the month where the problem  
7 was found, but you didn't necessarily review future  
8 months of data to see if that fix carried on, correct?

9 A. I think that is generally correct. Where we  
10 could get the revised files from the months where we  
11 found the problem, that's what we generally looked for.  
12 And I don't think we typically, once we reviewed the  
13 code and understood it and then looked at the rerun  
14 files, I don't think we typically asked for later  
15 months.

16 Q. So your assumption was that if the month  
17 where the problem had been found had been fixed, then  
18 future months would also be fixed because of the code  
19 change, correct?

20 A. Yes.

21 Q. Did you have any way of knowing whether Qwest  
22 electronically produced the results for that month or  
23 whether they might possibly have manually gone back and  
24 done just that month's results such that a fix might not  
25 carry through to future months of data; did you look at

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1 that?

2 A. No, but we looked at the actual computer  
3 code, and we know that that same code is applied to each  
4 month. So if they tried to cheat, they had to be really  
5 -- they had to really work hard at it.

6 Q. Did you look at the code actually in the  
7 computer system and in the interfaces or in the  
8 documentation that Qwest provided you?

9 A. What we generally got was a text printout of  
10 the code in the code language. We did not look at it on  
11 a computer.

12 Q. In observation 1030, which discusses the  
13 code, state code problem, this is the one that you  
14 indicated was fixed in EDI 7.0; do you recall that?

15 A. Yes.

16 Q. Mr. Steese asked you whether you validated  
17 this fix by looking at new codes, and you said that you  
18 did. I don't see any indication of that in any of your  
19 reports.

20 A. No, if I said that, I was mistaken or got  
21 confused. What we did do is look at the results, but I  
22 don't recall looking at actual code of this EDI  
23 interface.

24 Q. You went through and talked about the coding  
25 errors and distinguished those from the human errors and

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1 indicated that you were able to look at the code in an  
2 attempt to validate a fix with the coding errors,  
3 correct?

4 A. Yes.

5 Q. With respect to the human errors then, of  
6 which there are 7 of the 14, those are the ones where  
7 for the most part you were only able to look at training  
8 materials and conduct interviews, that sort of thing,  
9 correct?

10 A. In general that's correct, yes.

11 Q. Now in response to some questions from  
12 Commissioner Oshie, you indicated that one of the  
13 reasons you didn't think you needed to do more is that  
14 the errors were not as significant with respect to the  
15 human error problems. It's not your testimony here  
16 today that in all cases the coding problems created more  
17 significant or greater errors than were produced by the  
18 human error problems, is it?

19 A. No, but I could, you know, I could go through  
20 and go back through our notes and documentation on the  
21 problems and see, you know, which ones were or not.  
22 Even when it came to those kind of problems, if it was  
23 there and real, we tried to get it -- bring it to  
24 attention and get it fixed. So even if it was -- even  
25 if it didn't have a large effect, we tried to do the

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1 same thing.

2 Q. As you have admitted, however, it's easier to  
3 review code fixes and to see if those have been put in  
4 place than it is to determine whether human error and  
5 training problems have been corrected; would that be  
6 fair?

7 A. I would say it's easier to validate the  
8 effectiveness of a revised computer code than it is to  
9 validate the effectiveness of training and job aids and  
10 that sort of thing.

11 Q. Mr. Steese showed you some training  
12 materials; do you recall that?

13 A. Yes.

14 Q. And those were examples of some of the types  
15 of things you looked at in determining whether a fix had  
16 been put in place, correct?

17 A. Yes.

18 Q. Did you do any kind of research or study to  
19 determine who at Qwest had access to those training  
20 materials or how widely disseminated they were or  
21 whether Qwest personnel was actually following those or  
22 not?

23 A. Well, the kinds of questions that you just  
24 addressed are the kinds of questions that we asked,  
25 except for the last one, because it's pretty hard to say

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1 are you actually doing this, I'm sure they're going to  
2 say yes, so that really wouldn't have been a very good  
3 question. But who got the training, when they got the  
4 training, how was the training conducted, did you do it  
5 in person, did you do it by phone, did you do it by --  
6 they have some electronic means to get out information,  
7 you know, so the way and the extent of the training are  
8 the kinds of things that we asked about to help us make  
9 our decisions on these things. But we, of course,  
10 didn't ask the question, are you actually following the  
11 procedure.

12 Q. Final question, with respect to observation  
13 1037 that we have had some discussion about having to do  
14 with coordinated hot cuts, that observation came about  
15 as a result of the Oregon review, correct?

16 A. I believe that's correct, yes.

17 Q. So was that observation found at the  
18 beginning of April?

19 A. The problems were identified in April and May  
20 of -- for the months of April and May of last year.

21 Q. I'm sorry, my question is, when did you  
22 identify the problem to Qwest?

23 A. Well, I think I can tell you that. The date  
24 on the initial observation report was March 28th of this  
25 year, so that's when we formalized it. More than

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1 likely, although I don't recall exactly, but more than  
2 likely in our discussions and data requests to Qwest,  
3 they probably knew about it a few days before we wrote  
4 this up.

5 Q. So you have closed this observation based on  
6 your belief that between the time you identified the  
7 problem sometime between March 25th and March 28th that  
8 Qwest updated its job aids and sufficiently trained all  
9 of its testers prior to April 5th of 2002, correct?

10 A. I'm hesitant because I'm afraid we're going  
11 to complicate this again. There were two issues here.  
12 One of them was a real problem that was relatively  
13 straightforward to confirm that it did not exist after  
14 May of last year. There was a second issue that was a  
15 matter of it's been characterized as of form and not  
16 substance. That second issue is the one that yes,  
17 between the end of March and when we closed this  
18 observation, we became satisfied that Qwest's actions  
19 were adequate.

20 MS. TRIBBY: Thank you, that's all I have.

21 JUDGE RENDAHL: Ms. Doberneck.

22 MS. DOBERNECK: Thank you.

23

24

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1 R E C R O S S - E X A M I N A T I O N

2 BY MS. DOBERNECK:

3 Q. In response to one of Commissioner Oshie's  
4 questions, you stated, and I'm paraphrasing, that a code  
5 fix, it's easy to review because it operates the same  
6 way, it's pretty straightforward to determine whether a  
7 code fix has been implemented. Would you agree that one  
8 of the down sides of a code fix is that while it may fix  
9 X problem, it could create a different reporting problem  
10 because of an unintended impact on the reporting?

11 A. Yes, definitely, I would agree with that.

12 Q. And would you agree that it's reasonably  
13 likely that some of the problems Liberty detected during  
14 the reconciliation period, such as CLEC unknown or the  
15 absent state code, was the result of a different code  
16 fix that Qwest had implemented in order to fix a  
17 different kind of problem in its reporting environment?

18 A. I don't know if it's likely, but it's  
19 certainly possible.

20 MS. DOBERNECK: Okay, thank you.

21 JUDGE RENDAHL: Mr. Steese.

22

23 R E C R O S S - E X A M I N A T I O N

24 BY MR. STEESE:

25 Q. Just a couple of questions regarding



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1 training. Was there ever a circumstance where Qwest  
2 gave you its initial training materials and Liberty said  
3 that's not good enough?

4 A. Yes.

5 Q. Can you please explain.

6 A. Well, I can think of at least two of the  
7 observations, the one dealing with maintenance trouble  
8 tickets and the one dealing with miscodes, where in both  
9 cases we went back to Qwest and said, we don't think  
10 this is either focused enough or adequate or on point  
11 enough to make -- we weren't satisfied that it would be  
12 likely to be effective in curing the problem.

13 Q. And as a result of that, what did you ask of  
14 Qwest, and what did Qwest do?

15 A. Well, what we generally tried to do, we try  
16 not to tell Qwest how to solve the problem. We told  
17 them what the problem was and threw the ball back to  
18 Qwest. But we would say, for example, we do not believe  
19 this training is sufficient and focused on the problem  
20 that we found to be able to conclude that it's  
21 effective, so Qwest, the ball is in your court. And  
22 then Qwest evaluated that, and they could have come back  
23 and said, Liberty, you're all wet, or they could have  
24 come back and said, we agree, and here's what we're  
25 going to do about it. The latter, at least in the

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1 examples that I'm thinking about, the latter occurred.

2 Q. And so when you look at the stack of yellow  
3 papers to your left, which is many exhibits combined,  
4 Liberty would actually study the training materials  
5 themselves and determine whether Liberty's independent  
6 judgment was they would be effective to cure the problem  
7 identified in the observation?

8 A. Oh, yes, that's right, that's why we asked  
9 for it.

10 MR. STEESE: That's all that I have.

11 JUDGE RENDAHL: Okay, let's be off the  
12 record.

13 (Discussion off the record.)

14 JUDGE RENDAHL: Welcome, Mr. Williams. Could  
15 you please state your full name and address and spell  
16 any names or words that might not be common.

17 MR. WILLIAMS: Okay, my name is Michael G.  
18 Williams, address is 250 East 200 South, Room 1603, Salt  
19 Lake City, Utah.

20 JUDGE RENDAHL: Would you raise your right  
21 hand.

22

23 Whereupon,

24 MICHAEL G. WILLIAMS,

25 having been first duly sworn, was called as a witness

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1 herein and was examined and testified as follows:

2

3 JUDGE RENDAHL: Thank you.

4 And we're now going to go off the record and  
5 take a break for dinner. We will be back at 6:40, 6:45,  
6 and we will begin with Mr. Williams' opening.

7 (Dinner recess taken at 5:25 p.m.)

8

9 E V E N I N G S E S S I O N

10 (6:55 p.m.)

