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BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

In the Matter of the)
Investigation into:)
)
US WEST COMMUNICATIONS, INC.'s)
)Docket No. UT 003022
Compliance with Section 271 of)Volume LI
the Telecommunications Act of)Pages 7452 to 7528
1996)
- - - - -	-)
In the Matter of:)
)
US WEST COMMUNICATIONS, INC.'s)Docket No. UT 003040
)Volume LI
Statement of Generally Available)Pages 7452to 7528
Terms Pursuant to Section 252(f))
of the Telecommunications Act)
of 1996)

A prehearing conference in the above matters was held on April 26, 2002, at 9:30 a.m., at 1300 South Evergreen Park Drive Southwest, Room 206, Olympia, Washington, before Administrative Law Judge ANN E. RENDAHL and CHAIRWOMAN MARILYN SHOWALTER and COMMISSIONER PATRICK J. OSHIE and COMMISSIONER RICHARD HEMSTAD.

The parties were present as follows:
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JUDGE RENDAHL: Let's be on the record. We're here this morning, Friday, April 26, 2002 in the final day of our hearing in docket UT 003022 and UT 003040, which is Qwest's Section 271 SGAT proceeding here in Washington.

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I am Ann Rendahl, the Administrative Law Judge presiding with Chairwoman Marilyn Showalter, Commissioner Richard Hemstad, and Commissioner Patrick Oshie. And we have two witnesses in person, and one on the bridge line.

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For those of you -- why don't we have those of you on the bridge line state your appearances. I guess I am not sure we need to repeat appearances. Everyone is basically the same here this morning with the exception of Mr. Dixon, who will not be with us.

18

19

20

Starting with Mr. Connolly.

MR. CONNOLLY: Good morning, Your Honor.

Timothy Connolly for AT&T.

21

22

JUDGE RENDAHL: Thank you. And Mr. Thompson, are you there?

23

24

MR. THOMPSON: Yes, Your Honor. I am sorry.

Jeffrey L. Thompson with Qwest.

25

JUDGE RENDAHL: Is there anyone else on the

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1 bridge line this morning?

2 MS. ANDERL: Lisa Anderl with Qwest.

3 JUDGE RENDAHL: Let's begin, Ms. Doberneck,
4 with your presentation.

5 MS. DOBERNECK: We have dealt with a number of
6 rather dry issues during the course of this proceeding,
7 and I think change management happens to be one of the
8 dryer that this Commission needs to address.

9 Despite its somewhat lack of exciting elements,
10 change management matters a great deal for two reasons;
11 one is just from a basic legal matter. The FCC has made
12 quite clear that a sufficient change management process
13 really is an integral part of any BOC Section 271
14 application.

15 I think if you look at the withdrawal of the
16 BellSouth applications last October one, of the reasons
17 the applications were withdrawn is because BellSouth had
18 an insufficient change management process at that point
19 in time.

20 As a practical matter, change management is
21 also very important. Mr. Dixon talked to you about sort
22 of relationship management, how do we, as businesses,
23 deal with each other as between CLECs and with Qwest.
24 Now we have account management. We work certain issues
25 through our account teams, the account teams at Qwest.

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1 But when we deal with systems issues where
2 there's interfaces that we all use, we all need to do it
3 through a single forum. And that's in change
4 management.

5 When we deal with issues of how we would like
6 Qwest to process our orders, provision our orders, how
7 we would like Qwest to, as we see it, improve some of
8 its business processes to make the whole provisioning
9 process, the maintenance and repair process more
10 efficient, we need to go through change management.

11 Because even though we have a direct contractual and
12 business relationship with Qwest, it doesn't take place
13 in a vacuum. There's a lot of other CLECs, and a lot of
14 other customers that Qwest also has to deal with.

15 So what we see is rather than having the
16 ability to resolve virtually all of our issues on a
17 direct and private, if you will, business to business
18 basis, we now resolve our issues within the larger
19 change management forum, which puts a premium on having
20 an effective change management process in order to
21 ensure that we continue to have sort of the procedural
22 framework in place to have as smooth as possible a
23 business relationship.

24 I am really going to only address one component
25 of what we need to look at for an efficient -- and

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1 section 271 sufficient change management process. And
2 that is, has Qwest demonstrated a pattern of compliance,
3 a pattern of adherence with sort of the agreements, the
4 conceptual agreements and the exhibits contained in the
5 Master Redline draft. I am going to give you two
6 examples, but they are also two examples that directly
7 impacted Covad.

8 You might wonder as a lawyer, well, how do I
9 know about all of this kind of stuff. In my position I
10 am regional counsel. I represent Covad in any aspect of
11 our relationship with Qwest, whether it be
12 interconnection agreements, negotiations, the Section
13 271 proceedings, cost proceedings, what have you. But
14 because of sort of what my role is within the company, I
15 also have a pretty good insight into our operational
16 practices.

17 I have weekly meetings with our Qwest
18 operational folks who work in the provisioning side as
19 well as maintenance and repair simply to keep track of
20 what are the issues facing the business, either problems
21 we're trying to resolve, things that we want to try and
22 push with Qwest, what have you.

23 But, you know, I work fairly closely with our
24 operational people in order to know how to best serve my
25 client, as well as to -- if we do have problems, what's

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1 the best way to get them resolved within change
2 management itself. We have the systems, we have the
3 product, and we have the process portion on the product
4 and process side of it, products being, I think
5 Mr. Dixon talked about -- what do we order? Process
6 being how does Qwest do it?

7 One of the things that we were very concerned
8 about, and which we discussed in the redesign meetings
9 was, well, okay, if there are changes on the retail
10 side, if there are things that Qwest is making available
11 to its retail customers, or processes it's implemented
12 to provision retail orders, how are you going to ensure
13 you provide notice to your wholesale customers so that
14 we, too, can take advantage of what might be available
15 on the retail side. Meaning, we want to have the same
16 availability of products, or what have you, so we can
17 compete with Qwest on a level playing field.

18 We discussed specifically this notification
19 issue, and during a redesign meeting and video and
20 e-mail communications afterwards, Qwest indicated it had
21 a checklist in place that it went through when things
22 happened on the retail side so it could determine, well,
23 this is something we need to provide notice to our
24 wholesale customers to ensure parity of treatment.

25 We also investigated a little further, and

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1 Qwest responded appropriately, in addition to the
2 checklist we also make sure we roll them out at about
3 the same time frame so there's parity of treatment and
4 we meet our obligations under the account.

5 Well, based on the description of the process
6 and additional responses Qwest provided to questions
7 AT&T posed, we all felt pretty comfortable for this
8 product and process notification. We feel pretty good
9 that we have a nice process in place for that.

10 Unfortunately, we recently learned that Qwest
11 has not been adhering to it, or at least not
12 consistently been adhering to it. And it came up
13 through pure happenstance.

14 What we learned is that there's a particular
15 type of loop, data providers order. It is an ISDN loop.
16 You provide IDSL service -- it's a step up from dial-up,
17 but not what I would consider true DSL.

18 There's -- out in the network there's a lot of
19 different devices Qwest can put on its loops in order to
20 facilitate voice service. One of those devices, which
21 is integrated pair gain, that, for all intents and
22 purposes, we were under the impression that it precluded
23 Qwest's ability to provision an ISDN loop. And, in
24 fact, for at least Covad specifically, we were told that
25 no, we cannot provision ISDN loops where there's

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1 integrated pair gain on that line, because of software
2 type issues associated with it. We just can't do that.

3 After we were told that in approximately March
4 of 2000, we subsequently learned in approximately March
5 of 2002 that Qwest had developed the capability to
6 provision ISDN loops where there was pair gain, and had
7 been doing so for some point -- unspecified point in
8 time for its retail customers.

9 We didn't receive notice. And what I want to
10 clarify is that Qwest very well may be able to do it,
11 and certainly can and has told us that it can do it for
12 its wholesale customers, and has been doing so.

13 The problem is if we do not get notice of the
14 ability -- or of Qwest's ability now to provision these
15 orders, we're not going to act upon that. We won't be
16 placing orders for those customers where we know that
17 situation exists.

18 So that's one example of where Qwest failed to
19 provide the notice as it was required to, as it said it
20 was going to. And that it simply hasn't adhered to that
21 process.

22 I think if you look at Exhibit 1612 you will
23 also find this is not something that just impacted
24 Covad. 1612 are some meeting minutes from a discussion
25 that specifically discussed this notice -- of the issue

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1 of notice for changes on the retail side, and how it
2 went to the wholesale side.

3 And the fact that for this particular product,
4 and Qwest's ability to provision, in particular products
5 that impact, notice had not been provided to its
6 wholesale customers. And it wasn't just Covad. It was
7 New Edge Networks. It was Allegiance Telecom, Eschelon.

8 And Qwest also indicated during that meeting
9 not only were there a number of CLECs who said we didn't
10 provide notice, but Qwest itself couldn't show -- said,
11 well, we haven't been able to find any actual
12 documentation that any sort of notice went out to you.
13 And, no, as a matter of fact, it's also not in the
14 product catalogs, so you would somehow find out that
15 way.

16 And as I mentioned, the impact, it slows down
17 other business. We can't go over a particular category
18 of customers that we might otherwise try and target as
19 customers that we can now provide service to.

20 The second example Mr. Dixon -- and I believe
21 actually Mr. Crain and Ms. Schultz talked about product
22 in process changes. One of the things that Covad was
23 most concerned about, and where we really have seen some
24 nice progress made is Qwest's agreement to basically
25 structure notification of Qwest initiated product in

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1 process changes, so that we get adequate notice.

