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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of Qwest Corporation to Initiate a Mass-Market Switching and Dedicated Transport Case Pursuant to the Triennial Review Order

Docket No. UT-033044

COVAD'S RESPONSE COMMENTS TO QWEST'S PROPOSAL FOR REGION-WIDE BATCH LOOP CONVERSION PROCESS

Covad Communications Company ("Covad"), pursuant to the "Joint Proposal for the Process and Framework to be Used to Address the Batch Hot Cut Requirements of the FCC's Triennial Review Order" filed October 31, 2003 ("Joint Proposal"),¹ respectfully submits Covad's Response Comments to Qwest's Proposal for Region-Wide Batch Loop Conversion Process.

In its Joint Proposal, Qwest writes the following:

"As the Arizona Corporation Commission ["ACC"] has properly recognized,² the FCC directed carriers to pursue line-splitting implementation, not as part of the nine-month switching cases or the development of a batch conversion process, but rather as part of

¹ The Joint Proposal was filed by Qwest, AT&T Communications of the Mountain States, Inc. ("AT&T") and WorldCom, Inc., on behalf of its regulated subsidiaries ("MCI"). This filing is made in anticipation of the Commission issuing an order approving the Joint Proposal.

² See Arizona Corporation Commission, Procedural Order, *ILEC Unbundling Obligations As a Result of the Federal Triennial Review Order*, Dkt. No. T-00000A-03-0369 (Nov. 6, 2003) at 5-6, "[T]he FCC's Triennial Review Order did not require line splitting to be addressed in the nine-month docket and . . . no party could point to another state commission that is addressing line splitting in its triennial review proceedings"; *id.* at 7, "IT IS FURTHER ORDERED that line splitting will not be addressed in this docket."

1 the pre-existing change management process.³ The FCC’s decision *not* to include loop
2 splits as part of the batch conversion process makes sense: conversions from UNE-P
3 directly to loop-splitting arrangements cannot be consolidated into a batch because each
4 loop must be individually checked to ensure it is capable of carrying DSL signals and, if
5 not, conditioned. Just as contemplated by the *Triennial Review Order*, the voice CLEC
6 in a potential line-splitting arrangement will be able to use Qwest’s *current* processes to
7 migrate individual lines to stand-alone unbundled loops connected to that CLEC’s circuit
8 switch.⁴”

9 Covad strongly objects to Qwest’s Proposal to eliminate line-splitting as a part of the
10 batch hot cut process because (1) Qwest omitted significant details from its Joint Proposal
11 regarding the ACC’s Order, and (2) an examination of line splitting migration issues is essential
12 to determine whether Qwest’s hot cut and migration processes are sufficient.

13 **I. Qwest Omitted Significant Details From Its Joint Proposal Regarding the ACC’s**
14 **Order.**

15 Covad notes that Qwest omitted significant details from its Joint Proposal. First, while
16 Qwest contends that the ACC has properly recognized that the FCC directed carriers to pursue
17 line-splitting implementation, not as part of the nine-month switching cases or the development
18 of a batch conversion process, but rather as part of the pre-existing change management process,
19 Qwest omits that in its request for a procedural order, the ACC Staff itself requested that line
20 splitting should be addressed by the Commission as part of its nine-month review.⁵ Second,
21 Qwest further states that during the procedural hearing, no party could point to another state
22 commission that is addressing line splitting as a part of its triennial review proceedings. While it

23 ³ See *TRO* ¶ 252 (“[W]e encourage incumbent LECs and competitors to use existing state
24 commission collaboratives and change management processes to address OSS modifications that are
25 necessary to support line splitting.”).

26 ⁴ *TRO* ¶¶ 251-252.

⁵ See Arizona Corporation Commission, Procedural Order, *ILEC Unbundling Obligations As a
Result of the Federal Triennial Review Order*, Dkt. No. T-00000A-03-0369 (Nov. 6, 2003) at 6, “In its
request for a Procedural Order, Staff requested that line splitting should be addressed as part of the
Commission’s nine-month phase of this proceeding.”