11 JUDGE RENDAHL: Let's be back on the record  
12 after our dinner break. We're starting with the  
13 presentation of Mr. Williams.

14 Actually, let's be off the record for a  
15 moment.

16 (Discussion off the record.)

17 JUDGE RENDAHL: Once again, we're back after  
18 our dinner break, and we're beginning with the  
19 presentation by Mr. Williams.

20 Go ahead, Mr. Williams, we swore you in, go  
21 ahead.

22 MR. WILLIAMS: Okay, well, good evening, it's  
23 nice to be back here. In my role with Qwest, I'm the  
24 director of wholesale service quality and wholesale  
25 markets. I have been with Qwest since 1981. I hold a

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1 Bachelor's Degree in electrical engineering and a Master  
2 of Business Administration. Since before the PIDs were  
3 PIDs, I have been responsible for directing Qwest policy  
4 and advocacy relating to our service quality and in  
5 negotiating with CLECs prior to our 271 activities and  
6 now then since we have been involved in the 271  
7 activity, participating in every workshop that has been  
8 held in the various forums to collaboratively develop  
9 the performance indicator definitions that we now have  
10 and to guide the results, the performance results that  
11 we are now producing and reporting monthly according to  
12 those PIDs.

13 In that role, I am the lead witness for 271  
14 for Qwest in representing these issues in front of state  
15 commissions and in front of the Federal Communications  
16 Commission. In the company, I'm also a member of the  
17 what I would call the executive committee of the group  
18 that governs going forward the policy and the guidance  
19 on what is measured, how it's measured, and how we  
20 continue to work under these guidelines, which started  
21 out being a description of something we did, namely what  
22 we measured, and have now become no longer ours but  
23 really the ROC and the multistate collaboratives such  
24 that we can't unilaterally make a change, but work to  
25 report our performance according to those guidelines.

1           As Mr. Stright indicated, it's a difficult  
2 question to say, well, how well is Qwest doing, but I  
3 think when you have at least a focus, when you know what  
4 the purpose is, that question is a lot easier to answer,  
5 and that's I think the prime purpose of my testimony is  
6 to present the commercial results, the actual data from  
7 our performance in providing service to CLECs and also  
8 as appropriate to the comparison with retail. And when  
9 you ask it that way and you look at the guidance the FCC  
10 has given in a number of orders now, you see it kind of  
11 comes down to some, well, relatively simple basics, and  
12 some of the things that I will briefly summarize will be  
13 in the spirit of bringing it down and reducing and  
14 consolidating down to a picture that is a bit easier and  
15 more workable in trying to make a decision about how  
16 well is Qwest doing.

17           But the FCC has basically said that where you  
18 have a retail comparison that can be made, Qwest must  
19 provide service in substantially the same time and  
20 manner. And where there is not that kind of a direct  
21 comparison, then we need to provide a meaningful  
22 opportunity to compete. Those two kinds of standards  
23 translate to the two main standards that we apply in  
24 PIDs, either a parity standard or a benchmark, the  
25 benchmark being applied when there is not a retail

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1 comparative or in the case of a collaborative where the  
2 parties have negotiated and agreed that a benchmark  
3 would be a better representation, an acceptable one of  
4 what standards should be met. And the FCC has looked at  
5 that as well. They have looked at collaborative type  
6 and negotiated type standards and have tended to say  
7 that if those standards are met, then that answers the  
8 question of whether the service is substantially the  
9 same time and manner or whether it's providing a  
10 meaningful opportunity to compete.

11           There are two other kinds of standards that  
12 you will see, the parity by design and the diagnostic,  
13 which I won't focus so much on as that's really not --  
14 not the focus that we have seen the FCC use, but -- but  
15 it does cover an aspect of our performance and indicates  
16 that in the case of parity by design there is no way to  
17 discriminate. It's built in. There's both wholesale  
18 and retail are served by the same process. And  
19 diagnostic is, as the name implies, just providing  
20 additional information for diagnostic purposes.

21           Now taking those standards, the parity and  
22 the benchmark, I would like, if I could, to point to a  
23 specific page in Exhibit 1338, which is the big thick  
24 333 page document that reports our results. This I hope  
25 will achieve two purposes. One is to make sure we have

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1 an understanding of how to read these reports. And then  
2 second, to quickly point out how nice it will be to not  
3 have to look at all 333 pages. But if we look at page  
4 214 just as an example of the parity standard, here we  
5 have a resale service which is probably the ideal  
6 parity, because you're dealing with resale service on  
7 the wholesale side and of retail of exactly the same  
8 kind of service on the retail side. This page, as you  
9 can see at the top, is checklist 14 resale.

10 MR. STEESE: Mike, just wait one moment until  
11 everyone --

12 MR. WILLIAMS: Sure.

13 CHAIRWOMAN SHOWALTER: What page was it?

14 MR. WILLIAMS: 214.

15 MR. STEESE: I see the Commissioners pulling  
16 up their materials.

17 MR. WILLIAMS: Okay.

18 MR. STEESE: Go ahead.

19 MR. WILLIAMS: This is dealing with resale  
20 residence installation. You can see four tables of  
21 numbers going down the left side, and to the right of  
22 each is a graph, and so that provides the visual  
23 representation. If you look at the first table, you can  
24 see this one is dealing with the measurement of  
25 commitments met, what percentage of the time we complete

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1 the installation when we say we will. And just to use  
2 that to explain the columns, the first column, the date,  
3 is the month that we're reporting for. And you can see  
4 12 months, and we use in these reports a rolling 12  
5 months, so each month we drop the oldest month and pick  
6 up the new month. The second, third, and fourth columns  
7 and actually the fifth column as well, those dealing  
8 with the CLEC results. You have a CLEC NUM, N-U-M, and  
9 a CLEC DENOM, D-E-N-O-M, if all of the letters appear.  
10 That stands for numerator and denominator in math terms,  
11 but it basically means that if you divide the number in  
12 the first column by the corresponding number in the  
13 second column, you will get the result in the third  
14 column. And this particular measurement is reported as  
15 a percentage, and so you can see that the various levels  
16 of commitments met throughout the 12 months, the most  
17 recent, February, being 99.3%, at the bottom of that  
18 fourth column.

19 CHAIRWOMAN SHOWALTER: Can I ask you to slow  
20 down just a little bit.

21 MR. WILLIAMS: Sure.

22 CHAIRWOMAN SHOWALTER: Thank you.

23 MR. WILLIAMS: Be happy to.

24 The next column, standard deviation, is just  
25 for information purposes. It's -- it happens to be a



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1 statistical term that represents the degree of  
2 variability in the data points that make up these  
3 volumes that you see in the columns. The next --

4 MR. STEESE: Mike, just one second.

5 MR. WILLIAMS: Sure.

6 MR. STEESE: In the February 2002 column, in  
7 the numerator you see 142, in the denominator you see  
8 143, can you explain those briefly?

9 MR. WILLIAMS: Okay. 142 is basically saying  
10 that 142 out of 143 commitments were met. So 143 is how  
11 many orders that we made commitments for that qualified  
12 according to the PID definition, and 142 of those were  
13 completed on the -- on or before the due date, resulting  
14 in a percentage of 99.3%.

15 The next few columns you can see at the top  
16 are dealing with Qwest, the kind of the Qwest retail  
17 counterpart to those retail or to those CLEC results.  
18 Qwest numerator, Qwest denominator, Qwest result, those  
19 three columns. Again, you're doing the same thing,  
20 dividing one by the other, and you get the result. So  
21 in the case of retail, 9,873 commitments or orders were  
22 completed on or before the due date out of 10,581, for a  
23 total of 93.31%. So you look and you see there, well,  
24 there's a difference, 99.3, 99.31 if you're looking at  
25 the CLEC result compared to the retail result. And it

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1 appears that just on its face that the, in this case,  
2 that month, the CLECs were getting a higher level of  
3 commitments than retail.

4 CHAIRWOMAN SHOWALTER: I think you said 99.31  
5 instead of 93.31.

6 MR. WILLIAMS: Okay. For retail, it's 93.31,  
7 and for wholesale it's 99.3. That's the more obvious  
8 case.

9 Now if -- since the question is, is there  
10 evidence to say Qwest is providing worse service, you  
11 will generally find the statistics are helpful when the  
12 position is reversed, because you want to know, is that  
13 difference significant, or could it merely be  
14 explainable by normal variations in time and place and  
15 circumstance and the normal variation in performance  
16 that can happen. And so the parties have agreed upon  
17 principles that guide how -- with what level of  
18 confidence you want to have about declaring something  
19 different. And the modified Z score and the parity  
20 score, which are the last two columns of the table, are  
21 the numbers attempting to answer that question.

22 I think you will find the parity score column  
23 is more useful, because it can be applied in every case.  
24 The modified Z score sometimes applies and sometimes  
25 doesn't depending on volume. If the volumes are less

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1 than 100, the farther they get away from 100, the less  
2 applicable the modified Z score will be. The parity  
3 score, however, takes into account all of these factors,  
4 because special tests are done, which the parties have  
5 agreed upon, to deal with low volumes that allow that  
6 last column to tell you the story. What it simply is is  
7 if, and I will just cut to the chase on this, is that if  
8 -- if the number in the last column is zero or positive,  
9 then the difference you're observing is statistically  
10 significant in the direction that would be adverse to  
11 the CLEC. If the number is negative --

12 JUDGE RENDAHL: I'm sorry, could you repeat  
13 that.

14 MR. WILLIAMS: Okay. If the number is zero  
15 or positive, it's then the difference that is being  
16 observed is considered statistically significant in a  
17 manner that's adverse to the CLEC at least in that  
18 direction.

