

1 dockets. Tel West answered the motion to suspend on March 27, 2002 and Qwest replied on April 3,
2 2002.

3 On April 11, 2002, the Administrative Law Judge issued the Fifth Supplemental Order, which
4 denied Qwest's motion to suspend. At paragraph 14, the Order invited Qwest to "proffer additional
5 arguments and evidence within 10 days of [the] Order to establish that the Commission intends to make a
6 determination whether IMA GUI provides access to Qwest's OSS in substantially the same manner as
7 SONAR or IMA EDI in the SGAT/271 Proceeding." Prior to the due date for the supplemental
8 comments requested in the Fifth Supplemental Order, Qwest requested permission to also provide
9 supplemental comments regarding other portions of the Order, including the ALJ's findings at paragraph 9
10 that the ROC OSS Test did not consider wholesale customer service issues. The ALJ denied this request
11 via the Sixth Supplemental Order, dated April 19, 2002.

12 Qwest submitted the permitted supplemental comments on April 22, 2002. On April 25, the
13 Administrative Law Judge issued a Notice Requesting Response to Supplemental Notice. That notice
14 solicited a response by Tel West to Qwest's April 22 supplemental comments and found that "[a]fter
15 examining [Qwest's supplemental comments] the presiding officer believes that a possible change in a
16 significant term of the [Fifth Supplemental] order may be appropriate." Tel West submitted responsive
17 comments on May 2, 2002.

18 The ALJ did not subsequently issue another order addressing Qwest's motion to suspend.
19 Instead, the Commission issued the May 10 Notice. That notice grants immediate interlocutory review of
20 the entire Fifth Supplemental Order and directs the parties that "[a]rguments stated in the filings made on
21 April 22, 2002, and May 2, 2002, do not need to be restated." As such, this petition will be limited
22 primarily to highlighting for the Commission how wholesale customer service issues have been thoroughly
23 considered as part of the ROC OSS Test. Qwest will not repeat or restate its arguments set forth in its
24 March 22 (motion to suspend), April 3 (reply to Tel West's answer to motion to suspend) or April 22
25 (supplemental comments) filings. Instead, Qwest merely requests that the Commissioners review those
26 pleadings in connection with this petition.

1 **II. RELIEF REQUESTED**

2 Qwest respectfully requests the Commission to reverse the Fifth Supplemental Order and to
3 suspend, in its entirety, the Part B procedural schedule most recently set out in the Seventh Supplemental
4 Order, as modified by the ALJ's May 29, 2002 Notice Extending Time for Qwest to Pre-File Response
5 Evidence. The schedule should be suspended pending issuance of the Commission's final order(s) on the
6 April-June hearings in the 271 dockets.

7 **III. ISSUES PRESENTED**

8 A. Whether the ROC OSS Test considered and evaluated the sufficiency of the IMA GUI
9 interface to Qwest's OSS.

10 B. Whether the ROC OSS Test considered and evaluated the sufficiency of Qwest's
11 wholesale customer service operations.

12 C. Whether, if the Commission deems it appropriate to suspend the Part B procedural
13 schedule with regard to Tel West's manner (IMA GUI vs. SONAR) and quality (wholesale customer
14 service) issues, it should likewise suspend the schedule with regard to Tel West's time (provisioning
15 parity) issue.

16 **IV. DISCUSSION**

17 **A. The Commission has already accepted interlocutory review.**

18 Generally, a petition brought under WAC 480-09-760 would begin with a request that the
19 Commissioners, in their discretion, accept interlocutory review. However, the Commission's May 10
20 Notice makes clear that the Commission has already accepted interlocutory review "based on the orders
21 to date and the parties' submissions."

22 **B. Qwest has already submitted evidence and argument demonstrating that the**
23 **April-June hearings will consider the comparative sufficiency of IMA GUI.**

24 As noted in the Introduction above, Qwest will not in detail restate its argument or the evidence
25 underlying its argument that the parties' and the Commission's resources would be preserved and the
26 possibility of inconsistent determinations minimized if the Part B procedural schedule is suspended

1 pending issuance of the Commission's final order(s) on the April-June hearings. Again, Qwest instead
2 respectfully requests that the Commission review Qwest's March 22, April 3 and April 22 filings.