1 may have been true that at the ACC procedural hearing that no party pointed to another state
2 commission addressing line splitting as part of its nine-month proceeding, there is, in fact, at
3 least one state, California, that is considering line splitting as part of its review. In a recent
4 procedural order from the California Public Utilities Commission (CPUC) establishing a
5 procedural schedule for the various *Triennial Review*-related proceedings, the CPUC ruled “we
6 agree with Covad that provisioning of line splitting arrangements should be among the migration
7 scenarios examined in considering an acceptable batch cut process.”⁶ Covad respectfully
8 requests similar consideration by this Commission.
9

10 Third, the FCC’s Triennial Review Order states at Paragraph 211 that:

11 “[W]e also require incumbent LECs to provide competitive LECs the ability to line split,
12 which allows two competitive LECs to split the loops so that one carrier can provide
13 narrowband service and the other can provide broadband service.”

14 Likewise, new FCC Rule 51.319(a)(ii)(B) states: “An incumbent LEC must make all necessary
15 network modifications, including providing nondiscriminatory access to operations support
16 systems necessary for pre-ordering, ordering, provisioning, maintenance and repair, and billing
17 for loops used in line splitting arrangements.”

18 While the FCC did not establish a specific time frame in which Commissions were
19 advised to address these issues, efficiency suggests that they should be examined in the same
20 proceeding in which line splitting issues are examined in the context of market definition and
21 operational impairment.
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24 ⁶ Assigned Commissioner’s and Administrative Law Judge’s Ruling on Scope and Schedule for
25 Nine-Month FCC Triennial Review Proceeding, *Order Instituting Rulemaking on the Commission’s Own*
26 *Motion into Competition for Local Exchange Service*, Rulemaking 95-04-043, Investigation 95-04-044 at
page 8 (adopted Oct. 8, 2003).

1 **II. An Examination of Line Splitting Hot Cut Issues is Essential to Determine Whether**
2 **Qwest's Hot Cut Processes are Sufficient.**

3 Specifically, all customers will want a seamless migration of voice *and* data services
4 should the need arise to change the customers service from line splitting to UNE-L loop
5 splitting. Customer expectations with respect to migrating data services is the same as customer
6 expectations regarding migrating features or functionality. UNE-P line splitting customers who
7 find themselves involved with a conversion to UNE-L will demand, and rightfully so, to have
8 both voice and data migrated with minimal interruption. As such, CLECs are impaired as a
9 result of Qwest's lack of an efficient line splitting migration processes. In particular, Covad is
10 beginning to add line splitting customers in large quantities and must have the ability to have
11 migration to UNE-L loop splitting without having to disconnect and reconnect the customer's
12 data service unnecessarily. Because the Commission's focus here is to develop methodologies to
13 effectively cutover services from UNE-P to UNE-L incorporating facilities-based switching,
14 Covad respectfully requests the Commission be attentive to how Qwest will support the
15 continuation of shared loop services such as line splitting while developing these new hot cut
16 processes. Since Qwest has no migration process in place, the only way to transfer a customer
17 from a UNE-P to UNE-L line splitting arrangement would be to, first, submit an order to cancel
18 the UNE-P line splitting arrangement and, second, resubmit a new order to install a new UNE-L
19 line splitting arrangement. Other than the obvious issue of having to submit two orders, this
20 scenario also causes extended interruptions to the end user's data services and it is doubtful that
21 Qwest could handle the commercial volumes transacted in today's UNE-P environment.

