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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Investigation into
U S WEST Communications, Inc.'s
Compliance with § 271 of the
Telecommunications Act of 1996

Docket No. UT-003022

In the Matter of U S WEST Communications,
Inc.'s Statement of Generally Available Terms
Pursuant to Section 252(f) of the
Telecommunications Act of 1996

Docket No. UT-003040

**QWEST'S SUMMARY OF CLOSED/
UNRESOLVED OBSERVATIONS AND
EXCEPTIONS IN THE ROC OSS TEST**

Qwest respectfully submits this report to inform the Commission and the parties of the Observations and Exceptions that were closed/unresolved during the Regional Oversight Committee ("ROC") test of Qwest's Operations Support Systems ("OSS").^{1/} Because so few Observations were closed/unresolved – and because each can be explained and shown to be inconsequential through other evidence – the status of these Observations and Exceptions should not affect the Commission's ability to conclude that Qwest's OSS satisfies the requirements of Section 271(c)(2)(B)(ii).

I. INTRODUCTION AND BACKGROUND

During the ROC OSS test, the test vendors – the Test Administrator (KPMG), the Pseudo-

^{1/} The closed/unresolved Exceptions issued in connection with Tests 23 (Change Management) and 24 (Technical Assistance, including interface testing) are discussed in a separate pleading filed with this Commission.

1 CLEC (Hewlett Packard or "HP"), and the Performance Measurement Auditor (Liberty Consulting) –
2 issued Observations and Exceptions when they encountered situations that could, without explanation or
3 further testing, result in negative findings in their respective final reports. “Observations” identified
4 questions or potential deficiencies that *could*, on further investigation, contribute to negative findings.
5 “Exceptions” identified deficiencies that *would* result in negative findings if left unresolved.

6 The ROC followed a comprehensive and collaborative process for resolving Observations and
7 Exceptions. The process required Qwest to respond to the Observation or Exception and the test
8 vendor to consider Qwest's response in determining how to proceed. CLECs were provided with an
9 opportunity to comment on every Observation and Exception, and public calls also were held regularly to
10 discuss open issues.

11 In many circumstances, Qwest implemented revised processes or systems modifications to
12 address issues raised in the Observation or Exception. When appropriate, the test vendor evaluated the
13 new processes or systems modifications and conducted additional testing. When the test vendor was
14 satisfied that the issue – or issues – it had raised in the Observation or Exception had been resolved, it
15 closed the Observation or Exception in a “resolved” status. If the test vendor remained unsatisfied,
16 Qwest typically continued to make process or systems modifications until the Observation or Exception
17 was resolved.

18 When the ROC OSS Test was established, the parties agreed that Qwest would be permitted to
19 request that any Observation or Exception be closed in an “unresolved” status when Qwest determined
20 that further modification and testing would not be productive. Qwest retained this option because, in
21 certain cases, providing this Commission and the FCC with other evidence of compliance (*e.g.*,
22 commercial performance results) would be more productive than further retesting. In such cases, it was
23 expected that the test vendors would include discussions of the closed/unresolved Observations and
24 Exceptions in their respective final reports.

25 During testing, the vendors issued a total of 239 Observations and 256 Exceptions. Qwest made
26 numerous process and systems changes to resolve the vast majority of these Observations and

1 Exceptions. Ultimately, by the conclusion of testing, all but one Observation and a mere nine Exceptions
2 were closed in an unresolved status.^{2/} Six of those closed/unresolved Observations and Exceptions are
3 discussed here; the rest are discussed in a companion pleading.

4 **II. None of the Closed/Unresolved Observations and Exceptions Prevent this Commission**
5 **from Finding that Qwest's OSS Complies with Section 271**

6 Concluding the test process with only a small handful of closed/unresolved Observations and
7 Exceptions (out of a total of nearly 500) is consistent with the FCC's overall requirements for
8 demonstrating compliance with Section 271 and FCC precedent. Generally, the FCC has held that, in
9 order to meet the requirements of Section 271(c)(2)(B)(ii), a Bell Operating Company ("BOC") must
10 show that it provides CLECs with access to OSS functions in "substantially the same time and manner" as
11 the BOC provides analogous functions to itself.^{3/} Where OSS functions have no retail analogue, the
12 BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to
13 compete."^{4/} For each of these standards, the FCC analyzes, among other things, "whether the BOC has
14 deployed the necessary systems and personnel" to provide non-discriminatory access, and "whether the
15 OSS functions that the BOC has deployed are operationally ready, as a practical matter."^{5/}