19 JUDGE RENDAHL: Thank you.

20 MR. WILLIAMS: Therefore, if it's negative,  
21 that's the simple rule of thumb, you can run your finger  
22 down the column basically, and if all you see is  
23 negative numbers, then we would say that means we're at  
24 parity. And we don't try to go farther than that. We  
25 just say for these purposes, we're at parity.

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1                   MR. STEESE: Mike, before you continue, why  
2 don't you drop down to the final column or the final  
3 box, which is OP-6-B, delays for facility reasons.

4                   MR. WILLIAMS: Okay.

5                   MR. STEESE: Look at the month of January,  
6 and it looks as though the performance is worse on a  
7 numerical perspective for the CLECs, and why don't you  
8 use that to explain what you just said.

9                   MR. WILLIAMS: Okay. So here we have a case  
10 of extremely low volumes. In January, if you look in  
11 that bottom table, 38, and this happens to be delay  
12 days, so you have a different explanation, the CLEC  
13 numerator column is the cumulative number of days that  
14 the orders were late, and the second or the third  
15 column, CLEC denominator, is the number of orders that  
16 were late. So there were 2 orders late for a total of  
17 38 days for -- and you just divide 2 into 38, and you  
18 come up with an average of 19 days late. And on the  
19 retail side, if you skip over to the third from the last  
20 column, it's 10 days. So you would think, well, okay,  
21 19 versus 10, the retail is getting better service here.  
22 The question is, do we have enough evidence here to make  
23 that conclusion, and the statistics would say no, not if  
24 your dividing line is a 95% confidence, you still have a  
25 negative number in the parity score, the minus 0.14,

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1 which is telling you that you don't have enough evidence  
2 to claim otherwise than parity at this point.

3 JUDGE RENDAHL: So you're saying if the  
4 number is between zero and negative 1, it's  
5 inconclusive?

6 MR. WILLIAMS: No, anything negative, minus  
7 .1 is on the side of the dividing line that would say  
8 you're either parity or, as in this case, you don't have  
9 enough evidence to say you're not parity.

10 JUDGE RENDAHL: Okay, I'm just trying to find  
11 out --

12 MR. WILLIAMS: So anything --

13 JUDGE RENDAHL: -- if there's a difference  
14 between parity and inconclusive, if there's any dividing  
15 line there.

16 MR. WILLIAMS: For purposes of what we're  
17 doing here, the question is, is there evidence to say  
18 that Qwest service is worse, and so it's what the  
19 statisticians call a one tale test, you're only looking  
20 at one side of it. And for that side, this is  
21 sufficient.

22 If you needed to also prove, okay, well, do  
23 we -- does Qwest need to prove that it's doing better,  
24 then you would need to start asking the question of  
25 whether -- what kind of conclusion you could make with

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1 this data as to that. And I -- and then I would be the  
2 first to admit you can't say we're doing better from  
3 this either, because there's just -- the volumes are too  
4 low, and you would have to add statistical rigor to this  
5 to answer that other side of the question, the other  
6 tale, if you will, of the distribution, so.

7 JUDGE RENDAHL: Thank you.

8 MR. WILLIAMS: I hope that helps.

9 That's the parity example. If we just glance  
10 at the graph, you can see that the CLEC result is  
11 represented by Xs with -- connected by dash lines, and  
12 the comparable retail result is dots connected by a  
13 solid line. Generally the standard of the benchmark is  
14 a solid line, and you will see that in the next example.  
15 So if we can move to another example, we're dealing with  
16 benchmarks, page 110, just a few pages before, can  
17 provide us a benchmark example. The first two tables on  
18 this page while you're turning are largely blank because  
19 there's no activity, and so I -- that's one little rule  
20 of thumb is when you see a blank entry, that's what that  
21 means is no activity related to that measurement, no  
22 qualifying activity.

23 So we're looking at the bottom two tables on  
24 page 110. Here we're talking if you look at the top of  
25 the page unbundled loop analog, so we're looking at a

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1 different product. This one is also dealing with  
2 installation. It's dealing with commitments met is the  
3 next to the last table, and then the interval, the  
4 average interval, is the last table. In the workshops  
5 in the ROC, we -- the parties agreed upon a 90%  
6 benchmark for commitments met, and we agreed for analog  
7 loops that there would be an average six day  
8 installation interval benchmark. So you can see in the  
9 graph on the right of the -- next to the last table,  
10 that solid horizontal straight line across the graph is  
11 right at 90%, and down in the legend it says, benchmark  
12 90%.

13           You can also just quickly take a visual look  
14 and see that the CLEC results with the Xs are way above  
15 that. In this case, there happens to be a convenient  
16 retail comparison that can be made, and it's provided as  
17 additional information, so you see the dotted lines as  
18 well, but that's not the standard. Wherever there's a  
19 benchmark, that's what governs on the graph. And so you  
20 would ignore the parity score column, because you're not  
21 dealing with statistics. The parties agreed early on  
22 that when you have a benchmark, it's what we call stare  
23 and compare, you just look, and did it meet the  
24 benchmark or not. And that's what is very clear and  
25 easy to see from this graph.

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1                   Same thing in the bottom one of the six day  
2 benchmark is depicted with a solid line horizontally  
3 across the graph, and the good arrow is nice to have on  
4 the left of that to show you which direction is supposed  
5 to be better. And in the case of intervals, naturally  
6 the shorter interval is better, and so you can see that  
7 the CLEC results or the results that we're providing for  
8 CLECs is consistently meeting that benchmark for analog  
9 loops in Washington. So there's the example of the  
10 benchmark.

11                   And there's 333 pages of that, and that gets  
12 to be a chore to decide what makes sense. And what we  
13 have seen from the FCC is that they have tended to take  
14 a holistic view of looking across a checklist item,  
15 looking across a function like installation or repair or  
16 billing, and so -- and they have looked at recent  
17 performance, usually the last three or four months of  
18 performance. They have tended not to consider isolated  
19 misses as problematic but have looked at the whole. And  
20 so we have prepared Exhibit 1342, which we have come to  
21 call the blue charts, because they tend to have shades  
22 of blue. And as the next part of my summary, if I could  
23 just explain these charts, then you will have a basis  
24 for reading them.

25                   JUDGE RENDAHL: Okay, let's be off the record



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1 for a moment.

2 (Discussion off the record.)

3 JUDGE RENDAHL: Go ahead, Mr. Williams.

4 MR. WILLIAMS: The blue charts in Exhibit  
5 1342 take the 333 pages, and they really do more than  
6 summarize. They basically represent all of those  
7 results in a different way, you know, in a more  
8 consolidated visually easy way to evaluate the results.  
9 The dark blue color signifies that we're generally  
10 satisfying the standards. The lighter blues help us  
11 focus where there may be issues. If you look at the  
12 legend on page 1, it really is probably the most  
13 important facet of this to understand the meaning of  
14 what you see when you see a chart that has blue on it.

15 We have coded the charts with a dark blue  
16 where there is either no misses of the standard in the  
17 four month period that is indicated. As you can see  
18 here, it's November through February results for the  
19 state of Washington. And we have tried to, well, we  
20 have in every case where there were either no misses of  
21 a standard or one miss, but not in the current month,  
22 not in the most current month, then that would be blue  
23 because the one miss would be considered isolated. And  
24 so when you see that dark blue, you know that if you  
25 were to go into these detailed Exhibit 1338, you would

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1 -- you would see that there was either no misses in the  
2 four month period of the standard or no more than one  
3 and not in the current month.

4           The next level is where there is more,  
5 there's two misses in the four month period or one miss  
6 in the last month with data, a little lighter blue. And  
7 here you can start to see that where we have these  
8 questions, we also put in that square two sets of  
9 numbers. One at the top number is the range of results,  
10 so you can get an idea across the four months what was  
11 the low and the high for that particular result. And  
12 then underneath that number, you will see the four month  
13 average, so you can get an idea of overall how things  
14 are going, because things can vary from month to month,  
15 and it gives you a little more of a central view of how  
16 we're doing.

17           MR. STEESE: Mike, one second here, if you  
18 can do two things.

19           MR. WILLIAMS: Sure.

20           MR. STEESE: One, slow down still just a  
21 little bit more. And two is explain what you mean by  
22 four month average. Do you just take the CLEC result  
23 from all four months and divide, add them together and  
24 divide by four, or do you do something different, if you  
25 could explain.

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1                   MR. WILLIAMS: Okay. We do a mathematically  
2 correct averaging, which is to take the numerators from  
3 all four months, that first column that we showed you,  
4 for each of the four months for that measurement and  
5 that product, and take the denominators of those four  
6 months and add them up separately and then divide the  
7 sum by each other to come up with the proper four month  
8 average that is put in each of these cells.

9                   Now we're saying that the second category  
10 generally supports satisfying the checklist. It's kind  
11 of the dividing line. Now with the next category, if  
12 you didn't know anything else, you might say, well, how  
13 could you miss three out of four months and say that  
14 satisfies the checklist. Well, the answer is that there  
15 may be and there always are factors, almost always, that  
16 come into play that could be explained where you need to  
17 look behind the results. And this is precisely what the  
18 FCC does is when something meets the standard, inquiry  
19 over. When something doesn't meet the standard, then  
20 they look underneath the data and say, well, what do we  
21 have here, what, you know, is this statistical  
22 difference meaningful or is it not, as an example. So  
23 we don't code something this lightest shade of blue  
24 unless we have an explanation, and that explanation may  
25 be in the cell itself, just the range of results, or the

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1 absolute four month average level may be such that the  
2 level of performance is clearly good and the differences  
3 are insignificant.