22 Qwest discriminates against UNE-L providers. Qwest's line splitting processes and OSS
23 for line splitting with a UNE-L provider are different than with a UNE-P provider. Qwest's
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1 processes for UNE-L providers are not scaleable. In order to accomplish line splitting, a UNE-P
2 provider and a collocated data provider must interconnect with each other within the same Qwest
3 premises via a jumper connection between a Connecting Facility Assignment (“CFA”) and the
4 Office Equipment that is the Unbundled Switch port. Qwest requires the disassembly of UNE-P
5 into its component elements, the Switch Port and the UNE Loop to provide Line Splitting. In the
6 case involving UNE-L and data providers, Qwest does not follow the same process for CLEC-to-
7 CLEC cross connects. Qwest requires CLECs to interconnect with each other using Qwest
8 provisioned CLEC to CLEC connections, provisioned by Qwest, which require the use of two
9 different CFAs; one for each CLEC. This process needs to be developed by Qwest in order to be
10 useful for commercial quantities of migrations.
11

12 Qwest can easily modify its OSS to support the interconnection of two CFAs. Qwest
13 currently inventories CFAs in order to provision voice services ordered by the facilities-based
14 voice CLECs on UNE loops. Additionally, Qwest inventories the data provider’s Splitter
15 assignments as CFAs in its OSS. In fact, Qwest performs this function today in order to self-
16 provision Line Sharing where Qwest’s dial tone equipment is connected to a competitive data
17 CLEC’s CFA. Qwest simply refuses to perform the same functions for a facilities-based voice
18 CLEC that it does for its own retail voice service today.
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21 Moreover, before a data CLEC can submit a new Line Splitting order with Qwest, the
22 corresponding voice order must already be completed by Qwest. Unlike Qwest’s Retail arm,
23 competitors cannot bundle voice and data easily via Line Splitting because two (2) orders must
24 be submitted, rather than simply one (1) order as Qwest does. The CLEC data order cannot be
25 submitted until the voice order or migration is complete and the customer service record (CSR)
26

1 is updated in Qwest's systems, which can take anywhere from three to five days. Qwest's Retail
2 arm, on the other hand, takes one order to manage the entire process.

3 Qwest's existing migration processes for line splitting do not offer competitors a
4 meaningful opportunity to compete. As discussed above, under a line splitting arrangement, if
5 an end user migrates from UNE-P to UNE-L, changes voice providers (e.g., line sharing/line
6 splitting to line splitting) or moves locations, Qwest will disconnect and reconnect an end-user's
7 data service in order to effectuate the customer's change/move, while the customer's voice
8 service will be transitioned seamlessly. The customer can be without data for several days
9 during this process. Qwest's Retail arm, on the other hand, does not encounter similar problems
10 if one of its customers migrates or moves locations, since the Qwest representative initiates both
11 orders simultaneously, even if the provisioning processes occur serially.

12 Qwest recently unilaterally and arbitrarily determined that it would refuse to act on
13 requests that Qwest implement LSR-based commercial processes for line splitting migrations.
14 Qwest has allowed these requests for change to linger for over a year. Qwest has supported its
15 decision to linger stating that there was insufficient volume to support developing these
16 processes. Qwest's unilateral refusal to implement and schedule this change reflects nothing
17 more than Qwest's continuing policy of discrimination against competitive voice and data
18 providers. Indeed, Qwest's explanation of its decision to deny this request is nothing short of
19 Orwellian. There is insufficient "volume" for line splitting migrations precisely because Qwest
20 fails to implement a commercially scalable process for line splitting migrations, forcing
21 competitors to resort to a manual, project-based, process that requires multiple orders and is
22 fraught with service interruptions.

1 Alternatively, Qwest attempted to unilaterally push through its own change request
2 implementing a “hot cut” process for DSL loops, rather than the line splitting migration process
3 requested by the CLECs. It is important to note that a more efficient line splitting migration
4 process would not require any sort of intensive coordination between a CLEC and Qwest like the
5 current hot cut process entails.⁷ Qwest is simply trying to unnecessarily inflate the costs of data
6 migrations, by labeling them as hot cuts.
7

8 Rather, Covad is requesting that Qwest use the same ordering processes and OSS for
9 UNE-L that it currently uses for UNE-P line splitting arrangements and at parity with Qwest’s
10 own line sharing arrangements. Also, rather than handling a line splitting migration on a project
11 basis, line splitting migrations should be performed at parity with Qwest’s own line sharing
12 migrations. The information flow required for a hot cut process is not required to perform a line
13 splitting migration and, therefore, there should be no such costs associated with a line splitting
14 migration process. Similarly, a line splitting migration would not entail manual inter-carrier
15 communication intervention.
16