2 A lot of the changes Qwest makes we don't
3 object to at all. Some we do, but I will ignore those
4 for the time being. But a lot of them we don't care at
5 all. The issue is simply, can you give us enough
6 advance notice that we can prepare for these changes, so
7 that we can do whatever we need to do on our side to be
8 ready to go when Qwest makes that change.

9 Now, in that redesign meeting we did reach
10 agreement on, well, what kind of notice is going to be
11 given for product in process changes. We agreed on a
12 series of levels, and depending on how much impact there
13 was on the CLEC, we got more or less notice.

14 So, for example, if it's a typographical
15 change, notice of a typographical change in a PCAT, we
16 got no notice. It was effective immediately. Who
17 cares? Doesn't impact our ability to do business.

18 Where the change does have an impact on our
19 business, either if we are not already and don't
20 implement the change by "X" date, we can't place orders,
21 then we get more notice.

22 And, again, during the redesign meeting, we
23 specifically discussed with each level with the
24 associated amount of notice what types of products in
25 process changes will go into those categories.

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1 One of the things Covad felt very strongly
2 about was sufficient notice for NC/NCI code changes.
3 The NC/NCI codes describe the technical parameters of
4 whatever it is that we're ordering from Qwest. And when
5 we submit our LSR to Qwest, we include that NC/NCI code.
6 That is what we use. That's what Qwest provisions.

7 When we were discussing various levels, Qwest
8 officially indicated, well, NC/NCI code changes are a
9 level one change, meaning they are effective
10 immediately. I raised my hand and said, "Oh, no, no,
11 no, no, no. For Covad that represents a significant
12 change. There's a coding change on our side for our
13 ordering interfaces, as well as a training that has to
14 go on for our order administration agents."

15 Qwest certainly didn't object, said, "Okay, we
16 will put it in a category where you get up to 31 days'
17 notice." That agreement, and the notices -- the
18 noticing of all that was supposed to go with it was
19 implemented on April 1, 2002.

20 On April 4 of 2002 I was alerted by our service
21 delivery folks, the people who do the ordering for
22 Covad, that they had received a notification that NC/NCI
23 codes were being changed April 4, and that was effective
24 immediately. Well, that doesn't adhere to the agreement
25 that we will be provided 31 days' advance notice.

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1 CHAIRWOMAN SHOWALTER: You said provided with
2 31 days' notice, and earlier you said "up to 31 days."

3 MS. DOBERNECK: I am sorry. It was at least 31
4 days. My apology. I spoke inaccurately.

5 So we scrambled. We changed the codes, and
6 were able to implement the training on a rapid basis, so
7 it didn't have much of an impact on our business.

8 But the fact of the matter is, while we
9 certainly didn't disagree with the changes, we still
10 needed the time to get it taken care of. Because what
11 the impact is is when you change those codes -- and if
12 we use the incorrect code, our orders are rejected. The
13 codes are no longer recognized as valid, and so we have
14 to go back and re-place those orders.

15 I think you may hear Qwest suggest that, in
16 fact, we were provided with that 31 days' advance
17 notice. But if you look at -- Exhibit 1595 is the April
18 4 notification which says here there's some outdated
19 NC/NCI codes that are going to be changed, and changed
20 effective immediately.

21 There is an indication that, Hey, you guys
22 actually did receive advance notice. Well, I saw that
23 when I was alerted by our service delivery folks, and I
24 said, maybe we just dropped the ball and we didn't see
25 that notice.

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1 So we went back, and Exhibit 1615 is a listing
2 of all the notices by date that Qwest has sent out, and
3 we received -- supposedly received the advance notice on
4 March 4.

5 JUDGE RENDAHL: Ms. Doberneck, can you point us
6 to a specific page on 1615? That might help focus.

7 MS. DOBERNECK: Yes. There's a few pages on
8 the top right-hand corner. You will see page 1 of 10, 2
9 of 10. If you flip to page 9 of 10 --

10 JUDGE RENDAHL: So essentially beginning with
11 the fourth page into the document, because I have a
12 blank page as a third page. It begins 1 of 10?

13 MS. DOBERNECK: Oh, yes, I am sorry.

14 JUDGE RENDAHL: And that's the list of the
15 notices?

16 MS. DOBERNECK: Right. And page 9 the list of
17 notices that came out on March 4. And at the end of the
18 chronological listing are the individual notices that
19 came out. There were four of them.

20 JUDGE RENDAHL: So we need to look at page 9 of
21 10?

22 MS. DOBERNECK: Right. And that lists the four
23 notices that came out on March 4. And then attached to
24 the last four pages of Exhibit 1615 are the actual
25 notices that go with the listing on page 9 of 10.

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1 JUDGE RENDAHL: Thank you.

2 MS. DOBERNECK: And I refer to this document if
3 only to say there may have been some notice that came
4 out on March 4, but it was not evident at all, either
5 from the title of the notice or necessarily what is
6 contained in the notice itself that would alert us to
7 this type of code change.

8 Now, certainly maybe tucked away somewhere in
9 the various links that you can follow through the
10 notices we could have found some reference to some code
11 changes. But the problem is, as a business, you operate
12 on what does it say it's about?

13 And if it doesn't look like it necessarily
14 applies to your business, you are not going to spend
15 your time digging through every notice that comes out in
16 order to see, well, it doesn't look like it applies to
17 us, but maybe it does, because these notices come out in
18 fairly significant volume. And it's just really not
19 feasible or possible to actually wade through every
20 single notice and all the links that you could follow in
21 order to determine whether there may be some impact on
22 your business.

23 You need to have an idea up front within the
24 body of the notice or the title of the notice, what does
25 this address? What will be the impact on our business?

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1 And how can we then prepare for it?

2 So that would be just another example of where
3 Qwest has not adhered to the agreements that we have
4 reached in the redesign process.

5 Now, as always, the question is, well, what are
6 you looking for, CLECs? This is a new process, and what
7 we're looking for is really evidence not of compliance
8 to every single detail and item in our Master Redline
9 draft, but simply adherence to, I think Ms. Nelson --
10 Ms. Singer Nelson spelled it out, the individual
11 elements that we're looking for in our other opening and
12 we're just looking for a pattern of adherence, a pattern
13 of compliance, some evidence over time of Qwest's
14 adherence to the more -- what we consider more important
15 elements or aspects of the change management process.

16 And that's completes my presentation.

17 MR. HEMSTAD: Well, I have a couple of
18 questions. The second example, this occurred on April
19 4, relatively recently. And looking at your Exhibit
20 1615, I take it there are typically multiple changes
21 every day in varying degrees of significance?

22 MS. DOBERNECK: 1615 provides a listing of
23 every notice that has come out, for example, the month
24 of -- March 4, systems, product and process. Some are
25 simply a heads up that something will happen. Others

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1 are, in fact, things that will impact our business. It
2 just depends on what the notice is. But there are a
3 number of notices that come out on a daily basis.

4 MR. HEMSTAD: When was the notice, the revised
5 notice process in the redesign meetings, when did that
6 notice machinery go into effect?

7 MS. DOBERNECK: April 1st. Or the agreement to
8 provide that product in process notice, we reached
9 agreement in March, and it was implemented in April,
10 yes.

11 MR. HEMSTAD: It's April 4, and we're now
12 approaching the end of April. What kind of time pattern
13 do you believe is necessary in order to see that this
14 kind of, let's call it error, doesn't occur with any
15 frequency? I mean, it's occurred once. And for want of
16 better evidence, I would take it as an oversight. What
17 are we to do with that information?

18 MS. DOBERNECK: Well, I mean -- I consider this
19 an example, rather than a specification of every single
20 instance in which Qwest did not adhere.

21 And I think actually, in some respects, the
22 third-party testing report, if you wanted every single
23 example, that would be, perhaps, a better resource,
24 because KPMG actually had the resources to do that.

25 But getting back to is it isolated, and how

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1 long do we need to look at it, and here's putting my
2 advocate's hat on, I would say I want a good six months.
3 But recognizing the time frame in which we are
4 operating, and the issuance of the final report and the
5 desire to wrap all of this proceeding up, I would say if
6 we're talking just about product in process type issues,
7 two to three months' worth of compliance.

8 I think systems is a little bit different, but
9 if we're talking product in process, two to three months
10 should provide us sufficient basis. Because there are
11 a fair number of changes that are noticed, and that
12 should give us a fair number of examples, or a number --
13 enough notices that we should have some confidence in
14 it.

15 MR. HEMSTAD: With regard to your first
16 example, in the partition ISDN loop for DSL where you
17 needed the integrated pair gain, you contribute that to,
18 again, simply internal error within US West -- or within
19 Qwest, or I suppose you are not contributing anything to
20 it. It's simply the fact that it occurred, and you
21 weren't informed?

22 MS. DOBERNECK: I don't know whether it was
23 sort of deliberate or evil in intention, no. From my
24 perspective, and the documentation that I have seen, I
25 think simply that it fell through the cracks, and it was

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1 something that simply did not happen.

2 The concern I have is, you know, if the concern
3 is, well, it's just isolated, and it only happens every
4 once in a while, it has a cumulative affect upon our
5 business, and a direct impact on our business.

6 So it's hard just to say it's isolated. But I
7 think why it didn't happen, I think it just -- it's a
8 big company. There's a lot of people. And sometimes
9 things fall through the cracks.

10 But hopefully when we get the processes in
11 place, things like that won't happen because it becomes
12 a very routinized process. It becomes automatic,
13 mechanical, what have you, and things like that won't
14 happen.