16 The ROC OSS Test (like other independent OSS tests) was designed to demonstrate that
17 Qwest's OSS meets this last requirement – that it is "operationally ready, as a practical matter."^{6/} The
18 OSS test, however, is not the only way – or, according to the FCC, even the best way – to demonstrate
19 operational readiness. The FCC has held that "[t]he most probative evidence that OSS functions are
20 operationally ready is actual commercial usage."^{7/} Only absent sufficient data on commercial usage does

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22 ^{2/} Additionally, four Observations and one Exception remain open, but Qwest expects each to close with the
issuance of the *Final Report* on May 28, 2002.

23 ^{3/} See *Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long*
Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and
Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in Vermont, Memorandum
Opinion and Order, CC Docket No. 02-7, FCC 02-118 (Apr. 17, 2002) ("*Vermont 271 Order*") at App. D (¶ 27).

24 ^{4/} See *id.* at App. D (¶ 28).

25 ^{5/} See *id.* at App. D (¶ 29).

26 ^{6/} *Id.*

^{7/} *Id.* at App. D (¶ 31).

1 the FCC next consider "the results of carrier-to-carrier testing, independent third-party testing, and
2 internal testing."^{8/}

3 As shown below, the issues addressed in at least three of the closed/unresolved Exceptions
4 discussed here are obviated by Qwest's commercial performance results. For those closed/unresolved
5 Observations and Exceptions for which analogous commercial performance results are not available,
6 there is additional evidence that Qwest's OSS are operationally ready or otherwise satisfy the
7 requirements of Section 271.

8 That the test resulted in only a small number of closed/unresolved Observations and Exceptions is
9 indicative of Qwest's remarkable performance. The ROC test was the most comprehensive and
10 collaborative third party test of a BOC's OSS. KPMG evaluated a total of 545 test points with defined
11 success criteria.^{9/} Qwest successfully satisfied the vast majority of these test points and KPMG found
12 that only nine not satisfied at the test's conclusion.

13 In assessing OSS commercial performance, the FCC repeatedly has held that it looks at the
14 "totality of circumstances" and that "individual performance disparities . . . [are not] dispositive of whether
15 a BOC has satisfied its checklist obligations."^{10/} The same logic applies to test results. In light of this –
16 and in light of the fact that Qwest can offer additional evidence to demonstrate that none of the
17 closed/unresolved Observations and Exceptions harm CLECs – there is no reason for this Commission to
18 find that Qwest has not satisfied its OSS-related Section 271 obligations.

19 The closed/unresolved Observation and five of the closed/unresolved Exceptions, grouped by test
20 number, are described below. Also below is an explanation for why these closed/unresolved
21 Observations and Exceptions do not impair a finding that Qwest's OSS satisfies the requirements of 271.

22 **A. Test 12 – POP Functionality and Performance**

23 Test 12 resulted in two closed/unresolved Exceptions, E3061 and E3086, neither of which affects

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^{8/} *Id.*

25 ^{9/} An additional 27 test points were assessed under a "diagnostic" standard.

26 ^{10/} *See, e.g., Vermont 271 Order* at App. D (¶ 31).

1 a finding that Qwest provisions service to CLECs in a timely, non-discriminatory manner.

2 **1. Exception 3061**

3 E3061 pertained to Qwest's issuance of Firm Order Confirmation ("FOCs"), which are the
4 notices Qwest returns to CLECs to confirm that CLEC Local Service Requests ("LSRs") have been
5 received and that an appropriate service order, with an associated due date, has been set. E3061 was
6 issued because Qwest did not return more than 90% of FOCs for Resale PBX orders within 48 hours.^{11/}
7 Instead, in the initial round of testing, Qwest returned 28 of 39 Resale PBX orders (72%) within 48
8 hours; and, in a retest, Qwest returned 11 of 13 Resale PBX orders (85%) within this time period.