3 One correction to those prior filings is necessary, however, in connection with Qwest's argument
4 that Tel West will not be prejudiced by a suspension of the procedural schedule. In its March 22 filing,
5 Qwest had indicated that it provided Tel West residential order provisioning performance at parity (as
6 measured by metric OP-4C) in each month dating back to the effective date of the parties'
7 interconnection agreement.¹ *Qwest's Motion to Suspend, at section IV.C.* In the April 3 reply brief,
8 Qwest modified that statement based on more recent performance data specific to Tel West. *Qwest*
9 *Reply to Answer to Motion to Suspend, at section 7.* The April 3 reply explained that more recent
10 data showed parity performance for two of the four relevant months and that the actual installation interval
11 differential for the other two months was less than a quarter of one day. *Id.* Based on agreed
12 modifications to how Qwest tracks and calculates its OP-4 performance data, even more recent data
13 available (specifically, the May 18, 2002 report for Tel West showing data from May 2001 through April
14 2002) indicates that Qwest has indeed provided order provisioning to Tel West at parity under OP-4C
15 for residential orders in each month since November 2001. A true and correct copy of the relevant page
16 from the May 18 report is attached hereto as confidential Exhibit A. That data supports Qwest's
17 argument that a suspension will not prejudice Tel West since it is already consistently receiving residential
18 provisioning at parity from Qwest. Those orders are the basis of Tel West's complaint in this docket.

19 C. **The June 271 hearings will consider the ROC's evaluation of the sufficiency of**
20 **Qwest's wholesale customer service.**

21 Tel West asserts in its First Amended Petition for Enforcement that Qwest is not providing it
22 telecommunications services of equal *quality* because Qwest's wholesale customer service organization,
23 processes and personnel are inferior in virtually every way to Qwest's retail customer service. *First*
24 *Amended Petition for Enforcement, at ¶¶ 28-30.* In its motion to suspend and its reply brief, Qwest

25 _____
26 ¹ The parties' current interconnection agreement was approved and effective October 31, 2001.

1 asserted that the sufficiency of its wholesale customer service was a subject under review as part of the
2 ROC OSS Test. By extension, it is also thus an issue to come before the Commission as part of the June
3 OSS hearings in the 271 dockets. Tel West did not deny that wholesale customer service was a subject
4 of the ROC OSS Test. However, the Fifth Supplemental Order denied Qwest's motion to suspend in
5 part based on the following conclusions:

6 There is no information available that substantiates the contention that this issue is
7 also being addressed in the SGAT/271 Proceeding. This issue appears to be
8 particular to Tel West, and Qwest's contention that it provides non-discriminatory
9 customer service to Tel West is at the heart of a disputed factual issue between the
10 parties. The fact that at least one party to the U S WEST/Qwest merger case
11 negotiated a special arrangement² for customer service and problem escalation
12 further supports denial of Qwest's motion to suspend or narrow this provisioning
13 parity issue.

14 *Fifth Supplemental Order, at ¶ 9.* With all due respect, the premise underlying the denial of Qwest's
15 motion as it regards customer service issues is incorrect. The ROC OSS Test did consider and evaluate
16 Qwest's wholesale customer service. Tests 12 and 24 relate directly to this issue.

17 **1. Test 12**

18 Test 12³ of the ROC OSS Test is also known as the POP⁴ Functional Evaluation. Test 12.8 is
19 known as the POP Manual Order Processing Evaluation. A copy of section 12.8 of KPMG Consulting's
20 Qwest OSS Evaluation Project Master Test Plan (Revised Release Version 5.2) ("Master Test
21 Plan"/"MTP") is attached hereto as Exhibit B. The following provisions of Section 12.8 of the MTP
22 clearly state that the test addressed manual order processing for wholesale orders:

23 ² As stated in footnote 2 of Qwest's April 3 reply brief, the undersigned remain unaware of what merger-related
24 agreement is being referred to here. Neither party discussed any such agreement in its filings related to Qwest's
25 motion to suspend.

26 ³ The number of the test refers to the correlating section of the Master Test Plan establishing and defining the test.
Revised Version 5.2 of the Master Test Plan can be viewed in its entirety at <http://www.nrri.ohio-state.edu/oss/oss.htm>.
Qwest provided that website reference in its motion to suspend. Because of space limitations, Qwest did not detail
each relevant and applicable provision of the Master Test Plan in its March 22 motion to suspend. Tel West raised no
disagreement in its answer to the motion that these issues were within the scope of the ROC OSS Test. Thus, Qwest's
reply did not detail or attach the Master Test Plan.

⁴ "POP" refers to Pre-ordering, Ordering and Provisioning processes.

1 • Section 12.8.1: “The POP Manual Order Processing Evaluation is a comprehensive
2 review of the methods and procedures used to handle orders that have been manually submitted or
3 require manual intervention by Qwest during order processing.”

4 • Section 12.8.2: “The objective of this test is to validate the processes and procedures
5 used to support manual submission of orders for service and to ensure that these procedures are being
6 uniformly followed by Qwest’s personnel across the three regions.”