4           But if we can't provide that explanation and  
5 don't have, you know, can not mitigate that the -- what  
6 appears there, then you go to the last category, the D  
7 box of the gray coding, color code, where it's the same  
8 number of misses, it's just that if we can't provide an  
9 explanation, then it -- it offers no support for what  
10 we're trying to do. And I don't recall there being,  
11 there might be one in this chart, of that last category.

12           MR. STEESE: Page 19.

13           MR. WILLIAMS: Okay, was there one on that  
14 page?

15           MR. STEESE: Page 19.

16           MR. WILLIAMS: Right, in resale non-design  
17 products, new service trouble for business. It is what  
18 it is, and it's sticking out by itself. It's isolated,  
19 but by itself it doesn't really support our assertion  
20 that -- based on that evidence.

21           Now looking back at the legend one more time  
22 on page 1, the last part on the bottom talks about low  
23 volume indications. Because again, when we're talking  
24 about the question of is there evidence to say that  
25 Qwest is providing worse service, then volume comes into

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1 play on that side of the question. And so we have coded  
2 with a diagonal line those cases where volume is less  
3 than 30, in other words, the number of orders in that  
4 case, or if it's repair, the number of trouble tickets,  
5 if the activity level is less than 30, then it's a  
6 diagonal line. Similarly, if it's even further or small  
7 -- less -- it's less than 10, you have an X or a double  
8 cross line. And no activity is represented by a blank  
9 space with a dash in the middle of the square. So it  
10 gives you some idea of that by itself may, for example,  
11 explain that if you've got category C with an X in it,  
12 you take it with a grain of salt in a manner of  
13 speaking, there's not a lot of volume there to go by.

14 Let's move to the next page just to provide  
15 an example, and then I think with that explanation, you  
16 have more of a basis to understand these charts. And  
17 with the example of the first page on page -- it's  
18 actually page 2, then you will be able to look through  
19 the rest without me going through them in detail,  
20 although I will highlight a couple of them.

21 CHAIRWOMAN SHOWALTER: Just before you do  
22 though, is whether something gets into one of the two  
23 middle blue ranges, the B or the C, is that Qwest's  
24 judgment, or is that some judgment that all of the  
25 parties have agreed upon?

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1                   MR. WILLIAMS: Okay, that is based on the  
2 standards that the parties have agreed upon and the  
3 criteria shown in the box. So if you look at these  
4 detailed results in Exhibit 1338 and you look at the  
5 most recent four months and you count that there are two  
6 misses, in other words, two months that were missed, I  
7 need to be careful, not two events or two orders, but  
8 two months where the result did not satisfy the  
9 standard, then it will get that code. So that's kind of  
10 a hard wired objective coding, if you will.

11                   CHAIRWOMAN SHOWALTER: Okay, maybe I should  
12 have asked also, as between C and D, that is the palest  
13 blue or the gray, is that a judgment that Qwest makes,  
14 or is that due to an agreed upon way to divide C from D?

15                   MR. WILLIAMS: Okay, between C and D, you  
16 know, getting there is subjective, but whether it's C or  
17 D depends -- we offer the explanation, and you will see,  
18 if we look at page 2, you can see one in a kind of  
19 yellowish box is an example of where we provide an  
20 explanation. Either that or sometimes where there is no  
21 box, you can look at the range of results inside the  
22 square or the four month average inside the square, and  
23 you can see for yourself that it's -- like in this case,  
24 it's almost self explanatory.

25                   Let's look at page 2, the lower right,

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1 there's a result called MR-8, trouble rate, and it's the  
2 only light blue on that entire page or the lighter blue.  
3 That's the one where it means there are either two  
4 misses, two months with misses, or one month in the most  
5 recent, one miss in the most recent month. And look at  
6 the range of results, 0 to 0 and four month average 0.  
7 That is phenomenally good performance by any standard  
8 for trouble rate. And as the box explains to the right,  
9 the comment box, you need to go an additional decimal  
10 place out to even see whether there is a difference  
11 between wholesale and retail, and the box kind of takes  
12 you from there, 2 out of 10,000 versus 1 out of 10,000  
13 troubles.

14 MR. STEESE: One quick question, but to  
15 answer the Chairwoman's question, whether something is  
16 in box C or D is purely a subjective question that Qwest  
17 determines on its own, correct?

18 MR. WILLIAMS: The comments are our --

19 CHAIRWOMAN SHOWALTER: Well, who makes the --  
20 who chooses to make it the palest blue versus gray? I'm  
21 talking about the color.

22 MR. WILLIAMS: Right.

23 CHAIRWOMAN SHOWALTER: Is that Qwest that  
24 chose to make it the palest blue, or was it -- did Qwest  
25 make it the palest blue because of some agreed upon way

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1 to evaluate palest blue versus gray?

2 MR. WILLIAMS: That is -- that is not -- if  
3 we can provide a reasonable explanation, we make it the  
4 palest blue. If we can't provide an explanation, it's  
5 gray.

6 Just looking at page 2 for format purposes so  
7 you know what you're looking, most of the pages will say  
8 across the top what aspect of performance. So in this  
9 case, you've got three aspects, provisioning in the top  
10 bar of colors, and then in the middle you have trunk  
11 blocking, and then in the bottom you have repair. All  
12 of these dealing with interconnection trunks, three  
13 different dimensions of service, gives you a quick look  
14 that you can look and see all of that dark blue and say  
15 what's the pattern. The pattern is clearly one of  
16 satisfying the standards, and this is probably one of  
17 the better examples how clear and easy that is to look  
18 and see what that is.

19 Now let me just highlight some of the others,  
20 and I think with the explanation I have given, you can  
21 really take it from there, and that's what the blue  
22 charts are for is to provide that simplicity. And yet  
23 when it comes to the dark blue, it's a pretty objective  
24 standard.

25 MR. STEESE: Let me ask one more question for



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1 you here.

2 MR. WILLIAMS: Okay.

3 MR. STEESE: To the extent that a box is not  
4 dark blue, the darkest blue, but is some other shade of  
5 blue or gray, do you encourage the Commission to just  
6 look at the blue chart or to go to Exhibit 1338 and look  
7 at the underlying detail?

8 MR. WILLIAMS: Always the latter, look at the  
9 underlying detail for those. We have provided what we  
10 can in the way of comments about that, whether those  
11 colors are lighter blue or gray, but that's what those  
12 charts are for, so you always have that, and it gives  
13 you a good context. These blue charts help provide the  
14 whole, the whole view across the checklist item given  
15 the products that are listed.

16 Let me just highlight a couple of others. If  
17 we look at page 7, one of the items that was commented  
18 on by the CLECs and that is of interest is flow through.  
19 And on page 7 of Exhibit 1342, we show the most recent  
20 month only because flow through has been continually  
21 increasing, improving, and have color coded this one,  
22 this page, uniquely I suppose because we're looking at  
23 only the most current month. And you can see that  
24 generally we're meeting the performance objective that's  
25 in the right-hand column. The top half is diagnostic,

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1 that one that's called PO-2-A, that's the flow through  
2 across all LSRs, what percentage of all orders of any  
3 kind, even those that could never possibly flow through  
4 and never will, never should, nevertheless what  
5 percentage are flowing through, which means going from  
6 this -- from the CLEC into our interfaces electronically  
7 and proceeding without human intervention to the point  
8 of issuing the order. That's what flow through means,  
9 and you can see the percentages. I can represent that  
10 these are improving percentages.

11           The only place where there was a benchmark is  
12 the second category, the 2-B, which is out of all of  
13 those LSRs, LSR meaning local service request, it's the  
14 CLEC version of the order, out of all of those that are  
15 eligible to flow through, that should flow through, that  
16 are designed to, what percentage of those actually do.  
17 And you can see the percentages here and in the detailed  
18 charts.

19           I would note that the EDI in the middle in  
20 Washington is extremely low. It would be better perhaps  
21 to look at the regional results, which you can do on  
22 exactly the same page in Exhibit 1343, but you will see  
23 that it's meeting the objectives. And EDI in Washington  
24 is only accounting for 1.2% of the order volumes in the  
25 most recent four months, so right now EDI is not a major

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1 point here, but you can still see Qwest's performance by  
2 looking at the regional results. And that's why we  
3 provided those. Where you have some low volumes and you  
4 would like to know, well, how well does Qwest do in that  
5 area, can they do this, how have they done elsewhere,  
6 you can look at the regional results and see how we have  
7 done there.

8 JUDGE RENDAHL: Mr. Williams, before you go  
9 further, on the diagnostic measure, I know you talked  
10 briefly about that, is that a measure that the ROC is  
11 still looking at to determine whether it will become a  
12 performance measure? Can you digress a bit on that.

13 MR. WILLIAMS: That's a good point. No, the  
14 PO-2-A is not one that -- there's not any proposal  
15 pending for that one to receive a benchmark.

16 JUDGE RENDAHL: I guess I'm just talking  
17 generally, diagnostic measures generally.

18 MR. WILLIAMS: Oh, generally, some yes, some  
19 no. There is three or four reasons that a measurement  
20 becomes diagnostic. One is that it's not measuring  
21 Qwest performance. An example would be MR-10, which is  
22 the customer caused repair misses. That's just a  
23 diagnostic measure for informational purposes only. It  
24 will never have a benchmark. I can't imagine any CLEC  
25 asking to have a benchmark put on that, and we wouldn't.

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1 So -- and there are others where generally you need to  
2 look behind the data before you can make a conclusion.  
3 Sometimes there are limitations in the measurement.