9 FOC returns are governed by PID PO-5, which measures commitments met for returning FOCs
10 during standard intervals.^{12/} The Resale PBX orders submitted as part of the test fall into the PO-5B
11 category, which governs FOCs that are received electronically via IMA-EDI (PO-5B-2) or IMA-GUI
12 (PO-5B-1) and involve manual processing.^{13/}

13 Resale PBX orders is not a listed disaggregation under PO-5B – that is, PO-5B requires that
14 Resale orders be reported in the aggregate rather than on a product- or service-specific basis.^{14/} In the
15 course of designing the ROC test and during subsequent workshops, the parties agreed to this PID
16 formulation and agreed further that the benchmark for PO-5B would be 90% within specified intervals
17 (48 hours for Resale PBX orders). KPMG departed from this agreed-upon formulation – and the
18 approach the FCC has accepted in its Section 271 orders – when it evaluated FOC returns for Resale
19 PBX orders (and other services) individually.^{15/}

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21 ^{11/} See Disposition Report for E3061, available at www.nrri.ohio-state.edu/oss/master/exceptions/mar/e3061disposition_report.pdf.

22 ^{12/} Qwest, Service Performance Indicator Definitions (PID), ROC 271 Working PID Version 4.0 (Oct. 22, 2001) ("ROC PIDs") at 15-16.

23 ^{13/} See *id.*

24 ^{14/} See *id.*

25 ^{15/} See, e.g., *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act To Provide In-Region, InterLATA Service in the State of New York, Memorandum Opinion and Order*, 15 FCC Rcd 3953 (1999) ("*New York 271 Order*") at 4047-48 (¶ 180, n.566) (approving Bell Atlantic's performance under metrics that govern FOCs covering multiple Resale products); *Application by SBC Communications Inc., et al., for Authorization to Provide In-Region, InterLATA Services in Texas, Memorandum Opinion and Order*, 15 FCC Rcd 18354 (2000) at 18438-39 (¶ 171, n.461) (approving SBC's performance under metrics that govern FOCs covering both UNE-P and Resale POTS orders).

1 During the OSS test, Qwest met PO-5B for Resale orders in the aggregate.^{16/} In fact, with
2 respect to Pseudo-CLEC orders, Qwest met PO-5B-1 with performance that reached as high as 100%;
3 and, notwithstanding E3061, also reported FOC returns under PO-5B-2 for Resale orders that exceeded
4 90% in all three regions.^{17/}

5 Thus, Qwest's aggregate performance during the test was strong. The *only* product for which
6 Qwest did not meet the 90% standard during the test was Resale PBX orders. Qwest's performance in
7 the initial round of testing was the result of a one-time processing error that has since been corrected.^{18/}
8 On retest – and following implementation of the new process – 13 PBX trunk orders were submitted.
9 Qwest returned 11 FOCs within the 48 hour commitment and missed the commitment for only two LSRs,
10 resulting in a performance level of 85%. Had Qwest returned only one additional FOC within 48 hours, it
11 would easily have met the benchmark. Clearly, there is no systemic problem here.

12 Qwest's commercial performance in Washington supports this conclusion. Specifically, the
13 commercial data show that Qwest has exceeded the PO-5B benchmark in Washington with respect to
14 Resale orders (which include Resale PBX orders) in each of the past ten months.^{19/} Given Qwest's
15 success rate in the commercial setting – and given the primacy of commercial performance data in the
16 FCC's analysis – there is no reason to conclude that the closed/unresolved finding in connection with
17 E3061 is significant.

18 2. Exception 3086

19 E3086 was issued because Qwest did not meet PID OP-4C for non-dispatch Business POTS in
20 its Eastern Region or for non-dispatch UNE-P in all three regions – Western, Central and Eastern –

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22 ^{16/} See generally *Qwest Communications OSS Evaluation, Draft Final Report, Version 1.0* (Apr. 19 2002) ("*Draft Final Report*") at 81-87.

23 ^{17/} See *id.* at 84-85.

24 ^{18/} Specifically, the 11 LSRs for which FOCs were not returned in the initial test were routed to the incorrect work
25 group for processing. As a result – and because of the complex nature of PBX LSRs – the Qwest Interconnect Service
26 Centers ("ISCs") failed to return FOCs for those 11 LSRs within the specified 48 hour interval. Qwest identified this
issue at the end of July 2001, and implemented a daily call starting August 6, 2001, with the ISCs to prevent this
problem from recurring. During the daily call, the ISCs analyze all routing situations and use that data to train ISC
personnel on the proper routing of requests. Re-routing now is not permitted until a coach has been contacted to
validate that the proposed routing is appropriate and accurate.

^{19/} To view Qwest's performance in each state under PO-5B, see <http://www.qwest.com/wholesale/results/roc.html>.