15 JUDGE RENDAHL: Ms. Doberneck, I have a
16 question about, in Exhibit 1615, the notices that are
17 posted in those pages 1 of ten, are they updated on a
18 daily basis? I know you are speaking as Covad about
19 Qwest documents, but are you aware whether they are
20 updated daily, or is there -- at the end of the month
21 there's kind of, for lack of a better word, dump of
22 notices into the file?

23 MS. DOBERNECK: Ms. Schultz can probably answer
24 that. The notices come out on a daily basis, and I
25 believe they are posted contemporaneously on the web

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1 site. I don't think it's a batch update at the end of
2 the month, but Ms. Schultz can give you the web posting
3 and updating much more.

4 JUDGE RENDAHL: Since 1615 was your exhibit, as
5 Bench Request 49 could you provide us with a copy, after
6 the month of April is over, of the change notices
7 similar to what is in 1615 for the month of April?

8 MS. DOBERNECK: Yes.

9 (BENCH REQUEST NO. 49.)

10 JUDGE RENDAHL: And to clarify, the notices
11 that are in 1615, does the process require that Qwest --
12 30 days after Qwest provides a notice similar to what is
13 posted in Exhibit 1615, then it provides an event
14 notification similar to what is in 1595? Is that how
15 the process works, or did I misunderstand you?

16 MS. DOBERNECK: Well, actually what is
17 interesting about this, I suppose the notification of
18 NC/NCI code changes is considered a product in process
19 change. The event notification actually relates to
20 system changes and production support issues. So for
21 production support and system type changes, yes, that's
22 how Qwest operates.

23 For the product in process it's the advance
24 notification comments, if any are received by Qwest, and
25 then presumably we will have a notification on the

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1 effective date.

2 JUDGE RENDAHL: So there's no time limit, like
3 the 30-day period, as you noted for systems, the
4 difference between a notice and an event notification?

5 MS. DOBERNECK: There is for product in process
6 depending on the way the product in process changes. We
7 have four categories of changes, and within each
8 category we have specifically identified the types of
9 changes. And then if, for example, it falls into a
10 category of change in which advance notice is provided,
11 we get the advance notice at the interval specified.
12 And then, I guess, the confirming notice saying that
13 this change we previously told you about has been
14 implemented today.

15 JUDGE RENDAHL: And I will -- I am trying to
16 clarify your concern about the NC/NCI code notification
17 that you believe should have been done through a
18 different process. It should not have occurred through
19 the system process; it should have occurred through the
20 product in process -- one of the product processes, for
21 lack of a better word?

22 MS. DOBERNECK: Right. It should have occurred
23 through product in process with the intervals
24 associated. And it should have been noticed in a manner
25 that identified what the change was, and that it was an

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1 NC/NCI code change.

2 JUDGE RENDAHL: Thank you for that
3 clarification. Do you have more in your presentation?

4 MS. DOBERNECK: I am all done.

5 JUDGE RENDAHL: Okay. There may be more
6 questions after the whole panel, but we now have
7 Mr. Connolly on the bridge line.

8 Are you there, Mr. Connolly?

9 MR. CONNOLLY: Yes, I am, Your Honor.

10 JUDGE RENDAHL: Let's go ahead -- let's be off
11 the record for a moment.

12 (Discussion off the record.)

13 JUDGE RENDAHL: Back on the record.

14 Go ahead, Mr. Connolly.

15 MR. CONNOLLY: By way of introduction, my name
16 is Timothy Connolly, and I am an independent consultant,
17 and I worked in the area of OSS and testing matters for
18 AT&T for a number of years.

19 And I have got specific experience in testing
20 environments where the CLEC is able to test its OSS
21 electronic interfaces with a test environment that is
22 constructed by the ILEC, in this case Qwest, and be able
23 to determine that the CLECs' programming of its EDI
24 interface comports with the specifications for that
25 interface that are published by Qwest.

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1 There are two sorts of testing that are
2 necessary for a test environment. And the test
3 environment that Qwest has built is known as their stand
4 alone test environment, sometimes abbreviated as SATE,
5 S-A-T-E. But the two types of testing are those testing
6 environments that support a CLEC that is building a new
7 interface that is supposed to interact with a new Qwest
8 interface, and it's sort of the new and new combination.
9 And I will explain that a little bit more.

10 But let me identify the second type of
11 interface first. And the second type of interface
12 testing, and this is where a CLEC has an interface with
13 an existing Qwest release that's operational and the
14 CLEC has undertaken to develop modifications for its
15 system to improve its productivity, or ways in which it
16 works with Qwest, so it has product changes into its
17 interface that now want to test and make sure that it
18 works correctly, continues to work correctly with the
19 Qwest interface. So that's the existing to new CLEC
20 interface testing.

21 The hallmarks of a test environment, then, that
22 an ILEC builds is several-fold. First of all, it must
23 be in a production -- you must not be in a production
24 environment. It needs to be separated, because the
25 nature of testing is to find out what works and what

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1 doesn't work.

2 And the risk to the production environment
3 would be that the systems did not go off the air, it
4 could -- a transaction that's been submitted into
5 testing could infiltrate into production and cause
6 untoward events to transpire. So they need to be
7 separate and protected environments.

8 And the second is that the test environment
9 needs to mirror the production environment. And what I
10 mean by that is that CLEC submitted test transactions in
11 the test environment will return the results of the test
12 process. When CLEC is assured that its testing is
13 complete, it wants to take the same formatted
14 transactions and begin to use them in production.

15 And if there's differences between the test
16 environment and the production environment, well, then
17 the production results will not match what the test
18 results showed, and the CLEC then has to troubleshoot
19 and diagnose whatever the new set of problems are that
20 arise from the entry of the production.

21 The stability of the new new test environment
22 is very important for a CLEC. It typically will have
23 gone through the same sort of systems development
24 activities that Qwest has, and then it needs to have an
25 opportunity to test with the new Qwest environment

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1 before going into production when Qwest was in
2 production.

3 So what we see as a necessity is a freeze
4 period, or some call it a quiet period where that new
5 release from Qwest is placed into the test environment
6 and it operates undisturbed for a period of about 30
7 days, which is a typical new release testing window.

8 So that stability issue is critical for the
9 CLEC, because it needs to have some assurance that
10 changes that it's finding are -- necessary problems that
11 it's finding are with its interface, and not with the
12 Qwest system's. So that stability is what affords that
13 feature of testing.

14 The Qwest test environment meets certain of
15 these criteria, but unfortunately has not yet matured to
16 the point where it satisfies these three product
17 requirements. And the FCC has looked at the test
18 environments of the CLECs and their Section 271
19 applications, going back as far as New York --

20 COURT REPORTER: Mr. Connolly, stop. Stop. I
21 lost you. I can't hear what you are saying.

22 JUDGE RENDAHL: Mr. Connolly. Mr. Connolly.
23 Mr. Connolly, stop. The court reporter lost you after
24 New York. You need to repeat your comments starting
25 with New York, and keep your voice up.

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1 MR. CONNOLLY: -- Bell Atlantic New York
2 application.

3 In that case, KPMG found that the Bell Atlantic
4 New York test environment was inadequate principally
5 because it did not provide for production mirroring.
6 And the New York Commission ordered Bell Atlantic New
7 York to make those modifications to ensure that the
8 production environment and the test environment were
9 mirrors of one another.

10 So when the FCC examined the recommendation
11 from New York Commission, it found favorably that the
12 test environment that Bell Atlantic New York had
13 implemented met the three criteria of a separate
14 environment, stable environment for preproduction
15 release, and the mirroring of the production
16 environment.

17 The FCC took another look at CLEC testing
18 environments with the SBC Ameritech merger, and their
19 order required SBC to implement a CLEC test environment
20 that has exactly those same features, it mirrors the
21 production environment. It's a separate environment.
22 It has a 30-day stability period prior to production
23 release. And that Commission order was in the merger
24 proceeding, and that was effective in September 2000.

25 So we see that Qwest's environment satisfies

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1 the separate from production environment. That's pretty
2 clear to us. We have evidence of that in evaluation of
3 the SATE that was conducted by Hewlett Packard in the
4 Arizona test. And they are finding there, and I believe
5 as KPMG finds, that for preordering and ordering, there
6 is a separate test environment. And it does not disturb
7 or threaten the production environment.

8 KPMG found that the testing environment for
9 Qwest's maintenance and repair electronic interface,
10 which is known as EB/TA does not have separateness of
11 the test environment, and KPMG issued the exception 3109
12 to record that fact. And the problems surrounding that
13 exception have not been remedied.

14 The Qwest SATE environment does not have the
15 mirroring feature, if you will. It is a, perhaps, if
16 you wanted to call it a clone with certain parts
17 missing, but it is clearly not a production mirror.
18 KPMG found and issued exceptions to that problem.

19 In its evaluation of the Qwest stand alone test
20 environment the stability of the interface prior to
21 production release is something that has not been shown
22 yet, and so there isn't any particular exception on
23 that.

24 It's just a matter of fact that the new new
25 test environment experience just hasn't happened yet.

7481

1 So there's no way to determine that there is a mechanism
2 in place that keeps the test environment and the
3 prerelease production environment isolated from other
4 changes while the CLECs are testing.

5 I look at --

6 JUDGE RENDAHL: Mr. Connolly --

7 MR. CONNOLLY: I looked through Mr.

8 Thompson's --

9 JUDGE RENDAHL: Mr. Connolly, this is Judge
10 Rendahl. Do you have a copy of the portion of the draft
11 final report that Mr. Dixon placed in the record here?