4 An example would be PO-15 and OP-15, those  
5 two kind of similar sounding measurements, one being the  
6 number of due date changes per order, the other one  
7 being the number of pending delay days. Both of those,  
8 there are limitations in both the design of the  
9 measurement just -- and also the effort of trying to  
10 decide what should be -- what's good and what's bad is  
11 an example that until those questions are overcome,  
12 those will not likely have benchmarks. And the parties  
13 agreed on that, so it depends on the measurement and the  
14 circumstance.

15 JUDGE RENDAHL: Thank you.

16 MR. STEESE: Mr. Williams, if I can ask one  
17 more question.

18 MR. WILLIAMS: Sure.

19 MR. STEESE: There are some measures, line  
20 sharing would be an example, EEL would be an example,  
21 that started off as diagnostic until they got some  
22 volumes, and then they became standards, correct?

23 MR. WILLIAMS: That was one of the four  
24 reasons is that a measurement might be too new to  
25 evaluate, or the product might be new, the process that

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1 it's measuring might be too new, maybe not yet stable  
2 enough to allow an objective determination. There may  
3 be not enough evidence to decide what's good and what's  
4 bad and so -- but as that develops and in the case of,  
5 like Mr. Steese mentioned, line sharing and EELs, we  
6 have moved in the direction of establishing benchmarks  
7 at least in part for some of those.

8           One other thing on flow through is to note  
9 the footnote 2 is early on the FCC thought this would be  
10 more important than they have more recently thought.  
11 They have more recently, the Massachusetts order is  
12 quoted here, have considered that flow through is not  
13 necessarily a conclusive measure of nondiscriminatory  
14 access. It's a sub part of the process, and it can be  
15 good, and it can be bad, and an RBOC or ILEC can still  
16 provide a meaningful opportunity to compete.

17           Another key point that they have noticed, and  
18 we have also noticed and provided it as part of my  
19 Exhibit 1354, is an exhibit that demonstrates that flow  
20 through percentages depend also on the CLECs' behavior.  
21 And you can see in that Exhibit 1354 flow through  
22 percentages ranging from zero to near 100% across both  
23 PO-2-A and PO-2-B, we show all of that in there. It  
24 even goes into a more granular level as far as products  
25 than PO-2 measures. But the point is that we don't

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1 control totally what actually can flow through, and so  
2 this is an example of something where you need to look  
3 beyond the measure.

4           When you're talking about a performance  
5 assurance plan, for example, even though you may have a  
6 benchmark for PO-2-B, this is an example of a benchmark  
7 that really should trigger something different than an  
8 automatic consequence. It should trigger instead a look  
9 behind the data, which is to say, all right, we have an  
10 issue, if you do, what's the explanation, is there a  
11 CLEC problem here or not. So here is an example where  
12 you have a benchmark, but it's not necessarily suited  
13 for automatic consequence.

14           MR. STEESE: Mr. Williams, in the interest of  
15 saving time, why don't you just pick one other example.

16           MR. WILLIAMS: Okay.

17           MR. STEESE: And then we can wrap up.

18           MR. WILLIAMS: All right.

19           Maybe UNE-P, which is page 10, would be good,  
20 because it's a busy chart, and I won't take a lot of  
21 time with it, but this page 10 of the blue charts shows  
22 the provisioning for UNE-P. That's the unbundled  
23 network element platform, or in other words, combination  
24 of elements in the POTS realm and the simple services on  
25 the first segment. The middle is the UNE-P Centrex, and

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1 the bottom one is EELs. And then you also show the  
2 repair performance underneath that. The key here is to  
3 first say what's the pattern. And you look across here,  
4 and even though you do see some exceptions, the pattern  
5 is clearly mostly blue, more than mostly. Then you can  
6 look at the exceptions, you see some low volumes. You  
7 see in the case of the EELs, you would have to have  
8 perfect performance to make the 90% benchmark only  
9 because when you look behind the data, you don't even  
10 have 10 orders to look at. You have more like 4 or 5.  
11 So these are the kinds of things you can do in looking  
12 at performance.

13 Another example that this page helps with is  
14 over to the right, there's that kind of in the middle  
15 but to the right, the box that says appears would be  
16 dark blue if "no troubles found" were excluded, see  
17 MR-7\*. That no trouble found question comes up from  
18 time to time with respect to MR-7, which is repair  
19 repeat reports. It can come up with MR-8, the trouble  
20 rate. It can also come up with OP-5, which is up in the  
21 provisioning in the middle, new service trouble. The  
22 reason is all three of those measurements are counting  
23 trouble tickets under different criteria, and the fact  
24 of the world is that there are some trouble tickets  
25 called in, and for whatever reason, there is no trouble,

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1 no trouble found or other words to that effect.

2           So we have provided as additional information  
3 under those three measurements, and you will see them in  
4 the details and you will see them referred to  
5 occasionally in the charts, that if you exclude no  
6 trouble found, then here's what you would see. And it's  
7 not just taking them out. It's taking them out after we  
8 have waited 30 days to be sure there wasn't another  
9 trouble, to be sure it really was a no trouble found and  
10 not just some recurring report where we failed to find  
11 it the first time. And so that's why when you look at  
12 the results for that asterisked measurement, you will  
13 see that the current month is always blank, because we  
14 have to wait for 30 days. So that's the other value in  
15 having the March results that we have most recently  
16 provided. Whenever we refer to that, you can look in  
17 March and see February, because by now we have that 30  
18 days, and you can see what it would have looked like if  
19 the no trouble found tickets were removed.

20           Generally we will provide comments to direct  
21 you when we see that. That just gives you an idea, and  
22 if you look at the -- just through all the charts, you  
23 will see lots and lots of blue, and it makes my job a  
24 lot easier, because it really represents that the  
25 pattern of Qwest performance is clearly meeting the



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1 standards.

2 I think you will see the other parties where  
3 they try to challenge this would try to say that we're  
4 taking too much credit for situations of the low  
5 volumes, for example. But again, the FCC has stated  
6 that commercial volumes are the most probative type of  
7 evidence, low or high. They don't penalize the ILEC for  
8 low volume. But at the same time, we still have to meet  
9 and pass that OSS test in which the categories of  
10 concern over volumes were addressed. And the parties  
11 specifically provided that the test would provide  
12 significant volumes in those cases. So between these  
13 two areas, you have the assurance that we are addressing  
14 and are providing service that satisfies the checklist.

15 We, I believe, in my testimony have answered  
16 the Commission's request in its recent supplemental  
17 order to provide explanation on these individual PIDs.  
18 Of the 656 or so sub measurements with objectives, only  
19 28 or 4.3% of those missed more than one month. But  
20 again, the FCC doesn't look at it that way. They don't  
21 look at individual PIDs and count how many missed and  
22 how many met. They look at the total picture. As the  
23 blue charts bear out, we are providing clearly excellent  
24 service, and our request at this point would be to say  
25 that we think this evidence gives the Commission the

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1 ability to conclude that the commercial data shows that  
2 Qwest is satisfying the checklist subject to completing  
3 the OSS test.

4 That would be the conclusion of my testimony,  
5 my summary.

6 JUDGE RENDAHL: Thank you.

7 Ms. Tribby, are you prepared to go ahead?

8 MS. TRIBBY: I am, Your Honor.

9 JUDGE RENDAHL: Okay, let's go ahead with  
10 your cross and see how much we can get done in the next  
11 40 minutes.

12 MS. TRIBBY: Thank you.

13

14 C R O S S - E X A M I N A T I O N

15 BY MS. TRIBBY:

16 Q. Good evening, Mr. Williams.

17 A. Good evening.

18 Q. Let's start out looking at Exhibit 1342, your  
19 blue charts, and particularly your first page, which is  
20 sort of the key or the guide to your results. Do you  
21 have that in front of you?

22 A. Yes.

23 Q. Now Chairwoman Showalter was asking you some  
24 questions about the key that Qwest uses here, and if we  
25 go through and look at this, where Qwest determines that

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1 zero to one miss means you clearly satisfy a checklist,  
2 two misses or one miss in the last month means you  
3 support it, and so on, that is a key that has been made  
4 up by and determined by Qwest, correct?

5 A. The characterization of supports, that's,  
6 yes, that's our words for what we believe these mean.  
7 But the color coding is as objectively as is stated here  
8 from the actual results report.

9 Q. And not just the language but, for example,  
10 the fact that two misses means you can still support a  
11 checklist, in other words two months missing out of four  
12 means that you support a checklist, that's Qwest's  
13 opinion and advocacy regarding their data, correct?

14 A. Yes.

15 Q. And that key and that description has not at  
16 this point been approved by the FCC or any state or ROC  
17 or any group of CLECs, correct?

18 A. We believe it's consistent with what the FCC  
19 and how they have evaluated results. I'm not aware, for  
20 example, of them having denied an application on the  
21 basis of that category B coding being met. But right,  
22 there's been no specific approval of this approach.

23 JUDGE RENDAHL: Mr. Williams, I'm going to  
24 advise you the same way I advised Mr. Stright  
25 particularly so we can move through this. If there is a

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1 yes or no answer you can provide, do so first, and then  
2 give a brief response. Thank you.

3 BY MS. TRIBBY:

4 Q. The fact that two misses means that Qwest  
5 supports the checklist in Qwest's opinion, that means  
6 that on an overall basis, Qwest can miss its benchmarks  
7 or its parity standards for two out of the four months  
8 and still in Qwest's opinion support satisfying the  
9 checklist, correct?

10 A. Correct.

11 Q. So if I was just going to take four months  
12 and that was my subset of data, I could miss 50% of the  
13 months and still in Qwest's opinion support satisfying  
14 the checklist, correct?