1 during the test.^{20/} OP-4C measures average installation intervals for non-dispatch orders and requires
2 parity with Qwest's Retail operations.^{21/} Significantly, Qwest satisfied all other OP-4 requirements for all
3 other product categories in all regions during the test.

4 Moreover, Qwest's commercial performance in Washington – which, as noted above, is primary
5 to a finding of compliance with Section 271 – shows that Qwest is capable of meeting (and indeed has
6 met) the required parity standard for OP-4C in connection with non-dispatch Business POTS.
7 Specifically, Qwest has met OP-4C for non-dispatch resold Business POTS in Washington in each of the
8 past four months.^{22/} Accordingly, the closed/unresolved status of E3086 is not significant to a finding that
9 Qwest is capable of provisioning Business POTS in compliance with OP-4C in Washington.

10 Qwest's commercial performance under OP-4C in connection with non-dispatch UNE-P was not
11 as strong; Qwest did not achieve parity in three of the past four months.^{23/} But in the months in which
12 Qwest did not achieve parity, the difference between the average intervals for Qwest's Wholesale and
13 Retail installations was approximately a half day or less. Furthermore, Qwest's performance has steadily
14 improved, with Qwest achieving parity in the most recent month, March. In previous Section 271 orders,
15 the FCC has overlooked earlier performance discrepancies when the BOC's most recent performance
16 has been satisfactory.^{24/} This is the case here. Overall, CLECs clearly have a meaningful opportunity
17 compete and Qwest is indeed capable of provisioning non-dispatch UNE-P to CLECs on a
18 nondiscriminatory basis.

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20 ^{20/} See Disposition Report for E3086, available at www.nrri.ohio-state.edu/oss/master/exceptions/april/e3086disposition_report.pdf. Qwest's Eastern Region includes Iowa, Minnesota, North Dakota, Nebraska and South Dakota.

21 ^{21/} See ROC PIDs at 31.

22 ^{22/} *Washington Commercial Performance Results, April 2001-March 2002* (Apr. 20, 2002) at 101, available at http://www.qwest.com/wholesale/downloads/2002/020422/WA_271_Apr01-Mar02_Exhibit_ROC_PID-Final.pdf.

23 ^{23/} See *id.* at 103.

24 ^{24/} See, e.g., *Application of Verizon New England Inc., et al., for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, CC Docket 01-9, *Memorandum Opinion and Order*, 16 FCC Rcd 8988 (“*Massachusetts 271 Order*”) (2001) at 9038, n.291.

1 **B. Test 14 – Provisioning Evaluation**

2 **1. Observation 3054**

3 O3054, the only closed/unresolved Observation in Test 14, was issued because KPMG found
4 inconsistencies in Qwest's internal provisioning and maintenance documentation for Enhanced Extended
5 Loops ("EEL") and high-capacity circuits (DS1, DS3 and DS0 services).^{25/} KPMG thought the
6 documentation for EELs should mirror the documentation for high-capacity circuits because of the
7 products' similarities.^{26/}

8 The documents KPMG took issue with were internal, not external, and are used only by Qwest
9 personnel. Disparities as to content therefore are not material to the CLEC experience and do not relate
10 to any document upon which CLECs rely. Each time an inconsistency was identified by KPMG, Qwest
11 took immediate steps to correct it. Qwest worked diligently to update its documentation to ensure that it
12 is consistent, concise and clear. To the extent inconsistencies remain, they are primarily administrative,
13 not substantive, in nature and thus do not interfere with a Qwest technician's ability to perform work
14 correctly.

15 In response to O3054, Qwest put in place a defined document control process and is in the
16 process of moving all documentation to a common repository for ease of use. Qwest also is updating
17 documents in a way that will prevent future inconsistencies by making sure that data shared by multiple
18 documents is accessed via a hyper-link to a single source document. The issue raised by O3054
19 therefore is insignificant at this point, if not moot.

20 **C. Test 16 – CEMR Functional and Performance Evaluation**

21 **1. Exception 3107**

22 Test 16 resulted in one closed/unresolved Exception, E3107, which was issued because Qwest
23 did not process one of 13 transactions – non-design edit transactions – that were submitted to the
24 Customer Electronic Maintenance and Repair ("CEMR") interface in the timeframe required during the

25 _____
^{25/} See Disposition Report for O3054, available at www.nrri.ohio-state.edu/oss/master/observations/april/o3054kpmg_fifth_resp.pdf.

26 ^{26/} See *id.* at 1.