12 MR. CONNOLLY: Yes, I do.

13 JUDGE RENDAHL: When you were referring to
14 comments by KPMG on the ordering and ordering process,
15 and also on the maintenance and repair interface, were
16 you referring to the portion of that exhibit on Section
17 24.6?

18 MR. CONNOLLY: Yes, ma'am.

19 JUDGE RENDAHL: Test Results?

20 MR. CONNOLLY: Yes, those are the final report
21 sections where KPMG makes its findings, and the problems
22 that it's detected with Qwest's stand alone test
23 environment.

24 JUDGE RENDAHL: Thank you. And that is Exhibit
25 1603 for the record.

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1 I am sorry to interrupt you. Go ahead,
2 Mr. Connolly.

3 MR. CONNOLLY: I looked through Mr. Thompson's
4 affidavit in this proceeding, and I am sorry. I don't
5 have an exhibit number for that. But there are a couple
6 of things that concern me with his statements.

7 One which gets to be a little bit misleading
8 about the service bureau that has tested, reportedly
9 successfully, in the SATE, and that has resulted in five
10 additional CLECs that are being claimed as having to
11 enjoy the benefits of the SATE.

12 That's a little bit misleading, because as I
13 understand, the particular service bureau developed the
14 EDI interface, introduced it into the stand alone test
15 environment, did, in fact, test it and it was obviously
16 satisfied with its results.

17 It then released copies of that software system
18 so that the individual CLECs can use it to submit their
19 orders. That doesn't really make five new interfaces.
20 It's really the same one interface that's being used by
21 five separate CLECs.

22 So I didn't want it to be construed that
23 there's nine CLECs that have satisfactorily gone through
24 whatever level of experience in the SATE. It's really
25 just the four that have gone through, and the one

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1 service bureau.

2 JUDGE RENDAHL: Mr. Connolly?

3 MR. CONNOLLY: Yes, ma'am.

4 JUDGE RENDAHL: Just to make the record clear,
5 that's Exhibit 1545 in the record, Mr. Thompson's
6 affidavit.

7 Thank you. Go ahead.

8 MR. CONNOLLY: The Qwest stand alone test
9 environment provides for two kinds of testing. One is
10 called progressive, and another is called regressive.
11 And the progressive testing is for a CLEC that is going
12 to use new products and services that it has previously
13 not used, or new products and services that Qwest has
14 introduced coincident with the new system.

15 Regressive testing, or regression testing is
16 when a CLEC elects to perhaps make changes to its
17 interface, and go back and verify for itself that the
18 types of transactions they previously have been
19 successful in submitting can continue to be successful.
20 If it's made programming changes to alter the way its
21 service representatives interact with the system, it
22 would want to test to make sure that those particular
23 programming changes didn't undo something that they were
24 not supposed to do, or not undo something that was
25 previously done correctly.

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1 So it's a normal part of software development
2 and systems integration that you do this regression
3 testing. And Qwest's system features both of those
4 types of testing.

5 Something Mr. Thompson doesn't make clear is
6 the extent to which the five users of SATE have gone
7 through either regression testing or progression
8 testing. And the nature of those testing and types of
9 support are quite dissimilar, and the record needs to be
10 clear as to what sort of testing have they done.

11 If no one's done any progressive testing, that
12 would certainly need to be done prior to Qwest being
13 able to satisfy the federal level guidelines on test
14 environments. And if they -- if there's only been
15 progression testing, and not regression testing, that
16 also would be a problem that the FCC would have to
17 concern itself with.

18 There is a set of concerns that we have been
19 ironing out in the ROC test, and in the Arizona test
20 dealing with how to measure the effectiveness of the
21 stand alone test environment. There's what is called a
22 performance indicator definition, PID. That's numbered
23 P0 -- or P019, and that has been something that the
24 CLECs and Qwest have been negotiating for quite a while,
25 and had some agreement on in the structure and in

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1 performance criteria.

2 It's designed to determine the extent to which
3 the test environment returns accurate and correctly
4 formatted messages in response to the CLEC entered
5 preorder and order transactions.

6 We have had some recent revelations about the
7 nature of the operational characteristics of this PO19
8 measure that has caused Qwest to be requested to go back
9 to the drawing board and develop a modified approach to
10 PO19. This was in the Arizona arena, in a TAG meeting
11 that we had just a couple of weeks ago.

12 So it was a fairly new news, but it's very
13 important because we, the CLECs, had a particular
14 understanding about how PO19 actually works. It was
15 calculated, and Qwest had quite a different one. And so
16 the Commission Staff in Arizona asked Qwest to go back
17 and make a proposal that considers some particular input
18 that AT&T provided, and some other input that was
19 provided by Hewlett Packard in a consultative role to
20 the Commission Staff.

21 COURT REPORTER: Mr. Connolly, are you saying
22 "PO19" or "PL19"?

23 JUDGE RENDAHL: Mr. Connolly, the court
24 reporter has a question for you.

25 COURT REPORTER: Are you saying "PO19" or

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1 "PL19"?

2 MR. CONNOLLY: "PO" as in "Oscar."

3 I believe that concludes my remarks, Your
4 Honor.

5 JUDGE RENDAHL: Thank you, Mr. Connolly.

6 At this time it is 10:40. We will take a
7 15-minute break, and come back at five to 11:00. So we
8 will be off the record. Thank you.

9 (Brief recess taken.)

10 JUDGE RENDAHL: Let's go on the record. We're
11 going to mark some exhibits and admit them. We had
12 marked as Exhibit 1616 the decision R02-453-I from
13 Colorado, and I don't believe I formally admitted it.
14 So assuming there's no objection from the parties, it
15 will be admitted.

16 Mr. Crain, is there any objection?

17 MR. CRAIN: There's no objection, Your Honor.

18 JUDGE RENDAHL: That will be admitted as late
19 filed exhibits.

20 (EXHIBIT ADMITTED)

21 JUDGE RENDAHL: Qwest's filing and response
22 that is due on April 26, 2002 will be Exhibit 1617. It
23 will be admitted upon receipt of the Commission.

24 (EXHIBIT ADMITTED)

25 JUDGE RENDAHL: The May 3, 2002 filing by

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1 CLECs -- and I've been informed that it would likely be
2 a joint filing by the CLECs. The Joint CLEC filing in
3 response to Qwest's filing for the Colorado decision
4 R02-453-I will be Exhibit 1618. And, again, that will
5 be admitted upon receipt as a late filed exhibit.

6 (EXHIBIT ADMITTED)

7 JUDGE RENDAHL: Is that going to work for all
8 of you?

9 MS. FRIESEN: It will, Your Honor.

10 JUDGE RENDAHL: We will be off the record again
11 until the Chair arrives.

12 (Brief recess taken.)

13 JUDGE RENDAHL: Let's be back on the record,
14 and we will begin with Mr. Crain's cross examination of
15 the witnesses, understanding that Mr. Dixon is not here.

16

17 CROSS EXAMINATION

18

19 BY MR. CRAIN:

20 Q Mr. Menezes, could you turn, please, to Exhibit
21 1539?

22 A Yes, I have it.

23 Q And this is the exhibit you spoke of yesterday
24 that listed the AT&T list of issues that were ranked as
25 priority 1. And you went through the language that

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1 needs to be developed for those issues; is that correct?

2 A Yes, that's correct.

3 Q I'd just like to go through these one by one,
4 and get an explanation. The first issue, which is issue
5 identified as I.A.12, can you explain what that issue
6 is, please?

7 A The explanation of the document is Request for
8 Proposed Language on the Criteria Used to Determine
9 Method of Implementing Regulatory Changes. And this
10 issue has to do with, the CLECs and Qwest agreed in
11 principle that when a regulatory change is required --
12 and so that is something that comes from a regulatory
13 authority typically -- that it would be implemented, as
14 a rule, as a systems change.

15 And if the parties seeking implementation of
16 that regulatory change through a regulatory change
17 request would like it to be done through a manual
18 process, either as the implementation of that regulatory
19 change, or as just an interim, because the systems
20 change would take too long to get it implemented when
21 you have a date by which it has to be done. So it's
22 working through that process of how that is handled.

23 And we do have draft language for it. And AT&T
24 and WorldCom has provided written comments. And at the
25 last meeting on the 16th of April, we went through some

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1 of that, and we have to conclude that language.

2 Q So Qwest has provided draft language, AT&T and
3 WorldCom have commented, and we're in the process of
4 wrapping that up; is that correct?

5 A Covad has provided comments as well, but I
6 think that's correct, yes.

7 Q Moving to the next issue, I.A.9, that is split
8 into two issues. The first is what was referred to as a
9 late add, and you acknowledged yesterday that language
10 for that has been incorporated in the -- and agreed to;
11 is that correct?

12 A Yes, that's correct.

13 Q The second issue there is special change
14 request process. Can you explain what that is?

15 A That's the process, it applies to systems
16 changes. And as Mr. Dixon discussed yesterday, CLECs
17 and Qwest will put in change requests -- excuse me, for
18 systems changes. And the experience has been that there
19 are more changes requested than can be implemented and
20 put into the next available release.

21 So IMA 10.0 is going to be released in June,
22 and for example, let's say there were 40 change requests
23 as Mr. Dixon provided in his example. And there may be
24 40,000 hours of resources available within Qwest to
25 implement changes for that release. And that will only

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1 take up maybe 20 of those change requests. The other 20
2 won't even -- there aren't enough resources to even get
3 to them.