15 A. Only if those two months were not including  
16 the most recent month. In other words, the most recent  
17 month alone can put it in this category, but generally  
18 that's true. We would say that supports the checklist.  
19 If you draw the line somewhere, 50% is not a bad place  
20 to draw it.

21 Q. And depending on the notes or the  
22 explanations that Qwest gives in the category C boxes, I  
23 could miss the months in my explanation 75% or even 100%  
24 of the time and still conditionally support the  
25 checklist in Qwest's opinion, correct?

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1           A.     With explanations, yes, but not without  
2 explanations about those results.

3           Q.     And, in fact, the explanations that Qwest  
4 provides as well as the low volume indicators, Qwest  
5 uses those only where the results are not satisfying the  
6 checklist. In other words, you don't put in  
7 explanations or evidence of low volume if your boxes are  
8 blue, correct?

9           A.     That's correct.

10           CHAIRWOMAN SHOWALTER: Dark blue.

11           Q.     Dark blue or light blue, correct?

12           A.     Well, we only apply the low volumes, as the  
13 page says, in the other -- everything but the dark blue.

14           Q.     Now if you have no data for a particular  
15 month, is that always indicated by a no activity box, or  
16 might that still end up in a dark blue box?

17           A.     There are cases where no activity is the  
18 ideal performance. For example, new service quality, if  
19 you have no trouble reports, that's ideal. Trouble  
20 rates, MR-8, same thing, if you have no activity in that  
21 measurement, that's ideal, and so that would be  
22 considered dark blue.

23           Q.     But if we're talking about installation  
24 intervals or installation commitments met, if Qwest has  
25 no activity in a particular month, then that ought to be

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1 shown by an empty box with a dash as opposed to a dark  
2 blue box; is that correct?

3 A. When you said particular month, that makes it  
4 not correct. It's in all four months.

5 Q. So, in fact, if you had data in only one out  
6 of the last four months, whether you missed or made the  
7 month where you had data, since it would only be one  
8 miss, that would show a dark blue box, correct?

9 A. It could, yes, because that's all the  
10 evidence you had, there's nothing that says we missed,  
11 that we don't satisfy the checklist, and that's the  
12 definition of dark blue.

13 Q. And if your one month of data was in the  
14 third month and you missed it, the box would be dark  
15 blue. But if it was in the fourth month only and you  
16 missed it, the box would be light blue, correct?

17 A. Right.

18 Q. Now I recognize that this is sort of a  
19 pictorial tool to some extent, and the data behind it  
20 provides the real kind of meat, if you will, of Qwest's  
21 performance, but just to give the Commission a sense of  
22 what is and is not shown in these blue charts in Exhibit  
23 1342, you don't give any sense here of by how much you  
24 miss or make in a particular month; in other words, this  
25 is just looking at one month in its totality, correct?

1           A.     That's correct, and it would be probably  
2     incorrect to try to portray too much about how much is a  
3     make or a miss.  Because what it means is not -- you can  
4     not say that a result that has a difference between  
5     wholesale and retail, that that difference is how much  
6     worse or better the service is.  The statistics behind  
7     all of this says that all you can say is there is or is  
8     not a difference, and the greater that difference  
9     appears, you can say, then I am more certain there is a  
10    difference, but I can not conclude with certainty that  
11    the difference is precisely that that you observe in  
12    this report.  Because these reports give, while giving  
13    all of our activities that's appropriate to measure in a  
14    given month, it's still a sample of the totality of  
15    Qwest's process in providing service to all of its  
16    customers.  And so you may have observed a sample that's  
17    an outlier or you may not, and the statistics tell you  
18    how confidence you are, that there is a difference, but  
19    you can not infer anything farther than that as far as  
20    how big the difference is without doing an extensive  
21    amount of additional statistical work.

22           Q.     And just as an example again, if you only had  
23    one month of data out of the most recent four months but  
24    it wasn't the most recent month and you missed that  
25    month, it would still show a dark blue box, correct?

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1 A. Right.

2 Q. And --

3 A. If you missed it, right, because there was  
4 only one miss.

5 Q. And you could have missed your performance  
6 objective that month by 20% or 80% depending on what the  
7 benchmark is, and it would still show a miss, but it  
8 wouldn't give a sense of the magnitude of the miss,  
9 correct?

10 A. Right.

11 Q. In fact, let's talk about that for a minute,  
12 how does Qwest define a miss for purposes of these  
13 boxes? Is it not meeting the standard, be that either  
14 parity or benchmark, or is it missing by a statistically  
15 significant amount?

16 A. Those are somewhat inclusive, both of those  
17 options, because the standard when it comes to parity is  
18 a standard of you miss the standard if -- if it's -- if  
19 the difference is greater than the statistically  
20 significant level. So that is -- a parity standard  
21 means that it's not missed until you are outside of that  
22 what's called a critical value, and so we classify a  
23 miss the same way that the parties have negotiated and  
24 agreed upon, either you miss the benchmark, or the  
25 parity score is zero or positive.



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1 Q. And I want to try to move fairly quickly  
2 through this, Mr. Williams, but I want to go through the  
3 data and just take some examples to give the Commission  
4 a sense of sort of what's behind your blue charts. Do  
5 you have Exhibit 1338 in front of you, which is the  
6 Washington performance results?

7 A. Yes.

8 Q. Dated --

9 A. You have the March 30?

10 Q. Dated March 30 of 2002, and that's Washington  
11 data for March 2001 through February 2002. Is that what  
12 you were referring to earlier in your examples?

13 A. Yes.

14 Q. Would you agree with me, Mr. Williams, as a  
15 general matter, that order status information, things  
16 like jeopardy notices, firm order confirmation,  
17 notification of due date changes, are important in an  
18 emerging competitive environment?

19 A. Yes, I think they're important overall.

20 Q. I would like to take a look at Qwest's  
21 performance with respect to some of those order status  
22 notifications. I'm starting on page 68 of your data.

23 CHAIRWOMAN SHOWALTER: What was that page?

24 MS. TRIBBY: 68.

25 BY MS. TRIBBY:

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1 Q. Now in particular --

2 MS. TRIBBY: Would you like me to wait a  
3 minute, is everybody --

4 JUDGE RENDAHL: I think we're in good shape.

5 MS. TRIBBY: Okay.

6 BY MS. TRIBBY:

7 Q. I'm looking at jeopardy notice intervals  
8 first of all for unbundled loops, and unbundled loops,  
9 there's a fair amount at least of analog unbundled loop  
10 activity in the state of Washington; isn't that true?

11 A. There is.

12 Q. Now just to give a sense of the importance of  
13 the modified Z score, if you look at your first chart  
14 there on page 68, and this is the jeopardy notice  
15 interval or the average number of days it takes to get a  
16 jeopardy notice, do you see that? Are you with me on  
17 page 68?

18 A. Oh, I am, yes, I thought you were -- oh.

19 Q. And the modified Z score in all 12 of the  
20 months does not show statistically significant  
21 discrimination; would you agree with that?

22 A. Right.

23 Q. And yet if I look at the difference between  
24 the CLEC results and the Qwest results, typically it  
25 looks to me like, especially in the last few months,

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1 that CLECs get jeopardy notices in a day to a day and a  
2 half longer than what Qwest gets; would you agree with  
3 that as a general matter?

4 A. No.

5 Q. Okay. Well, we can just take them and look  
6 at them, and we'll start in the most recent month of  
7 February. The CLEC result is 4.92 days, the Qwest  
8 result 3.25 days, continuing on up, 4.61 days versus  
9 3.64 days and so on. Are you with me?

10 A. Let me make sure, yes.

11 Q. So this is a case where, and I'm assuming  
12 this is because of the difference in volume between  
13 retail activity and CLEC activity, even though CLECs may  
14 get a notice a whole day later or essentially about 25%  
15 later than what Qwest notifies its own customers, this  
16 is not a miss for purposes of statistical significant  
17 discrimination, correct?

18 A. Correct.

19 Q. And, in fact, on page 6 of your blue charts,  
20 you do show dark blue because you have not had  
21 statistical significant misses, correct?

22 A. Right, based on the standards that the  
23 parties and the ROC have agreed to.

24 Q. And similarly, if I turn over to page 70 and  
25 look at jeopardy notifications for the UNE-P POTS

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1 product, and again --

2 JUDGE RENDAHL: I'm sorry, what page is that?

3 MS. TRIBBY: Page 70.

4 BY MS. TRIBBY:

5 Q. Again, UNE-P product, the UNE-P product has a  
6 fair amount of volume in the state of Washington,  
7 correct?

8 A. I believe so, yes, very few jeopardy  
9 situations, but high commitments met.

10 Q. And again, here I'm seeing no statistical  
11 significant discrimination, and even though the  
12 differences are getting better or even favoring CLECs in  
13 the last few months, again, if you look at September,  
14 October, and November, CLECs can receive their jeopardy  
15 notices a day, up to 2 days or 1.75 days later than  
16 Qwest, and still that's not a miss for purposes of  
17 statistical significance, correct?

18 A. That's correct, the volumes are low, and you  
19 can not say with the evidence available that that's  
20 significant.

21 Q. And as you just pointed out, the reason that  
22 those are not significant from a statistical  
23 significance perspective likely has to do with the  
24 differences in volumes, correct?

25 A. That the low volume makes it hard to draw

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1 conclusions without -- well, you just can't draw very  
2 many conclusions from low volume. Now whether it's  
3 going to be statistically significant if you have  
4 greater volume, you don't have evidence to say.