7 **2. Test 24**

8 Test 24 of the ROC OSS Test also relates to Tel West’s “quality” issue. It is also known as the
9 Qwest CLEC Support Processes and Procedures Review. A copy of Section 24 of the Master Test
10 Plan is attached hereto as Exhibit C. The following portions of Test 24 explain that the test
11 comprehensively addressed the adequacy of dozens of aspects of Qwest’s wholesale customer service:

12 • Section 24.1: “These tests are designed to evaluate the systems, processes, and
13 documentation provided by Qwest for the establishment and maintenance of business relationships with
14 the CLECs. Areas to be evaluated include a determination of whether Qwest is adequately assisting
15 CLECs to understand how to implement and use all of the OSS functions available to them.”

16 • Section 24.3.2: “The objectives of this test [the Account Establishment & Management
17 Review] are to determine the adequacy, completeness, and compliance with procedures for developing,
18 publicizing, conducting, and monitoring account management.”

19 • Section 24.5.2: “The objective of this test [CLEC Training] is to determine the existence
20 and adequacy of procedures for developing, announcing, conducting, and monitoring Qwest training for
21 CLECs.”

22 • Section 24.6.2: “The objective of this test [OSS Interface Development Review] is to
23 determine the adequacy, consistency and completeness of Qwest’s specifications, documentation and
24 technical assistance provided to the CLECs for developing, testing and operating OSS interfaces for pre-
25 ordering, ordering, 911 database updates, billing and maintenance and repair.”

26 • Section 24.7.1: “This review [Wholesale Systems Help Desk Review] is an evaluation of

1 Qwest’s IMA help desk functions that provide technical support for its OSS interfaces.”

2 • Section 24.7.2: “The objectives of this review [Wholesale Systems Help Desk Review]
3 are to: Determine adequacy, completeness and consistency of IMA help desk processes....Ensure IMA
4 help desk functions have effective management oversight.....Determine whether IMA help desk
5 procedures are followed as a matter of routine by Qwest personnel.....”

6 • Section 24.8.1: “The Interconnect Service Center (ISC) Support Review is a
7 comprehensive operational analysis of the service center processes developed by Qwest to support
8 Resellers and CLECs with OSS questions, escalations, problems, and issues related to pre-ordering,
9 ordering, and provisioning of its wholesale services. Basic functionality, performance and escalation
10 procedures will be evaluated.”

11 • Section 24.8.2: “The objectives of this review [Interconnect Service Center (ISC)
12 Support Review] are to: Determine completeness and consistency of ISC processes and
13 responses.....Determine whether the escalation procedure is documented and known to ISC
14 representatives and management.....Determine the accuracy and completeness of procedures for
15 measuring ISC performance.”

16 **D. The Commission should likewise suspend the procedural schedule with regard to**
17 **Tel West’s “time” issue.**

18 Paragraphs 10-12 of the Fifth Supplemental Order discuss Qwest’s motion to suspend in
19 connection with Tel West’s allegations that Qwest is not providing telecommunications services to Tel
20 West in substantially the same time as it provides to itself, its affiliates, its customers and other resellers.
21 These paragraphs reflect a potential misunderstanding of Qwest’s position. They only reference an
22 argument made by Qwest that the Qwest Performance Assurance Plan (“QPAP”), once effective, will
23 provide Tel West relief in the event that Qwest fails to meet provisioning-related metrics. Qwest did offer
24 that as a secondary argument. However, Qwest’s primary argument in its motion to suspend was that the
25 framework for assessing Qwest’s provisioning parity performance and any necessary remedial actions will
26 have been firmly established by the Commission when it rules on Qwest’s performance results, data

1 reconciliation issues and the QPAP. *Qwest's Motion to Suspend, at section IV.A.*

2 In addition, Test 14.7 of the ROC OSS Test (entitled "Provisioning Process Parity Evaluation")
3 will also be considered by the Commission when it reviews the adequacy of Qwest's OSS in the June
4 hearings. A copy of Section 14.7 of the Master Test Plan is attached hereto as Exhibit D. The objective
5 of Test 14.7 is "to determine the degree to which the provisioning environment supporting CLEC orders
6 is at parity with internal Qwest provisioning for its own retail customers." *Exhibit D, at section 14.7.2.*

7 Lastly, Qwest acknowledges that the "time" argument raised by Tel West is one that could in
8 large part be resolved now given the existence of monthly performance data specific to Tel West. That
9 data shows Qwest has provided Tel West residential provisioning performance at parity each month since
10 the interconnection agreement became effective. However, Qwest believes it would be more appropriate
11 in the interests of conserving the parties' and the Commission's resources to suspend the Part B
12 procedural schedule in its entirety, rather than to proceed immediately with litigation of the "time" issue
13 while delaying litigation of Tel West's "manner" and "quality" issues.

14 **V. CONCLUSION**

15 For the reasons stated above, Qwest requests the Commission, on expedited interlocutory
16 review, to reverse the Fifth Supplemental Order and to grant Qwest's motion to suspend the Part B
17 procedural schedule.

18 RESPECTFULLY SUBMITTED this _____ day of May, 2002.

19 QWEST

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