4 If a CLEC or Qwest has a change request that it
5 really cares about that's in that lower list that really
6 isn't prioritized high enough to get into the release,
7 the purpose behind this special change request process
8 is to enable the requesting party, whether it be Qwest
9 or the CLEC, to essentially pay for the implementation
10 of that request. And so that's the purpose of the
11 process.

12 Q And that's a process that Qwest and the CLECs
13 have agreed to per Qwest region; is that correct?

14 A Yes, we have agreed to it in principle, and we
15 have some language. And we still have some language to
16 work out.

17 Q And that process, and similar processes, are
18 not contained in the OBF standards document; is that
19 true?

20 A I think that's probably correct, yes.

21 Q And to your knowledge, is that kind of process
22 contained in any other change management process
23 throughout the country?

24 A I am not aware of whether it is or isn't.

25 Q Moving to the next category, I.A.11, can you

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1 explain what that process is?

2 A Yes. The issue is described as, What is the
3 status of the change when the escalation or dispute
4 resolution is invoked?

5 This postponement concept is one that -- the
6 CLECs wanted more time. If Qwest proposed a change, for
7 example, typically to product in process, and CLECs
8 commented that it would have a significant impact on
9 them, but Qwest chose -- or desired to implement the
10 change, notwithstanding the fact of these comments and
11 the concern of impacts, CLECs wanted the ability to
12 delay the implementation of the proposed change.

13 And so we have drafted, and again, still need
14 to complete, the written process. And I think it will
15 be appended -- the discussions have been that it will be
16 appended to the Qwest initiated change to product in
17 process part of the Master Redline.

18 Q And there's language that we're working on on
19 that piece, and we're working out the details?

20 A Correct.

21 Q But we have agreed to the concept in general?

22 A We have agreed to the concept, yes.

23 Q That type of process where the RBOCs would
24 actually agree to a process for CLECs' request to stay
25 of an implementation of a change, that type of process

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1 is not contained in the OBF standards document, is it?

2 A I don't believe so, no.

3 Q And to your knowledge, has any other RBOC
4 across the country agreed to this type of process?

5 A I don't know.

6 Q But you don't know of any that has?

7 A Correct.

8 Q Moving onto the next one, I.A.2, state the
9 criteria for "deny." I think you said yesterday the
10 language is there, but you might have an issue on -- one
11 issue of wrapping up some language on something called
12 Qwest Policy; is that correct?

13 A Correct.

14 Q But generally the language is available, and
15 agreed to?

16 A Aside from that particular item, yes.

17 Q I.A.1, review the CR process to ensure that the
18 description of the output of each step of the process is
19 clearly defined.

20 This is not something that requires further
21 development of sections to add to this agreement.
22 That's simply to go back and make sure that everything
23 is clearly defined within the language we already agreed
24 to; isn't that correct?

25 A I think it's a little more than that. One of

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1 the things that we observed is that with the change
2 requests, as they go through their life, they are
3 assigned different statuses. And the statuses include
4 like, CLEC test, and submitted clarification,
5 evaluation, presented, development, CLEC test completed,
6 escalated, denied, referred, withdrawn, open, pending,
7 closure, closed -- there are a number of statuses that
8 are assigned to change requests throughout the process.

9 And those were not reflected in the Master
10 Redline document. So we noted that as a deficiency in
11 the document, because if you are going to assign
12 statuses to these things, there needs to be a clear
13 understanding of what that means, and what does it mean
14 for your change request to be in that status.

15 That was one of the significant pieces of that.
16 I think another was Qwest had put in some additional
17 language with respect to systems CRs. And more clarity
18 around the process steps -- it goes through what's
19 called the business and systems requirements step, which
20 is after prioritization -- and there are a couple of
21 other steps. Packaging is one, development --

22 And we wanted to better understand each of
23 those steps, and kind of what is the result at the end
24 of each of those steps. So there was language added to
25 that, which I think, in both cases, we just need to

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1 finalize and go through and make sure it's clear and
2 accurately reflects what is happening, and what the
3 expectations are.

4 Q And the parties have agreed to the process
5 here, and we're just finalizing some language; isn't
6 that correct?

7 A I think we have generally agreed to the
8 process, and we're trying to make it clear what it
9 really is in writing.

10 Q Moving to issue I.A.7, where will an issue that
11 impacts both an OSS interface process be addressed?

12 This is something we discussed a couple of
13 weeks ago and agreed upon the general concept, and we
14 have proposed language, and we're just working up the
15 details of that language; isn't that correct?

16 A I think that's correct.

17 Q Moving to the next page, the issue which is
18 strangely titled Roman Numeral III, Part H -- and we
19 won't get into the reasons why we have these strange
20 numbers -- this is the language for the product in
21 process process that we have agreed to during our last
22 session, and is now incorporated in the change
23 management document; isn't that correct?

24 A Yes.

25 Q Once again, I.A.6, this is to manage changes

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1 to performance reporting calculations, and how that
2 overlaps with the process that the ROC is considering.

3 We have reached general agreement on that
4 concept, and we're working out language on the -- or the
5 details of the language; isn't that correct?

6 A Yes. With this issue AT&T fully took -- I took
7 the task from the redesign meeting, after we discussed
8 the concepts, to draft a proposal. And I did that and
9 provided it to the redesign meeting group. We have yet
10 to discuss it. But I should mention that the concern
11 here is that PID, performance indicator definitions,
12 there's a relationship between those and how they work
13 and how the Qwest systems and processes work and we have
14 had some experiences where a change request by a CLEC is
15 not, you know, accepted, or you might say it's rejected,
16 denied by Qwest, because there is a PID in existence.
17 And Qwest believes the PID is working, and for that
18 reason there shouldn't be a change to the system.

19 So the concern was that there needs to be
20 coordination between the CMP where CLECs and Qwest have
21 the opportunity to come in and propose changes to
22 systems and processes, and the PIDS where there is a
23 relationship. So the systems or processes change there
24 might be a change that has to happen on the PIDS so that
25 everything works properly.

1 So what we have agreed to in concept is that
2 there will probably be a separate group that will handle
3 long-term PID administration, and that would be after
4 the ROC test is completed. The notion that has been
5 discussed is perhaps it would be something that looks
6 like the ROC TAG, but operates a little bit differently.

7 There were some discussions a few weeks ago
8 that I participated in as a listener of that group. It
9 was the ROC, TAG, Qwest, CLECs, and as far as I know
10 nothing has really materialized from that yet. So this
11 issue is sort of contingent or dependent upon something
12 developing there so you have a place to go with these
13 issues where there's a PID impact.

14 So that's also part of the issue, and it's not
15 necessarily within the control of the redesign group,
16 but it's an issue that Qwest is aware of and does need
17 to be resolved.

18 Q And the parties have reached agreement on all
19 substantive issues, and agreed that it is very unlikely
20 there will be any impasse issues presented to the
21 Commission as a result of the redesign process; isn't
22 that correct?

23 MS. FRIESEN: I object to the form of the
24 question.

25 Mr. Crain, would you describe for him what you

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1 mean by all substantive issues in relation to what are
2 you speaking?

3 Q BY MR. CRAIN: Sure. What was the genesis of
4 this exhibit we're looking at that lists all the
5 Category 1 exhibits -- I mean Category 1 issues?

6 A The Category 1 issues in Exhibit 1539, and also
7 the Category Zero issues, they originated from a filing
8 that AT&T, and then Covad and WorldCom made in Arizona
9 in March. And that was the result of a workshop, a CMP
10 workshop in Arizona where we were speaking about the
11 lack of completion of the CPM, the redesign of CMP.

12 And I think, as I mentioned yesterday, we
13 maintain a couple of lists with quite a long list of
14 issues. And the Arizona Staff was asking for us to
15 narrow it down; what are the things that we really view
16 as significant and important to be completed for Qwest
17 271 application.

18 So as a result of that request, we made these
19 filings in Arizona. We took the lists that were in
20 those filings and we consolidated them into these
21 Category 1 and Category Zero priority list of issues.

22 Q And on the Category 1 issues were the ones that
23 the parties agreed could possibly go to impasse that
24 we would have to address first; isn't that correct?

25 A That is correct.

7498

1 Q And we have reached agreement on all of those
2 issues; isn't that correct?

3 A In concept we have, yes.

4 Q Thank you. Moving on, then, to Exhibit 1604.

5 A I have it.

6 Q 1604 relates to a change request AT&T provided
7 relating to the local service freeze removal process;
8 isn't that correct?

9 A Yes.

10 Q And this was presented by AT&T to the redesign
11 meeting, and the parties agreed, including Qwest agreed,
12 to treat it as an expedited CR under the exception
13 process; isn't that correct?

14 A It wasn't presented to the redesign meeting.

15 Q You are correct.

16 A It was the CMP process, product process meeting
17 on March 12, yes.

18 Q And Qwest and AT&T and the parties had several
19 discussions about this issue, and numerous
20 correspondence about it as well, haven't they?

21 A Yes.

22 Q And turning to the second page of this April
23 11, 2002 letter, this is AT&T's response to Qwest's
24 binding response. And this is actually dated April 17,
25 2002; isn't that correct?

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1 A Yes.

2 JUDGE RENDAHL: Mr. Crain and Mr. Menezes,
3 before you go further on Exhibit 1604, the first page on
4 Exhibit 1604 is an e-mail?

5 MR. CRAIN: That's correct.

6 JUDGE RENDAHL: And then on the second page,
7 are you talking about this is the letter, and the third
8 page of the exhibit is the second page of the letter
9 that you are talking about?