5 Q. Over on page 72 of your data, I'm looking at  
6 due date changes, and this is an area that AT&T has  
7 complained about, that due date changes are significant  
8 for CLECs. And if I look at the modified Z score on  
9 page 72, I note that the discrimination or the  
10 difference is statistically significant between CLEC  
11 treatment and Qwest treatment in all 12 of the last 12  
12 months, correct?

13 A. The difference is statistically significant,  
14 yes. This one is a diagnostic measurement, and the  
15 parties did not, in fact, the parties agreed that no  
16 standard would apply. The comparison is provided for  
17 information only.

18 Q. And, in fact, if statistically significant  
19 discrimination starts at a 1.64 modified Z score, then  
20 the modified Z score numbers are significantly higher  
21 than that for this measure, correct?

22 A. They're much higher than 1.645, yes.

23 Q. And you have not shown due date changes on  
24 your blue charts; is that because that's a diagnostic  
25 measure?

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1           A.     Right, the blue charts with only one  
2     exception show only those with benchmarks.  Otherwise  
3     you can't make a judgment as to blue or not, because  
4     there's -- the parties have agreed there is not a  
5     standard that applies.

6           Q.     And is that exception the flow through rates  
7     that you have shown?

8           A.     Yes, for PO-2-A.

9                   JUDGE RENDAHL:  Ms. Tribby and Mr. Williams,  
10    just a question about the modified Z score.  So if a  
11    number is below 1.64, then the standard has been met,  
12    but if it's above, it does not.  Is that the -- is that  
13    how you would look at that number in that column?

14                   MS. TRIBBY:  If it's above a positive 1.64,  
15    then it indicates statistically significant  
16    discrimination.  And if it's below that, there may be a  
17    difference, but it's not statistically significant, as I  
18    understand it, Mike.

19                   THE WITNESS:  Above 1.645, that's the  
20    critical value that corresponds with a 95% level of  
21    confidence, that there is a difference.  And so a  
22    modified Z score that is equal to or greater than 1.645  
23    tells you that the difference you are observing is  
24    significant.

25                   JUDGE RENDAHL:  Statistically significant?

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1                   THE WITNESS: Statistically significant. And  
2 it does not tell you that it is discrimination. It  
3 tells you that it is numerically significantly  
4 different.

5                   JUDGE RENDAHL: Thank you, that's --

6                   THE WITNESS: Where there is a retail  
7 standard. Now in this case, it's significantly  
8 different, but it's not missing any standard, because a  
9 standard has not been applied.

10                  JUDGE RENDAHL: Okay, I just --

11                  THE WITNESS: In the case of PO-15.

12                  JUDGE RENDAHL: Just trying to -- I had  
13 missed that part on the Z score, sorry.

14                  THE WITNESS: And let me just to clarify, the  
15 parity score just does that math for you. The next  
16 column over does that math of subtracting out the  
17 critical value and comparing it, and that's how you get  
18 the rule that if it's zero or a positive, then it's  
19 significant.

20                  JUDGE RENDAHL: Okay, thanks.

21 BY MS. TRIBBY:

22                  Q.     Mr. Williams, I would like to turn to page 78  
23 and 79 of your data, Exhibit 1338.

24                  A.     Did you say 78 and 79?

25                  Q.     Yes.

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1 A. Okay.

2 Q. And also page 9 of your blue charts. This  
3 has to do with billing. Now are you aware that there  
4 have been some problems found with Qwest billing in both  
5 the Arizona test and the ROC test?

6 A. Yes.

7 Q. And you -- are you aware that AT&T also  
8 experienced some billing problems in their UNE-P tests  
9 that they did with Qwest?

10 A. I wasn't familiar with that particular  
11 detail.

12 Q. And if I look at the data on pages 78 and 79,  
13 it indicates to me that there are still some problems  
14 with billing for the state of Washington particularly.  
15 If I look at page 78 and I look at the modified Z score  
16 numbers, where Qwest is missing, the numbers are quite  
17 large; would you agree with that?

18 A. The modified Z score numbers?

19 Q. Yes.

20 A. Yes.

21 Q. And, in fact, the difference in treatment  
22 between CLECs and Qwest for a number of these months,  
23 for example, in October 72% versus 99%, November 56%  
24 versus 98%; do you see that?

25 A. Yes.



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1 Q. And in five out of the ten months of reported  
2 data the difference is statistically significant,  
3 correct?

4 A. I think that's right.

5 Q. And you show -- you do indicate on page 9  
6 that Qwest is not having all dark blue performance, and  
7 for that particular item you indicate light blue,  
8 correct?

9 A. Yes, the second lighter blue, I mean the next  
10 to the dark blue.

11 Q. And similarly, if I look at page 79, which  
12 indicates billing completeness, in 11 out of the 12  
13 months, CLECs were experiencing statistically  
14 significantly worse performance, correct?

15 A. Yes. All of this is in the context of the  
16 test where these kinds of issues were coming out, and as  
17 we explain on my Exhibit 1342, page 9, the measurements  
18 did what they were supposed to do in November and  
19 December and October, they caught the issue. And as we  
20 responded in the test, we have fixed the problem. And  
21 the evidence shows that we fixed the problem if you look  
22 at January and February for the page 78 and look at  
23 February for page 79, you can see the confirmation of  
24 what we have asserted that we fixed the problem.

25 CHAIRWOMAN SHOWALTER: Maybe we should adopt

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1 a convention so that the record is clear, why don't we  
2 have dark blue, medium blue, and light blue.

3 THE WITNESS: Okay.

4 CHAIRWOMAN SHOWALTER: Although I don't know  
5 how you would analyze your logo.

6 THE WITNESS: It's dark blue.

7 BY MS. TRIBBY:

8 Q. And, Mr. Williams, when you're talking about  
9 a fix, it's your testimony that the billing problems  
10 were fixed prior to or in December of 2001; is that  
11 correct?

12 A. By the mid January, and so on page 78 for the  
13 billing accuracy, you see even though only half a month  
14 of January reflected that improvement, you still see a  
15 parity result.

16 Q. So if that fix was successful, then we would  
17 expect to continue to see improved performance, correct?

18 A. Yes.

19 Q. And again, looking at page 79 where 11 out of  
20 the 12 months show statistically significantly different  
21 performance, you show a medium blue box on your charts,  
22 correct?

23 A. Right, because three out of the four months  
24 were missed.

25 Q. I would like to look at some of your

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1 unbundled loop data, again, analog loops being of  
2 relatively high volume in Washington, correct?

3 A. Yes.

4 Q. Let's turn to page 108 of your data and also  
5 page 11 of your blue charts. Now as I look at OP-3,  
6 OP-4, and OP-6 for analog loops, you show all dark blue  
7 on your charts, correct?

8 A. Correct.

9 Q. And if we look at the backup data on page  
10 108, you have either zero or one month of data only for  
11 those measures, correct?

12 A. These are not the measures that correspond  
13 with what's shown on page 11 of the blue charts. If you  
14 note the blue charts, you see analog at the upper left.  
15 It's the first product listed on that page. And to the  
16 right of that, you see the categories zone 1 and zone 2.  
17 What you're looking at on page 108 is not the zone 1,  
18 zone 2 results. It is dispatches with an MSA. It's  
19 what we call the MSA typeresults. And they, as you can  
20 see, are a very rare anomaly, and so they're not  
21 reported on the blue charts.

22 The significant volumes, as you asked me  
23 earlier, you know, if there are significant volumes of  
24 analog loops in Washington, where are they. Well, they  
25 are in the zone 1 and somewhat in zone 2, which can be

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1 seen on page 110. And those are the ones I used in my  
2 example earlier. This is the page.

3 Q. Okay, thank you for pointing that out. I  
4 apologize, that was my mistake.

5 If I look at page 111 of your data for OP-6  
6 in zone 1, OP-6-B, again, you have, let's see, you have  
7 two out of four months of data there, correct?

8 A. Actually, we have four out of four months of  
9 data. It's that in the most recent two months, this  
10 being a measurement of delays, we had no activity, which  
11 is good. In other words, there was zero delays. So we  
12 have four months of data, just two months that actually  
13 had volumes of delay.

14 Q. Okay. And those are shown in dark blue on  
15 your charts, correct?

16 A. Right, correct, they met the standard.

17 Q. Let's turn --

18 MR. STEESE: Judge Rendahl, you had a  
19 quizzical look on your face, did you track what  
20 Mr. Williams said?

21 JUDGE RENDAHL: Yes.

22 MR. STEESE: I apologize.

23 JUDGE RENDAHL: The quizzical look had more  
24 to do with interpreting the numbers. I'm not going to  
25 get into that now.

6940

1 BY MS. TRIBBY:

2 Q. Let's turn to page 128, and I believe I'm  
3 right here, Mike, in my comparison. This now is  
4 installation commitments met and intervals for 4-wire  
5 non-loaded loops in interval zone 2; are you with me?

6 A. Yes.

7 Q. And I can track that on your blue charts on  
8 page 11, correct?

9 A. Yes.

10 JUDGE RENDAHL: Would that be the second  
11 chart down on the page?

12 MS. TRIBBY: I'm looking at all of those  
13 charts on the page.

14 A. Right, it would be all the charts. The first  
15 chart being the first column of data on the blue chart  
16 and the second chart going to the second column, at  
17 least for this product. You can see 4-wire non-loaded  
18 is the fourth product up from the bottom. Then you see  
19 the zone 1 and 2, zone 1 and zone 2 designations. And  
20 then following off to the right, that's where what goes  
21 horizontally on the blue charts goes vertically on the  
22 -- on page 128.