1 Volume Peak Test.^{27/} Although E3107 ultimately was closed/unresolved, the substantial evidence that
2 CEMR can support existing and reasonably foreseeable demand for transactions should be dispositive.

3 Test 16 included a capacity test for the CEMR interface. This capacity test evaluated Qwest's
4 response times for CEMR at normal volume, peak volume and stress volume. Overall, Qwest's
5 performance at each of these volume levels was excellent. Qwest successfully met all of the benchmarks
6 for the 13 CEMR functionalities KPMG tested during the normal volume test, and met all of the
7 benchmarks for 12 of the 13 functionalities KPMG tested during the peak volume test.^{28/}

8 E3107 was issued because Qwest failed to meet the benchmark for just one functionality during
9 the peak volume test. During that test, Qwest processed non-design edit transactions in 27 seconds,
10 three seconds longer than the 24 second test standard that was required by the test benchmark. Notably,
11 a review of Qwest's CEMR Logs for the most recent six month period indicates that non-design edit
12 transactions account for a mere 0.3%, on average, of actual CLEC transaction volumes. In light of this
13 extremely low volume, it is unlikely that the mere three second delay in connection with one test
14 transaction would have a material impact on CLECs in a commercial setting.

15 Qwest independently set up and conducted three separate tests that replicated KPMG's testing of
16 non-design edits transactions to ensure that its CEMR response times were timely.^{29/} Each of these tests
17 involved an even higher volume of transactions than those required by the Master Test Plan, and testing
18 was conducted during the business day when other transactions were being processed.^{30/} Qwest
19 successfully met KPMG's 24 second benchmark during each of these tests, posting average transaction
20 response times of 18.9, 18.1, and 22.4 seconds.^{31/} Thus, closed/unresolved E3107 presents, at best, an
21 anomaly that should be summarily dismissed in assessing Qwest's capabilities in connection with CEMR.

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23 ^{27/} See Disposition Report for E3107, available at www.nrri.ohio-state.edu/oss/master/exceptions/feb/e3107disposition_report.pdf.

24 ^{28/} See *id.* at 2. The stress test was "diagnostic."

25 ^{29/} See *id.* at 1.

26 ^{30/} The Regional Oversight Committee (ROC) 3rd Party Test, Qwest OSS Evaluation Project Master Test Plan, Version 5.2 (Apr. 9, 2002) ("MTP") at 72-78.

^{31/} See Disposition Report for E3107 at 1.

1 **D. Test 18 – End-to-End Trouble Report Processing**

2 Test 18 resulted in two closed/unresolved Exceptions, E3055 and E3058, neither of which affects
3 a finding that Qwest provides maintenance and repair services to CLECs in a non-discriminatory manner.

4 **1. Exception 3055**

5 E3055 was issued because KPMG found that Qwest used inaccurate close-out codes for POTS
6 Resale and UNE-P orders.^{32/} Although Qwest ultimately, on retest, entered correct close-out codes for
7 108 of 122 (88.5%) of "dispatch in" and "dispatch out" HP accounts, Qwest's performance fell short of
8 KPMG's self-determined 95% benchmark.

9 Notably, a PID was not set by the TAG for close-out code accuracy. As a result, Qwest cannot
10 provide commercial performance results to trump test results. However, as a practical matter, Qwest's
11 performance during the retest would have satisfied a real CLEC's needs.

12 Close-out codes are entered by Qwest field technicians, screeners or dispatchers when closing
13 out a repair ticket. Close-out codes are used by Qwest to analyze the network, identify trends, and
14 troubleshoot and repair potential problem areas. Close-out codes consist of four digits. The first two
15 digits identify the internal Qwest department or equipment category that experienced the trouble. The
16 second two digits identify more specifically the group or equipment component within the broader
17 category that experienced the trouble.

18 Trouble tickets also contain a narrative field. The narrative field is used by the Qwest technician,
19 screener or dispatcher to further describe the trouble, often with greater specificity than close-out codes
20 can accommodate. In practice, the narrative field is always completed so the trouble experienced is
21 clearly described for future analysis or reference.

22 During the test, Qwest did not use accurate close-out codes for trouble reports on 14 HP
23 accounts. But five of the inaccurate close-out codes Qwest used were inaccurate only with respect to the
24 second two digits, and all but six of the 14 contained accurate information in their narrative fields. Had

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26 ^{32/} See Disposition Report for E3055, available at www.nrri.ohio-state.edu/oss/master/exceptions/feb/e3055disposition_report.pdf.