10 MR. CRAIN: I was actually going to the second
11 page of the exhibit, which is the first page of the
12 letter.

13 JUDGE RENDAHL: Thank you.

14 MR. MENEZES: Yes. If I could explain, this
15 letter from Qwest was dated April 11, which contained
16 Qwest's binding response. AT&T responded, and that's
17 correct, on the 17th.

18 And the bold text -- there are numbers for each
19 item in the letter. For example, item 1, the end
20 customer should make only one call to remove the local
21 service freeze with the CLEC on the line. That's an
22 expression of the issue that was in the Qwest letter.

23 The next set of language is not in bold text.
24 It's in plain text. And that is Qwest's -- part of
25 Qwest's initial letter to us. And then following that

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1 is bold text where AT&T has provided a comment. And
2 that is the convention throughout the document. I think
3 that answers --

4 Q BY MR. CRAIN: Yes. So looking at issue 1, the
5 end user customer should make only one call to remove
6 the local service freeze with the CLEC on the line, the
7 Qwest response to that indicates that we have
8 established a number for that to happen, for that one
9 call for the removal of local service freezes; isn't
10 that correct?

11 A Yes.

12 Q Going to issue 2, the CLEC should be able to
13 send the LSR immediately after the freeze has been
14 removed, the Qwest response to that is that Qwest agrees
15 to accept LSRs for the same date the local service
16 freeze is removed; isn't that correct?

17 A Yes, but we sought clarification, because there
18 was some confusion that the request -- I think the
19 language was something to the effect that if the request
20 for the removal came in on day one, it was effective the
21 next day. So that was when the LSR could be submitted.

22 And we wanted to be clear that there would be a
23 way to get the freeze lifted on the day almost
24 contemporaneously with the call. And then you could
25 immediately thereafter submit the LSR.

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1 Q The bottom line is that AT&T submitted this CR,
2 the parties have been working together, we have made and
3 implemented new processes for handling these as a result
4 of that, but the parties are still working through --
5 and I will admit, AT&T isn't necessarily happy with some
6 of the details of that -- but we have been working
7 through this issue; isn't that correct?

8 A We have been working through it. The time it
9 has taken, considering the impact to the customers is
10 the big issue, and finding a way to do it more
11 efficiently and quickly with better results is what
12 we're after.

13 Q AT&T participated in the prioritization of CRs
14 for releases 10.0 and 11.0; isn't that correct?

15 A I believe so, yes.

16 Q And that process was handled pursuant to the
17 process agreed to in the redesign effort, with the
18 exception of the new decision based on regulatory
19 changes; isn't that correct?

20 A I believe that's correct, yes. And your
21 question was limited to prioritization?

22 Q Yes.

23 Turning to Covad, Megan, you had two issues
24 that you discussed. The first was ordering of loops,
25 ISDN loops on IDSL; isn't that correct?

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1 A Yes.

2 Q It might be more complicated than that, but
3 essentially that is the issue?

4 A Right.

5 Q Isn't it correct that Covad has actually been
6 ordering those types of loops since 1999?

7 A I don't mean to be equivocal. I do know that
8 in Mr. Hubbard's affidavit he said that we have actually
9 received ISDN loops where there was pair gain.

10 And the reason I can't say that we have been
11 ordering them, there's a couple -- and just to do it
12 briefly, until approximately March of 2001 when we
13 started using Qwest's newest prequal tool, the raw loop
14 data tool, when we prequalified ISDN loops --

15 JUDGE RENDAHL: You might want to state the
16 whole thing, because of the court reporter.

17 MS. DOBERNECK: I'm sorry. My apologies. The
18 prequalification tool.

19 Prior to our using the raw loop data tool, when
20 we tried -- when we prequalified an ISDN loop, what
21 we would get was essentially, yes, we can do it, or
22 there are no facilities available. At which point our
23 orders would go into the held order bucket, and if they
24 got provisioned we didn't know why, we just know they
25 got provisioned. The assumption is facilities became

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1 available.

2 So we actually didn't know if there was pair
3 gain on that loop or not. It was just in our facilities
4 response. Once we did start using the raw loop data
5 tool, and Covad started using that in approximately
6 March of 2001, we could determine whether there was pair
7 gain or not.

8 However, that didn't translate into knowing we
9 actually had the ability to successfully place an order
10 for an ISDN where there was pair gain on the loop,
11 because of something -- Judge Rendahl, you may recall
12 from Workshop 4 -- we went through an analysis in March
13 and April of the raw loop data tool. Can we rely on it?
14 And is it accurate?

15 And one of the things that we determined is
16 that we did not believe it was accurate because of
17 problems of where the raw loop data tool would come back
18 suggesting there was information about that loop which
19 would say, we could not close the order. Because
20 there's electronics on the line, we couldn't do it. And
21 then we were able to.

22 And then conversely, there would be orders that
23 looked like, no problems, this should be successfully
24 provisioned without a problem. And then it would turn
25 out that there was, for example, pair gain on the line,

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1 and we couldn't close the line.

2 It was our understanding that -- I mean, we
3 simply didn't know. And so I suppose I can say we are
4 glad that we are receiving them. I have no reason to
5 question that we're receiving them. But we certainly
6 didn't know that we have the capability to order that.

7 And it's just, you know, the issue is, did we
8 get notice? And the answer is we were told, no, you
9 can't do this. It was repeated last year in the
10 Colorado workshops, that it -- we weren't technically
11 able to provision those types of loops. So we simply
12 didn't know, and maybe it was happening. We didn't
13 know.

14 Q BY MR. CRAIN: I think I understood your answer
15 about the loop qual tool, loop qualification tool, but
16 let me just ask you this, because of whether or not
17 whatever reason you did this aside, Covad continued to
18 order these types of loops, even if there was an
19 occasion that there may be pair gain?

20 A We ordered those loops whether there is an
21 occasion or not of pair gain, yes. Yes.

22 Q Covad has built an interface to Qwest's EDI
23 interface; isn't that correct?

24 A Yes.

25 Q And Covad is using the SATE environment for

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1 test development of that interface; isn't that correct?

2 A I believe so. I am a little shaky on SATE, but
3 I believe that is the case. Yes.

4 Q Don't worry. I won't ask you anything more
5 about the details.

6 A Thank you. Mr. Connolly's discussion was very
7 informative for me.

8 Q Covad also participated in the prioritization
9 of the change requests for 10.0 and 11.0; isn't that
10 correct?

11 A I don't believe we did for 10.0, but I know we
12 did prioritize for the 11.0 release, yes.

13 Q And that prioritization was handled pursuant to
14 the new agreed upon process, with the exception of the
15 new order on regulatory changes; isn't that correct?

16 A That's my understanding, yes.

17 JUDGE RENDAHL: Just a clarification. When you
18 talk about release 10 and release 11, what are we
19 talking about that's being released?

20 MR. CRAIN: I can give an explanation -- or why
21 don't we have a witness respond to that?

22 JUDGE RENDAHL: That's all right. You are an
23 attorney. You can testify, too. I'm sorry. Just
24 kidding.

25 Ms. Doberneck, go ahead.

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1 MS. DOBERNECK: It's the interfaces, IMA and
2 IMA GUI or IMA EDI -- and IMA GUI, and you're a GUI,
3 too. And it's Dr. GUI.

4 And as new versions are released with
5 additional features or functionalities, it's released as
6 a version 10.0 or 11.0.

7 JUDGE RENDAHL: So we are talking about the
8 interface release, and specifically IMA GUI?

9 MS. DOBERNECK: It's the application to
10 application release.

11 JUDGE RENDAHL: Application to application
12 release. Sorry to derail.

13 MR. CRAIN: EDI interface. And 10.0 is
14 scheduled for release in June, and prioritization
15 happened last year sometime. And 11.0 is scheduled for
16 later this year.

17 JUDGE RENDAHL: And that is the EDI interface?

18 MR. CRAIN: Yes.

19 Q BY MR. CRAIN: Now, where was I?

20 A We participated in 11.0 prior to
21 prioritization.

22 Q I have a couple of questions for Mr. Connolly.

23 JUDGE RENDAHL: Mr. Connolly, can you hear?

24 MR. CONNOLLY: Yes, I can, Mr. Crain.

25 Q BY MR. CRAIN: Tim, you referred to the

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1 Ameritech merger order with SBC; isn't that correct?

2 A Yes, sir.

3 Q What was the date of that order?

4 A The order from the bureau to implement the plan
5 of record was September 22nd of 2000. And that was a
6 letter from Carol Matthey.

7 JUDGE RENDAHL: Can you spell that? Carol who?

8 MR. CONNOLLY: Matthey, M-a-t-t-e-y, to Deputy
9 Chief of the Common Carrier Bureau.

10 JUDGE RENDAHL: Thank you.

11 Q BY MR. CRAIN: Tim, that wasn't a 271 order,
12 was it?

13 A No, sir. That was the SBC Ameritech merger.

14 Q And as a result of that, they were ordered to
15 develop and implement a stand alone test environment
16 that mirrors production?

17 A That's correct. It's referred to in the SBC
18 plan of record, or POR, as the CLEC joint testing
19 environment, JTE.

20 Q And then were you ordered to do that effective
21 September of the year 2000?

22 A That's the effective date of the order. The
23 plan of record, I believe, had an August 28, if I'm not
24 mistaken, date on it. And that was the application by
25 SBC to -- proposing the POR to the FCC. The bureau

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1 chief -- the deputy chief ordered the implementation of
2 the plan of record.