23 BY MS. TRIBBY:

24 Q. And here for installations in zone 2, you  
25 have one month of data out of four, correct?

6941

1 A. Yes.

2 Q. And for OP-3-E, installation commitments met,  
3 in fact, you have only one order in all four months,  
4 correct?

5 A. Yes.

6 Q. And for installation interval, you have nine  
7 orders for a total of all four months, correct?

8 A. Actually one order with nine days.

9 Q. And again, you are showing all blue, all dark  
10 blue across your charts?

11 A. Yes, that's what the available evidence  
12 shows, we met the commitment or the standard in all  
13 three cases.

14 Q. Let's turn to page 212 of your data and page  
15 17 of your charts.

16 A. What was the data again, the data page?

17 Q. 212.

18 A. 212.

19 JUDGE RENDAHL: And which blue chart page?

20 MS. TRIBBY: 17.

21 JUDGE RENDAHL: Thank you.

22 BY MS. TRIBBY:

23 Q. Now local number portability again has fairly  
24 high volumes in the state of Washington, correct?

25 A. I believe so, yes.

6942

1 Q. Now if I look at your data on page 212,  
2 you're reporting data for just the most recent five  
3 months, correct?

4 A. Yes.

5 Q. This is trouble reports and mean time to  
6 restore for number portability, correct?

7 A. Yes.

8 Q. And why are you only reporting the most  
9 recent five months of data?

10 A. This is a brand new measurement requested  
11 ultimately -- originally by AT&T, negotiated in the ROC  
12 and elsewhere, and was only created for the first time  
13 back in that time frame.

14 Q. Now again, this is an example, isn't it,  
15 where because of the volumes, even though CLECs are  
16 being treated quite differently than Qwest's own  
17 customers, we don't see a statistically significant  
18 difference shown?

19 A. I don't think that's the interpretation at  
20 all. This is really a different measurement than the  
21 normal repair measurement. This one focuses on LNP,  
22 which is not a product that we maintain. It's a  
23 disconnect basically and a porting away from us of the  
24 number. And the intent of this measurement is to focus  
25 on that short period when there was that action going

6943

1 on, how quickly did we respond. And there was a  
2 standard set, but you can't say that it's comparable to  
3 what Qwest customers receive, because our customers --  
4 this is not measuring the trouble report restoration of  
5 Qwest retail customers with LNP, because we're not  
6 measuring them porting numbers.

7           The retail standard that was selected and  
8 agreed upon by the parties was a parity with an unlike  
9 repair, which was -- but it was a standard we could  
10 agree on, which was the repair of residence and business  
11 service generally. So we're saying, are we -- is -- how  
12 -- what does the evidence show as to whether we're  
13 repairing the LNP, that small subset of LNP, in  
14 comparison to how we treat residence and business  
15 generally with their normal service, not even LNP, just  
16 resident and business service. And so that's the first  
17 distinction I would make.

18           And the second one I would make is that the  
19 low volumes, this is another example, are indications of  
20 good things, because we're having very, you know,  
21 despite the thousands of numbers ported each month in  
22 Washington, only a handful, literally a handful, are  
23 having trouble that's measured by MR-12.

24           Q.     Let's step back a minute, Mr. Williams. What  
25 this has to do with is if your line goes down, as I



6944

1 understand it, while your number is being ported, this  
2 is how long it takes to restore the number; is that  
3 accurate?

4 A. That would be one, yes. There could be other  
5 examples, yes.

6 Q. And so if I, for example, am AT&T Broadband  
7 and I don't need to buy a loop from you, all I need to  
8 do is have the number ported, then this may be the only  
9 measure of experience that I have with you for purposes  
10 of repair, correct?

11 A. As AT&T Broadband, well, I don't think so,  
12 but this would be the only measure you have for LNP.

13 Q. And you agreed for purposes of this measure  
14 that business and residential service for Qwest  
15 customers would be an appropriate analog or comparison  
16 point, correct?

17 A. Right, we agreed that parity would be the  
18 standard with the specified res and bus service.

19 Q. And for Qwest customers then, this would be  
20 if their line goes down how long it takes to restore,  
21 correct?

22 A. On average, yes.

23 Q. And if I look at these five months of data,  
24 it looks to me like generally it takes about twice as  
25 long, some a little less, some a little more, to restore

6945

1 a CLEC's line than it does to restore Qwest's line,  
2 correct?

3 A. The averages are -- have that difference, but  
4 they do not mean that that's representative of the  
5 wholesale experience. It means -- the stats -- there is  
6 not enough evidence to make that strong of a conclusion.

7 Q. But for the data that's reported for the  
8 orders that are reflected here, it's 6 hours versus 10  
9 to 14 hours to restore a line, correct?

10 A. Yes, for 2 to 13 orders compared to thousands  
11 of retail, but yes.

12 Q. And despite those differences, there's only  
13 one month where you see a statistically significant  
14 difference reflected, correct?

15 A. Right, that's the working of the standard  
16 that the parties agreed upon.

17 Q. And therefore, for MR-12 on your blue charts  
18 on page 17, you are showing dark blue, correct?

19 A. Correct.

20 Q. Let's turn to page 216 of your data and page  
21 19 of your blue charts. Are you with me?

22 A. Yes.

23 Q. Now if I look at installation intervals for  
24 residential resale as shown on OP-4, I see that in 10 of  
25 the last 12 months, CLECs' treatment was statistically

6946

1 significantly worse than Qwest's treatment of its own  
2 customers; would you agree with that?

3 A. That there is a statistically significant  
4 difference, yes. That it's worse, I would not be able  
5 to agree with that. You don't have enough data to  
6 conclude that.

7 Q. Well, let me make my question clear. If it's  
8 a positive modified Z score, then the statistical  
9 significant difference is worse for CLECs as opposed to  
10 a negative modified Z score which might show that CLECs  
11 are experiencing statistically significantly better  
12 performance, correct?

13 A. Yeah, the positive Z score -- well, actually,  
14 the positive parity score means it's -- the difference  
15 is in the direction potentially of being adverse to the  
16 CLEC, but that's as far as you can go. You can't  
17 confirm that it's worse, because there are other factors  
18 that may play in. In fact, the CLEC could be getting  
19 better service, but due to limitations of this  
20 particular measurement, it's not able to be reflected.  
21 An example would be that in this category of  
22 non-dispatch, there are standard intervals ranging from  
23 zero, one, two, three, four, five days. Now for  
24 residence it may be up to three days, and you have a  
25 different mix of three day intervals in the wholesale

6947

1 side than you do on the retail side and a different mix  
2 of two day intervals. And that mix is a dimension this  
3 is not equipped to capture, and you could very well in  
4 every case be giving the CLEC better service, but  
5 because they had a higher mix of the three day intervals  
6 for non-dispatch, this measurement would appear to be  
7 worse. But it's not necessarily so. It's different,  
8 the difference appears to be in the adverse direction,  
9 but you can't conclude that it's worse.

10 Q. And again, this would be measuring products  
11 that Qwest and the CLECs agreed were appropriate  
12 comparisons, correct?

13 A. Right.

14 Q. And again, even though 10 of the 12 months  
15 for residential resale, another significant product in  
16 Washington, show statistically significant different  
17 treatment, you are showing medium blue on your blue  
18 charts, correct?

19 A. On OP-4 for no dispatch, I am, that -- I'm  
20 showing, right, medium blue, because two out of the --  
21 there were two misses.

22 Q. Let's turn to page 225 of your data, and this  
23 is looking at installation commitments met for business  
24 resold services; do you have that?

25 MR. STEESE: Can you say that one more time,

6948

1 Ms. Tribby, please.

2 MS. TRIBBY: Page 225.

3 A. I have it.

4 BY MS. TRIBBY:

5 Q. Okay. Again, just to show that statistically  
6 significance doesn't always tell the whole story, if we  
7 look at the last five months of data for OP-3, that's  
8 the chart at the top of the page on page 225; are you  
9 with me?

10 A. Yes.

11 Q. And one of those five months shows a  
12 statistically significant difference, correct?

13 A. Yes, in fact, one out of all the 12 months,  
14 is the only one out of 12.

15 Q. And yet the difference in that month that  
16 does show a statistically significant difference, the  
17 different percentage between CLECs and Qwest for  
18 installation commitments met is almost a 20% difference,  
19 correct?

20 A. The reported result, yes, differs by about  
21 20%.

22 Q. And in December, the difference is roughly 8  
23 1/2% better for Qwest than for CLEC's, correct?

24 A. In that direction, yes.

25 Q. And again, in the most recent month of

6949

1 February, again looking at about a 5 1/2 percentage  
2 point difference, correct?

3 A. Right, that's consistent with the standards  
4 the parties have agreed upon.

5 Q. And again, on your blue charts, you're  
6 showing all dark blue?

7 A. Right.

8 Q. Would that be accurate?

9 A. Right.

10 MS. TRIBBY: Thank you, Mr. Williams, that's  
11 all I have.

12 JUDGE RENDAHL: Wow. Okay, I think it's  
13 probably a safe bet to end unless Ms. Singer Nelson --

14 MS. NELSON: That's fine.

15 JUDGE RENDAHL: Do you want to wait until  
16 tomorrow morning?

17 MS. NELSON: Sure, and I might not even have  
18 anything after Mary's cross.

19 JUDGE RENDAHL: Okay. Well, why don't we  
20 start up again tomorrow morning at 9:30. We will begin  
21 with the cross-examination of Mr. Williams by WorldCom  
22 and Covad. So have a good evening, get some sleep, and  
23 we will see you in the morning.

24 Let's be off the record.

25