1 KPMG recognized the primacy of accurate narrative fields in closing out trouble tickets (rather than rely
2 solely on coding number), it would have found that, as a practical matter, 116 of the 122 HP accounts
3 (95.08%) it evaluated satisfied real CLECs' needs.

4 Qwest has since implemented additional training of its technicians to ensure that they code and
5 close-out all trouble tickets correctly. Qwest also has implemented an internal audit process – in which
6 two or more trouble tickets per technician and a total of approximately 1300 trouble tickets are reviewed
7 monthly – to ensure that, among other things, they contain the correct coding. In short, the circumstances
8 of E3085 and the action Qwest has taken in response suggest that the closed/unresolved status of this
9 Exception in no way prevents CLECs from a meaningful opportunity to compete.

10 2. Exception 3058

11 E3058 was issued because Qwest missed the 95% benchmark (but barely) for successfully
12 repairing (on the first repair effort) POTS Resale, UNE-P and UNE-L circuits submitted by HP.^{33/}
13 Specifically, of the 259 faults KPMG intentionally placed on HP's circuits, Qwest correctly repaired 239
14 (92.28%).^{34/}

15 KPMG's self-derived 95% benchmark was not the most appropriate way to evaluate Qwest's
16 performance.^{35/} Using PID MR-7, which was the product of collaboration between Qwest and CLECs,
17 would have yielded more meaningful results. MR-7 evaluates "the accuracy of repair actions, focusing on
18 the number of repeat trouble reports received for the same trouble within a specified period (30 calendar
19 days)."^{36/} MR-7 measures precisely the component that KPMG purported to measure because a repeat
20 trouble report is an accurate barometer of the success of the first repair effort.

21 KPMG should have used MR-7 because, in the past, the FCC has held that, in light of its
22 analogous Retail components, "a parity standard is a more appropriate measure of maintenance and

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24 ^{33/} See Disposition Report for E3058, available at www.nrri.ohio-state.edu/oss/master/exceptions/jan/e3058disposition_report.pdf.

25 ^{34/} *Id.*

26 ^{35/} In fact, the MTP makes no mention of this figure as a benchmark.

^{36/} See ROC PID at 58.

1 repair response time than [an] absolute benchmark."^{37/} Had KPMG relied upon MR-7 to assess
2 Qwest's performance, it would have found that Qwest handily met the appropriate standard for assessing
3 the success of its repairs.

4 In Washington, Qwest's performance under MR-7's parity standard has been strong. Qwest
5 met the parity standard for analog loops and resold Residential POTS in each of the past four months.^{38/}
6 For resold Business POTS during the same period, Qwest met the parity standard in two of four months
7 for non-dispatch orders and in all four months for orders requiring a dispatch.^{39/} For UNE-P, Qwest
8 achieved parity in three of four months for orders requiring a dispatch. For non-dispatch UNE-P orders
9 during the same period, Qwest achieved parity only in March, but Qwest's performance has been
10 improving steadily.^{40/}

11 In previous 271 orders, the FCC has overlooked earlier performance discrepancies when the
12 BOC's most recent performance has been satisfactory.^{41/} This clearly is the case here. Qwest's
13 performance with respect to non-dispatch UNE-P orders therefore should not affect a finding that,
14 overall, Qwest's performance in connection with MR7 provides CLECs with a meaningful opportunity to
15 compete.

16 **III. CONCLUSION**

17 That only one Observation and nine Exceptions were closed/unresolved at the conclusion of
18 testing – out of a total of nearly 500 Observations and Exceptions and 545 test points – provides a clear
19 indication that Qwest's OSS today performs exceptionally well. That the issues raised by these
20 Observations and Exceptions are easily explainable, and, for the most part, obviated by other evidence,
21 reflects their insignificance. In short, this handful of closed/unresolved Observations and Exceptions do
22 not stand in the way of a finding by this Commission that Qwest's OSS satisfies the requirements of

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^{37/} See *New York 271 Order*, 15 FCC Rcd at 4070-71, n.697.

24 ^{38/} See *id.* at 279, 291 (analog loops), 259-73 (resold residential POTS).

25 ^{39/} See *id.* at 259-73 (resold business POTS).

26 ^{40/} See *id.*

^{41/} See, e.g., *Massachusetts 271 Order*, 16 FCC Rcd at 9038, n.291.