3 Q But either way, this was after SBC filed its
4 Texas application in April of 2000, and after the FCC
5 granted that application in the year of 2000; isn't that
6 correct?

7 A I don't know the dates of the SBC of section
8 271. So subject to check, I'll agree to those dates.

9 What I want to point out is that while we
10 negotiated the plan of record with SBC Staff, we were
11 assured by SBC Staff that the plan of record
12 implementation of the joint test environment would be
13 the Southwestern Bell Texas version of the joint test
14 environment that had already been implemented.

15 So the plan of record was to implement that
16 joint test environment across the 13 state
17 southwestern -- or 13 state SBC regional footprint so
18 they would be one and the same.

19 Q Okay. Now, Tim, AT&T's fully developed two
20 interfaces to Qwest EDI interface; isn't that correct?

21 A I understand.

22 Q And one of those is for the old Bell Operating
23 Company AT&T, and the other is AT&T Broadband; isn't
24 that correct?

25 A Yes, sir.

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1 Q Are there any products that AT&T -- to which
2 AT&T has developed in those before stays that are not
3 contained in the SATE stand alone test environment?

4 A Not to my knowledge.

5 Q AT&T participated in the CLEC users group for
6 SATE; isn't that correct?

7 A Yes.

8 Q And AT&T has the ability to submit change
9 requests to -- change request changes to SATE through
10 that group; isn't that correct?

11 A Yes. I am not sure they are called change
12 requests in the SATE forum, but they certainly achieve
13 the same process, same principle.

14 Q And AT&T also participated in the
15 prioritization of releases 10.0 and 11.0; isn't that
16 correct?

17 A Yes.

18 Q And those were handled pursuant to the new
19 process; isn't that correct?

20 A Are you talking about the prioritization of the
21 change requests under the CMP?

22 Q Yes.

23 A I think Mr. Menezes has already answered that.

24 Q Oh, that's right. I am sorry. With Tom being
25 gone I got confused that you guys were a different

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1 party.

2 MR. CRAIN: That's all the questions I have. I
3 may -- that's all the questions I have. As I said, I
4 would like to ask Mr. Thompson a couple of questions,
5 and also Ms. Schultz when we're through with the
6 Commission questions.

7 JUDGE RENDAHL: Are there any questions from
8 the bench to Ms. Doberneck, Mr. Menezes, or
9 Mr. Connolly?

10 CHAIRWOMAN SHOWALTER: I have just one for
11 Ms. Doberneck, and it relates to the issue of
12 notification.

13 I understand the example you gave -- at least I
14 think I understand the example that you gave. And it
15 seems to me that as, perhaps, a technical matter there
16 was a way, if you followed the links, possibly to learn
17 that something was available.

18 But your point is that the initial e-mail or
19 announcement should either in its title or its brief
20 description give adequate notice to the user as to what
21 the whole topic is about; is that correct?

22 MS. DOBERNECK: Yes. With one addition.

23 And Andy, because I think, in fact, working
24 through this it has raised one additional issue that we
25 need to address in change management. We have focused

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1 on when in-bound requests, if there's a cross -- if they
2 are cross functional, if we think it's a cross as
3 requires a systems change. I think the example I gave
4 of notice of this particular product in process change,
5 which came out via the systems change, that didn't give
6 us the notification.

7 It also raises the issue of appropriate
8 notification when it is a cross functional notification
9 that comes out from Qwest.

10 The reason it matters, systems people do their
11 systems stuff. For the NC/NCI code there's a coding
12 change to that system. It also impacts the process we
13 use for ordering. So we actually now have another issue
14 for change management, which is how we handle that
15 as well.

16 CHAIRWOMAN SHOWALTER: In other words, changes
17 in one area that also relate or necessitate changes in
18 another category?

19 MS. DOBERNECK: Right. That they are not
20 discrete to one, but have multiple impacts, correct.

21 CHAIRWOMAN SHOWALTER: My question is that --
22 is about how ultimately objective versus subjective,
23 that kind of notice, either in the title or the
24 description is -- and you may just in your last
25 qualification here have answered that.

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1 But it seems to me that there's some element of
2 human judgement that's always going to be there. And
3 it's the requirement that Qwest have the appropriate
4 sensitivity to who its audience may be, and therefore
5 what kinds of titles and descriptions have to be there.
6 Is that the case? Is there -- or in your view, for most
7 of these, is there going to be a clear way to judge
8 whether there's been adequate notice or not?

9 MS. DOBERNECK: We actually have -- and this
10 was before I got involved in the redesign effort. We
11 actually went through the whole discussion of naming
12 conventions, because we want to be clear about what the
13 notice is so we did agree upon naming conventions in
14 order to give specific notice.

15 We also, with regard to product in process,
16 have agreed when the notices come out, the notice will
17 only come out for a level 3 change, rather than, say,
18 five different kinds of changes that you have to wade
19 through.

20 So while, yes, there's some discretion, I think
21 we already have the building blocks and the
22 understanding about the importance of how we name the
23 notices, and how we should send the notices out so that
24 you know they can be acted upon by the recipient.

25 I think we have the building blocks to now

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1 address, what I perceive of something as a new issue,
2 that we will be able to accomplish that. But I think we
3 actually have the agreement and building blocks in place
4 to ensure that the notice is clear-cut in all
5 circumstances.

6 CHAIRWOMAN SHOWALTER: So you have the naming
7 conventions. They just need to be followed. But the
8 added wrinkle of if there's a cross effect, the notice
9 or notices in both arenas have to go out with the
10 appropriate naming conventions? Is that what your view
11 is?

12 MS. DOBERNECK: Yes.

13 CHAIRWOMAN SHOWALTER: Thank you.

14 JUDGE RENDAHL: Are there any other questions
15 from the bench for these witnesses?

16 (No response.)

17 JUDGE RENDAHL: I have a macro-level question
18 for the CLECs. And I guess this is really addressed to
19 you, Mr. Menezes, because it's raised in Exhibit 1540.

20 And I want to confirm that the issues that are
21 in your Exhibit 1540, AT&T and the CLECs agreed that if
22 these issues are resolved to their satisfaction, that
23 these are the issues that if they are resolved, then
24 there is no issue for section 271 purposes with the
25 change management process; is that correct?

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1 MR. MENEZES: You referred to Exhibit 1540,
2 which is the --

3 JUDGE RENDAHL: I am sorry. 1539.

4 MR. MENEZES: Okay. Yes. With 1539 that is
5 what we have said. That's what we have said in our
6 Arizona filing, and we have said here.

7 JUDGE RENDAHL: Understanding that change
8 management does not end with the process -- doesn't end
9 with the 271 case. There are other issues that need to
10 be resolved, but they don't need to be resolved for
11 purposes of states rendering decisions.

12 MR. MENEZES: Thank you for asking that,
13 because I haven't made that clear. As I pointed out,
14 there are many issues in CMP redesign we have winnowed
15 down to the Exhibit 1539 list for purposes of 271;
16 however, CPM redesign will continue even after those
17 issues are closed. And Qwest has agreed to that.

18 So that if Qwest -- if these issues are closed
19 and Qwest gets 271 approval -- and I don't know,
20 sometime later this year, and we haven't closed the
21 remainder of the issues -- Qwest has agreed that we will
22 continue to work in the redesign group to close.

23 And then the redesign group, the notion is that
24 it would disband from that particular function, and
25 those meetings, the CMP itself, which has continued all

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1 along, those meetings that are once a month, those would
2 continue.

3 And then as part of the Master Redline, we have
4 a section called managing the CMP, which needs a couple
5 of additions. But basically it deals with when you want
6 to further change the CMP. Once the redesign is
7 completed, there's a process for that. Is that
8 responsive?

9 JUDGE RENDAHL: Yes, that's responsive. And if
10 a further change in the change management process, and
11 the additional items that may flow through the change
12 management process do not cause AT&T to say it's
13 premature to resolve the 271 issue, it is?

14 MR. MENEZES: No. You are saying beyond the
15 1539 -- Exhibit 1539 list?

16 JUDGE RENDAHL: Correct.

17 MR. MENEZES: Correct.

18 JUDGE RENDAHL: And also on that point, there's
19 some discussion about exceptions by KPMG and retesting.
20 Is it -- do you believe that these issues are going to
21 be resolved by the time the KPMG final report comes back
22 to us in June? Are we going to have a final picture in
23 June, or does AT&T require further demonstration of
24 compliance beyond that final test report?

25 MR. MENEZES: I think we have talked about a

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1 couple of things. One is the completion of the document
2 itself, so documenting the CMP. And I think that's the
3 first of the five or six items that the FCC has outlined
4 as requirements that Ms. Singer Nelson presented in her
5 opening.

6 Another component is that Qwest has adhered to
7 the process over time. That part, I think, we will
8 conclude. I think we can conclude the language in
9 documenting the CMP by June sometime. And it's possible
10 that it could be earlier. Whether that's sufficient
11 time -- I mean, it depends on when we're done, and when
12 they implement. And I have to kind of look at it
13 overall to see if it has been adhered to for a
14 reasonable period of time.

15 And Ms. Doberneck has mentioned two to three
16 months. And I think that's what we would be looking
17 for, some period of time once it's all done, and
18 evidence to support that there is this adherence.

19 And I don't know if the ROC test -- I think the
20 final final comes out at the end of May. How much of
21 that will be captured by the ROC test -- I mean, we're
22 hopeful that they are looking at all of those things and
23 will report on it.