17 Accordingly, this Commission must examine line splitting hot cut issues to determine whether
18 Qwest’s hot cut processes are sufficient.
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20 **III. CONCLUSION**

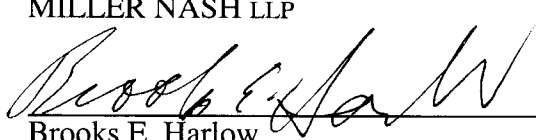
21 Covad hereby submits that line splitting should not be eliminated from the Batch Hot Cut
22 Process as CLECs should be allowed to convert large volumes of DS0 lines to unbundled analog
23 loops, while still ensuring that CLEC end-user customers have minimal service interruption, and
24

25 ⁷ However, to the extent a hot cut is being performed to transfer an end user’s voice
26 service, if the end user also receives CLEC data via line splitting, the data service should also be
transferred at the same time.

1 minimal installation service problems. In most states, the process will also significantly reduce
2 the non-recurring rate associated with provisioning an individual unbundled loop. Qwest has
3 already demonstrated that the CLEC community can use its existing hot cut process to reach
4 mass-market customers at a high level of quality. This simplified process should do nothing but
5 improve an already strong process. Accordingly, Qwest's Proposal to eliminate line-splitting as
6 a part of the Batch Hot Cut Process should be denied.

7 RESPECTFULLY SUBMITTED this 18th day of November, 2003.

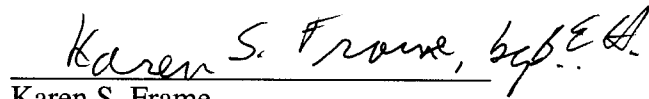
8
9 MILLER NASH LLP

10 

11 Brooks E. Harlow
12 WSBA No. 11843
13 Fax: (206) 622-7485
14 brooks.harlow@millernash.com

15 Attorneys for Covad Communications Company

16 and

17 

18 Karen S. Frame
19 Covad Communications Company

CERTIFICATE OF SERVICE
Docket No. UT-033044

I hereby certify that a true and correct copy of the foregoing has been sent by first-class U.S. Mail with postage fully prepaid to the following:

Stephen S. Melnikoff, General Attorney
Regulatory Law Office
U.S. Army Litigation Center
901 N. Stuart Street, Suite 700
Arlington, VA 22203-1837

Timothy J. O'Connell, Attorney
Stoel Rives
600 University Street Suite 3600
Seattle, WA 98101

Michel Singer Nelson
MCI WorldCom Communications, Inc.
707 17th Street, Suite 4200
Denver, CO 80202

Mark P. Trincherro
Davis Wright Tremaine
1300 SW 5th Avenue Suite 2300
Portland, OR 97201-5682

Jonathan Thompson
Assistant Attorney General
1400 S. Evergreen Park Dr. S.W.
Post Office Box 40128
Olympia, WA 98504-0128

Simon J. ffitich
Public Counsel Section
Office of Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012

Lisa Anderl
Qwest Corporation
1600 Seventh Avenue, Suite 3206

1 Seattle, WA 98191

2 Jeffrey J. Binder
3 Regulatory Counsel
4 Allegiance Telecom of Washington, Inc.
5 1919 M Street Suite 421
6 Washington DC, 20036


7 Art Butler
8 Ater Wynne LLP
9 601 Union Street Suite 5450
10 Seattle, WA 98101-2327

11 Rebecca Decook
12 AT&T Law Department
13 1875 Lawrence Street, Suite 1575
14 Denver, CO 80202

15 Don Dennis
16 Manager State Government Relations
17 Centurytel of Washington Inc D/B/A CE
18 8120 Skansie Avenue
19 Gig Harbor, WA 98332

20 William E. Hendricks III
21 Sprint
22 902 Wasco Street
23 Hood River, OR 97031

24 DATED this 18th day of November, 2003, at Seattle, Washington.

25 
26 Patricia Kulgren, Secretary