24 JUDGE RENDAHL: Because I am trying to get a
25 sense of if we get to June, and AT&T says no, there's

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1 not been enough. It hasn't been demonstrated over time,
2 and what your sense of time beyond two to three months
3 is. That's the question. I think you have answered it.

4 MR. MENEZES: And the other thing -- I mean,
5 the other thing that could happen for Colorado, as we
6 have mentioned, Qwest is to bring additional evidence to
7 the Commission. So beyond the test part of it, if Qwest
8 brings further evidence that's supportable, you know,
9 and sufficient, that may be another way to demonstrate
10 it beyond the test itself.

11 CHAIRWOMAN SHOWALTER: And we have asked for
12 that evidence to be filed with us as well.

13 MR. MENEZES: Yes, I understand.

14 JUDGE RENDAHL: Ms. Doberneck, do you have
15 anything to respond? I directed the question to
16 Mr. Menezes.

17 MS. DOBERNECK: No, I --

18 CHAIRWOMAN SHOWALTER: Can we go off the record
19 for a minute?

20 (Brief recess taken.)

21 JUDGE RENDAHL: Let's be back on the record.

22 Ms. Friesen, do you have any redirect?

23 MS. FRIESEN: I do, Your Honor. One brief
24 question for Mr. Menezes.

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1

REDIRECT EXAMINATION

2

3

BY MS. FRIESEN:

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Q Do you recall the questioning by Mr. Crain,
1539, which I believe is AT&T's priority list with
respect to CMP redesign?

7

A Yes, I do.

8

9

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11

12

Q When Mr. Crain was going through that issues
list with you, he described and he discussed various
states of language that was in drafting form, and
various conceptual agreements where language had not yet
been drafted, or it was pending.

13

14

What do you anticipate will happen now that all
of this is done? Where does that language end up?

15

16

17

18

19

A For the issues where the language is needed
to -- typically that language is not yet in the CMP
Master Redline document. There are few of these where
there is language in the Redline that reflects some
state of still needing work.

20

21

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24

25

So the ultimate conclusion of this, for
purposes of documenting the change management process,
is to complete the language, get to the state of
agreement among the CMP redesign group that the language
is acceptable, it's then incorporated into the Master
Redline document.

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1 MS. FRIESEN: Thank you, Mr. Menezes.

2 JUDGE RENDAHL: Is there any recross,
3 Mr. Crain?

4 MR. CRAIN: There is -- no.

5 JUDGE RENDAHL: So the next issue would be your
6 questioning of Mr. Thompson on the bridge line.

7 Mr. Thompson, are you available?

8 MR. THOMPSON: Yes, I am.

9

10 DIRECT EXAMINATION

11

12 BY MR. CRAIN:

13 Q Yes. Can you first give a brief explanation of
14 your job responsibilities?

15 A Yes. I work in the Qwest information
16 technology observation organization. I am a director
17 there, in charge of the assistance planning and project
18 management of the changes required to have Qwest
19 meet the -- I believe it was to have Qwest meet its
20 obligations in the 1996 Telecom Act.

21 Q Jeff, do you participate in what is known as
22 the SATE users' group?

23 A I do not personally attend the SATE users'
24 group meetings, and people in my organization who report
25 to me do run that meeting.

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1 Q And are you aware of the -- are they called
2 change requests that people submit for changes to SATE?

3 A Yes, they are.

4 Q And are you aware of the existence and what
5 those change requests are?

6 A Yes, I am.

7 Q Can you tell me, has AT&T, Covad, or WorldCom
8 submitted any CRs that would request that SATE do
9 anything to mirror the production environment more
10 accurately?

11 A WorldCom and Covad have submitted no SATE CRs
12 whatsoever. AT&T has not requested a CR asking for SATE
13 to mirror production. They have issued three CRs; two
14 of which are product CRs, and one is a CR that asks for
15 SATEs of equipment to be increased.

16 Q And when you talk about the product CRs, are
17 those requests for additional products to be added to
18 CMP?

19 A Yes.

20 Q To SATE?

21 A Yes, they are. AT&T has issued a CR to add
22 loop splitting product support to SATE, and to add line
23 splitting product support in SATE. Those CRs were
24 prioritized in the last SATE prioritization exercise,
25 and received a relatively low priority on the list.

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1 Q Turning, then, to the Arizona -- what are
2 called IWOs, and I believe these are Exhibits 1566 and
3 1567, which relate to notifications -- whether or not
4 certain notifications were sent out on functionality and
5 billing changes.

6 Are you aware of those two IWOs, and those
7 responses?

8 A Yes, I am.

9 Q Can you explain why notifications were not sent
10 out in those situations?

11 A In those situations the type of problem that
12 was encountered did not affect the interface or the
13 system data exchange with the CLEC.

14 The notification process that we have and
15 changes -- or CRs involves notifying the CLEC of a
16 change to the interface that will require them to make a
17 change on their side. That's what the whole
18 notification process around changes is about is that
19 give them advance notice that we're making a change that
20 would require a change on their side.

21 The particular IWOs that we're talking about
22 here did not require that type of change on the CLEC's
23 part. What was occurring with the IWOs is there are a
24 group of records that are transmitted to the CLECs for
25 their use in billing. And they follow a particular

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1 format that the CLEC's software understands how to read.

2 And some of the records were being transmitted,
3 and some additional records were not being transmitted.

4 The correction to make sure that the records, all the
5 records were being transmitted did not impact the CLEC's
6 interface, or require a change to their implementation
7 of the interface, so no notification was sent down.

8 Q And then I guess I have one more question.
9 AT&T referred to -- Mr. Connolly referred to the issue
10 of whether or not the CLECs using SATE that we have
11 listed have done progressive or regressive testing.

12 Can you explain and respond to that, explain
13 which ones -- or have they done progressive and
14 regressive testing?

15 A Right. In my affidavit when I was referring to
16 the number of CLECs that had used SATE, the numbers that
17 I was quoting all pertained to CLECs that have done
18 progressive testing in SATE.

19 Progressive testing is a type of testing that
20 leads to putting a CLEC into production, and it is a
21 type of testing that Qwest tracks and works with CLECs
22 closely on to ensure a smooth transition into
23 production. So the numbers I put, it all pertains to
24 progressive testing.

25 Regressive, or regression testing is something

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1 a CLEC pretty much does on its own without a lot of
2 coordination with Qwest. If the CLEC makes a change on
3 their side and they just want to ensure that the change
4 will work with the Qwest implementation, they come into
5 the environment on their own and do that testing with
6 little coordination with Qwest.

7 Therefore, we don't track that type of testing
8 aggressively. From our point of view, we just allow the
9 CLECs to come in and do it. And whenever we see a CLEC
10 coming in issuing transactions against SATE environment,
11 we know that they are not actively participating in a
12 progressive testing scenario with the aim of going into
13 production with CMP, assume that they are here to do
14 some regressive testing.

15 And we do see on the interface those CLECs
16 coming in occasionally, and testing things from their
17 side of the house without necessarily contacting us, or
18 asking for progressive testing.

19 So we do believe both types of testing are
20 occurring in our environment today.

21 Q Back to the IWO issue in the notifications, I
22 guess I want to make clear, you did, in change
23 management meetings, acknowledge that notifications
24 should have gone out on those particular IWOs; is that
25 correct?

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1 JUDGE RENDAHL: Any cross?

2 MS. FRIESEN: Yes. Just a few questions.

3

4 CROSS EXAMINATION

5

6 BY MS. FRIESEN:

7 Q Mr. Thompson, this is Letty Friesen from AT&T.

8 I would like to have you take a look at your affidavit

9 at paragraph 3, if you would.

10 JUDGE RENDAHL: And that's Exhibit 1545,

11 correct?

12 MS. FRIESEN: 1545, yes, Your Honor.

13 Q BY MS. FRIESEN: And if you would, could you

14 tell me -- identify each of the four CLECs suggested

15 there, and the service bureau. Once you have identified

16 those, would you tell me which version of SATE they were

17 testing, and when that version was implemented.

18 A So your question to me is which CLECs worked

19 through a service bureau to do the SATE testing?

20 Q No. My question is really, identify the four

21 CLECs listed in or stated in paragraph 3, along with the

22 service bureau that tested for an additional five CLECs.

23 I don't need -- I don't need to know who they are.

24 Once you have identified those entities, please

25 tell me with respect to each entity what version of SATE

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1 they tested, and when that version was implemented by
2 Qwest. Do you understand?

3 A I do. Thank you.

4 Q Thank you.

5 JUDGE RENDAHL: Now, to expedite matters --
6 this is Judge Rendahl -- I think I am going to make that
7 Records Requisition 8. That would be Records
8 Requisition No. 8.

9 What that means, Mr. Thompson, you can discuss
10 with Mr. Crain, but it's basically in the form of a data
11 request in the hearing, and needs to be made within a
12 set period of time to AT&T.

13 (Records Requisition No. 8.)

14 MR. THOMPSON: That's fine. I can actually
15 read it off, if you would like. But we can submit it.

16 JUDGE RENDAHL: Let's do it off the record on
17 paper.

18 Ms. Friesen, any other questions?

19 MS. FRIESEN: No, that's it.

20 JUDGE RENDAHL: Mr. Crain, do you have an
21 additional witness?

22 MR. CRAIN: No.

23 JUDGE RENDAHL: With that, I believe we have
24 concluded our hearing this week.

25 I appreciate your brevity this morning, and

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1 we're off the record.

2 Thank you.

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ENDING TIME: 12:15 P.M.

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